

By Senator Bean

4-00298B-14

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1 A bill to be entitled
2 An act relating to hospitals; amending ss. 383.336 and
3 395.1051, F.S.; requiring certain hospitals to notify
4 obstetrical physicians before the hospitals close
5 their obstetrical departments or cease to provide
6 obstetrical services; requiring the Department of
7 Health to adopt rules; providing an effective date.
8

9 Be It Enacted by the Legislature of the State of Florida:
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11 Section 1. Section 383.336, Florida Statutes, is amended to
12 read:

13 383.336 Provider hospitals; notice to obstetrical
14 physicians; practice parameters; peer review board.—

15 (1) As used in this section, the term "provider hospital"
16 means a hospital in which there annually occur 30 or more births
17 that are paid for partly or fully by state funds or federal
18 funds administered by the state.

19 (2) A provider hospital shall notify each obstetrical
20 physician who has clinical privileges at that hospital at least
21 120 days before the hospital closes its obstetrical department
22 or ceases to provide obstetrical services. The Department of
23 Health shall adopt rules to administer this subsection,
24 including rules governing those situations in which it is
25 impossible for the provider hospital to provide 120 days' notice
26 due to circumstances beyond the control of the hospital or the
27 obstetrical physician.

28 (3)~~(2)~~ The Office of the State Surgeon General, in
29 consultation with the Board of Medicine and the Florida

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30 Obstetric and Gynecologic Society, shall ~~is directed to~~
31 establish practice parameters to be followed by physicians in
32 provider hospitals in performance of a caesarean section
33 delivery when the delivery will be paid partly or fully by state
34 funds or federal funds administered by the state. These
35 parameters must include a reduction in ~~shall be directed to~~
36 ~~reduce~~ the number of unnecessary caesarean section deliveries
37 and must. ~~These practice parameters shall~~ address, at a minimum,
38 the following: feasibility of attempting a vaginal delivery for
39 each patient with a prior caesarean section; dystocia, including
40 arrested dilation and prolonged deceleration phase; fetal
41 distress; and fetal malposition. The Department of Health shall
42 adopt rules to implement ~~the provisions of~~ this subsection.

43 (4) ~~(3)~~ Each provider hospital shall establish a peer review
44 board consisting of obstetrical ~~obstetric~~ physicians and other
45 persons having credentials within that hospital to perform
46 deliveries by caesarean section. This board shall review, at
47 least monthly, every caesarean section performed since the
48 previous review and paid for by state funds or federal funds
49 administered by the state. The board shall conduct its review
50 pursuant to the parameters specified in the rule adopted by the
51 Department of Health pursuant to this section, paying ~~act and~~
52 ~~shall pay~~ particular attention to electronic fetal monitoring
53 records, umbilical cord gas results, and Apgar scores in
54 determining if the caesarean section delivery was appropriate.
55 The results of this periodic review must be shared with the
56 attending physician. These reviews and the resultant reports
57 must be considered a part of the hospital's quality assurance
58 monitoring and peer review process established pursuant to s.

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59 395.0193.

60 Section 2. Section 395.1051, Florida Statutes, is amended
61 to read:

62 395.1051 Duty to notify patients and physicians.-

63 (1) An appropriately trained person designated by each
64 licensed facility shall inform each patient, or an individual
65 identified pursuant to s. 765.401(1), in person about adverse
66 incidents that result in serious harm to the patient.
67 Notification of outcomes of care which ~~that~~ result in harm to
68 the patient under this section does ~~shall~~ not constitute an
69 acknowledgment or admission of liability and may not, ~~nor can it~~
70 be introduced as evidence.

71 (2) A hospital shall notify each obstetrical physician who
72 has privileges at the hospital at least 120 days before the
73 hospital closes its obstetrical department or ceases to provide
74 obstetrical services. The Department of Health shall adopt rules
75 to administer this subsection, including rules governing those
76 situations in which it is impossible for the hospital to provide
77 120 days' notice due to circumstances beyond the control of the
78 hospital or the obstetrical physician.

79 Section 3. This act shall take effect July 1, 2014.