

1                                   A bill to be entitled  
 2       An act relating to the Correctional Medical Authority;  
 3       repealing ss. 945.601, 945.602, 945.603, 945.6031,  
 4       945.6032, 945.6035, and 945.6036, F.S., relating to the  
 5       Correctional Medical Authority definitions, creation,  
 6       powers, reports and surveys, quality management, dispute  
 7       resolution, and enforcement, respectively; amending ss.  
 8       381.90, 766.101, 944.8041, 945.35, 945.6034, and 951.27,  
 9       F.S.; conforming provisions to changes made by the act;  
 10      providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Sections 945.601, 945.602, 945.603, 945.6031,  
 15 945.6032, 945.6035, and 945.6036, Florida Statutes, are  
 16 repealed.

17           Section 2. Subsection (3) of section 381.90, Florida  
 18 Statutes, is amended to read:

19           381.90 Health Information Systems Council; legislative  
 20 intent; creation, appointment, duties.—

21           (3) The council shall be composed of the following members  
 22 or their senior executive-level designees:

- 23           (a) The State Surgeon General;
- 24           (b) The Executive Director of the Department of Veterans'  
 25 Affairs;
- 26           (c) The Secretary of Children and Family Services;
- 27           (d) The Secretary of Health Care Administration;
- 28           (e) The Secretary of Corrections;

- 29           (f) The Attorney General;
- 30           ~~(g) The Executive Director of the Correctional Medical~~
- 31 ~~Authority;~~
- 32           (g)~~(h)~~ Two members representing county health departments,
- 33 one from a small county and one from a large county, appointed
- 34 by the Governor;
- 35           (h)~~(i)~~ A representative from the Florida Association of
- 36 Counties;
- 37           (i)~~(j)~~ The Chief Financial Officer;
- 38           (j)~~(k)~~ A representative from the Florida Healthy Kids
- 39 Corporation;
- 40           (k)~~(l)~~ A representative from a school of public health
- 41 chosen by the Commissioner of Education;
- 42           (l)~~(m)~~ The Commissioner of Education;
- 43           (m)~~(n)~~ The Secretary of Elderly Affairs; and
- 44           (n)~~(o)~~ The Secretary of Juvenile Justice.

45  
46 Representatives of the Federal Government may serve without  
47 voting rights.

48 Section 3. Paragraph (a) of subsection (1) of section  
49 766.101, Florida Statutes, is amended to read:

50 766.101 Medical review committee, immunity from  
51 liability.—

52 (1) As used in this section:

53 (a) The term "medical review committee" or "committee"  
54 means:

55 1.a. A committee of a hospital or ambulatory surgical  
56 center licensed under chapter 395 or a health maintenance

57 organization certificated under part I of chapter 641;7  
 58 b. A committee of a physician-hospital organization, a  
 59 provider-sponsored organization, or an integrated delivery  
 60 system;7  
 61 c. A committee of a state or local professional society of  
 62 health care providers;7  
 63 d. A committee of a medical staff of a licensed hospital  
 64 or nursing home, provided the medical staff operates pursuant to  
 65 written bylaws that have been approved by the governing board of  
 66 the hospital or nursing home;7  
 67 e. A committee of the Department of Corrections ~~or the~~  
 68 ~~Correctional Medical Authority as created under s. 945.602,~~ or  
 69 employees, agents, or consultants of ~~either~~ the department;i ~~or~~  
 70 ~~the authority or both,~~  
 71 f. A committee of a professional service corporation  
 72 formed under chapter 621 or a corporation organized under  
 73 chapter 607 or chapter 617, which is formed and operated for the  
 74 practice of medicine as defined in s. 458.305(3), and which has  
 75 at least 25 health care providers who routinely provide health  
 76 care services directly to patients;7  
 77 g. A committee of the Department of Children and Family  
 78 Services which includes employees, agents, or consultants to the  
 79 department as deemed necessary to provide peer review,  
 80 utilization review, and mortality review of treatment services  
 81 provided pursuant to chapters 394, 397, and 916;7  
 82 h. A committee of a mental health treatment facility  
 83 licensed under chapter 394 or a community mental health center  
 84 as defined in s. 394.907, provided the quality assurance program

85 operates pursuant to the guidelines which have been approved by  
 86 the governing board of the agency;τ

87 i. A committee of a substance abuse treatment and  
 88 education prevention program licensed under chapter 397 provided  
 89 the quality assurance program operates pursuant to the  
 90 guidelines which have been approved by the governing board of  
 91 the agency;τ

92 j. A peer review or utilization review committee organized  
 93 under chapter 440;τ

94 k. A committee of the Department of Health, a county  
 95 health department, healthy start coalition, or certified rural  
 96 health network, when reviewing quality of care, or employees of  
 97 these entities when reviewing mortality records;τ or

98 1. A continuous quality improvement committee of a  
 99 pharmacy licensed pursuant to chapter 465,

100  
 101 which committee is formed to evaluate and improve the quality of  
 102 health care rendered by providers of health service, to  
 103 determine that health services rendered were professionally  
 104 indicated or were performed in compliance with the applicable  
 105 standard of care, or that the cost of health care rendered was  
 106 considered reasonable by the providers of professional health  
 107 services in the area; or

108 2. A committee of an insurer, self-insurer, or joint  
 109 underwriting association of medical malpractice insurance, or  
 110 other persons conducting review under s. 766.106.

111 Section 4. Section 944.8041, Florida Statutes, is amended  
 112 to read:

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113           944.8041 Elderly offenders; annual review.—For the purpose  
114 of providing information to the Legislature on elderly offenders  
115 within the correctional system, the department ~~and the~~  
116 ~~Correctional Medical Authority~~ shall ~~each~~ submit annually a  
117 report on the status and treatment of elderly offenders in the  
118 state-administered and private state correctional systems and  
119 the department's geriatric facilities and dorms. ~~In order to~~  
120 ~~adequately prepare the reports, the department and the~~  
121 ~~Department of Management Services shall grant access to the~~  
122 ~~Correctional Medical Authority that includes access to the~~  
123 ~~facilities, offenders, and any information the agencies require~~  
124 ~~to complete their reports.~~ The report review shall also include  
125 an examination of promising geriatric policies, practices, and  
126 programs currently implemented in other correctional systems  
127 within the United States. The report ~~reports~~, with specific  
128 findings and recommendations for implementation, shall be  
129 submitted to the President of the Senate and the Speaker of the  
130 House of Representatives on or before December 31 of each year.

131           Section 5. Subsections (3) and (9) of section 945.35,  
132 Florida Statutes, are amended to read:

133           945.35 Requirement for education on human immunodeficiency  
134 virus, acquired immune deficiency syndrome, and other  
135 communicable diseases.—

136           (3) When there is evidence that an inmate, while in the  
137 custody of the department, has engaged in behavior which places  
138 the inmate at a high risk of transmitting or contracting a human  
139 immunodeficiency disorder or other communicable disease, the  
140 department may begin a testing program which is consistent with

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141 guidelines of the Centers for Disease Control and Prevention ~~and~~  
 142 ~~recommendations of the Correctional Medical Authority.~~ For  
 143 purposes of this subsection, "high-risk behavior" includes:

- 144 (a) Sexual contact with any person.
- 145 (b) An altercation involving exposure to body fluids.
- 146 (c) The use of intravenous drugs.
- 147 (d) Tattooing.
- 148 (e) Any other activity medically known to transmit the  
 149 virus.

150 (9) The department shall establish policies consistent  
 151 with guidelines of the Centers for Disease Control and  
 152 Prevention ~~and recommendations of the Correctional Medical~~  
 153 ~~Authority~~ on the housing, physical contact, dining, recreation,  
 154 and exercise hours or locations for inmates with  
 155 immunodeficiency disorders as are medically indicated and  
 156 consistent with the proper operation of its facilities.

157 Section 6. Subsections (2) and (3) of section 945.6034,  
 158 Florida Statutes, are amended to read:

159 945.6034 Minimum health care standards.—

160 ~~(2) The department shall submit all health care standards~~  
 161 ~~to the authority for review prior to adoption. The authority~~  
 162 ~~shall review all department health care standards to determine~~  
 163 ~~whether they conform to the standard of care generally accepted~~  
 164 ~~in the professional health community at large.~~

165 (2)(3) The department shall comply with all adopted  
 166 department health care standards. Failure of the department to  
 167 comply with the standards ~~may result in a dispute resolution~~  
 168 ~~proceeding brought by the authority pursuant to s. 945.6035, but~~

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169 shall not create a cause of action for any third parties,  
170 including inmates or former inmates.

171 Section 7. Subsection (1) of section 951.27, Florida  
172 Statutes, is amended to read:

173 951.27 Blood tests of inmates.—

174 (1) Each county and each municipal detention facility  
175 shall have a written procedure developed, in consultation with  
176 the facility medical provider, establishing conditions under  
177 which an inmate will be tested for infectious disease, including  
178 human immunodeficiency virus pursuant to s. 775.0877, which  
179 procedure is consistent with guidelines of the Centers for  
180 Disease Control and Prevention ~~and recommendations of the~~  
181 ~~Correctional Medical Authority~~. It is not unlawful for the  
182 person receiving the test results to divulge the test results to  
183 the sheriff or chief correctional officer.

184 Section 8. This act shall take effect July 1, 2011.