



421588

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/25/2014 09:49 AM

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Senator Garcia moved the following:

**Senate Amendment (with title amendment)**

Before line 33

insert:

Section 1. Section 383.336, Florida Statutes, is repealed.

Section 2. Present subsections (1) through (10) of section 395.0191, Florida Statutes, are redesignated as subsections (2) through (11), respectively, a new subsection (1) and subsection (12) are added to that section, and present subsection (6) of that section is amended, to read:

395.0191 Staff membership and clinical privileges.—



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- 12       (1) As used in this section, the term:
- 13       (a) "Certified surgical assistant" means a surgical
- 14 assistant who maintains a valid and active certification under
- 15 one of the following designations:
- 16       1. Certified Surgical First Assistant from the National
- 17 Board of Surgical Technology and Surgical Assisting.
- 18       2. Certified Surgical Assistant from the National Surgical
- 19 Assistant Association.
- 20       3. Surgical Assistant-Certified from the American Board of
- 21 Surgical Assistants.
- 22       (b) "Certified surgical technologist" means a surgical
- 23 technologist who maintains a valid and active certification as a
- 24 Certified Surgical Technologist from the National Board of
- 25 Surgical Technology and Surgical Assisting.
- 26       (c) "Surgeon" means a health care practitioner as defined
- 27 in s. 456.001 whose scope of practice includes performing
- 28 surgery and who is listed as the primary surgeon in the
- 29 operative record.
- 30       (d) "Surgical assistant" means a person who provides aid in
- 31 exposure, hemostasis, closures, and other intraoperative
- 32 technical functions and who assists the surgeon in performing a
- 33 safe operation with optimal results for the patient.
- 34       (e) "Surgical technologist" means a person whose duties
- 35 include, but are not limited to, maintaining sterility during a
- 36 surgical procedure, handling and ensuring the availability of
- 37 necessary equipment and supplies, and maintaining visibility of
- 38 the operative site to ensure that the operating room environment
- 39 is safe, that proper equipment is available, and that the
- 40 operative procedure is conducted efficiently.



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41        (7) ~~(6)~~ Upon the written request of the applicant, any  
42 licensed facility that has denied staff membership or clinical  
43 privileges to any applicant specified in subsection (2) ~~(1)~~ or  
44 subsection (3) ~~(2)~~ shall, within 30 days of such request,  
45 provide the applicant with the reasons for such denial in  
46 writing. A denial of staff membership or clinical privileges to  
47 any applicant shall be submitted, in writing, to the applicant's  
48 respective licensing board.

49        (12) (a) A facility may not employ or contract with any  
50 person to perform the duties of a surgical assistant unless the  
51 person is a certified surgical assistant.

52        (b) A facility may not employ or contract with any person  
53 to perform the duties of a surgical technologist unless the  
54 person is a certified surgical technologist.

55        (c) Paragraphs (a) and (b) do not apply to:

56        1. A person who has completed an appropriate training  
57 program for surgical technology in any branch of the Armed  
58 Forces or reserve component of the Armed Forces.

59        2. A person who was employed or contracted to perform the  
60 duties of a surgical technologist or surgical assistant at any  
61 time before July 1, 2014.

62        3. A health care practitioner as defined in s. 456.001 or a  
63 student if the duties performed by the practitioner or the  
64 student are within the scope of the practitioner's or the  
65 student's training and practice.

66        4. A person enrolled in a surgical technology or surgical  
67 assisting training program accredited by the Commission on  
68 Accreditation of Allied Health Education Programs, the  
69 Accrediting Bureau of Health Education Schools, or another



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70 accrediting body recognized by the United States Department of  
71 Education on July 1, 2014. A person may practice as a surgical  
72 technologist or a surgical assistant for 1 year after completion  
73 of such a training program before he or she is required to meet  
74 the criteria in paragraph (a) or paragraph (b).

75 Section 3. Section 395.1051, Florida Statutes, is amended  
76 to read:

77 395.1051 Duty to notify patients and obstetrical  
78 physicians.—

79 (1) An appropriately trained person designated by each  
80 licensed facility shall inform each patient, or an individual  
81 identified pursuant to s. 765.401(1), in person about adverse  
82 incidents that result in serious harm to the patient.  
83 Notification of outcomes of care which ~~that~~ result in harm to  
84 the patient under this section does ~~shall~~ not constitute an  
85 acknowledgment or admission of liability and may not, ~~nor can it~~  
86 be introduced as evidence.

87 (2) A hospital shall notify each obstetrical physician who  
88 has privileges at the hospital at least 120 days before the  
89 hospital closes its obstetrical department or ceases to provide  
90 obstetrical services, unless the hospital can demonstrate it was  
91 impossible for the hospital to provide 120 days' notice due to  
92 circumstances beyond the control of the hospital or the  
93 obstetrical physician.

94  
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete line 2

98 and insert:



99 An act relating to health care; repealing s. 383.336,  
100 F.S., relating to provider hospitals; amending s.  
101 395.0191, F.S.; defining terms; prohibiting a health  
102 care facility from employing or contracting with a  
103 surgical assistant or surgical technologist under  
104 certain circumstances; providing exceptions; amending  
105 s. 395.1051, F.S.; requiring a hospital to notify  
106 obstetrical physicians before the hospital closes its  
107 obstetrical department or ceases to provide  
108 obstetrical services; amending s.