

By Senator Thompson

12-00121-15

2015502\_\_

1                   A bill to be entitled  
2           An act relating to health providers; amending s.  
3           395.0197, F.S.; requiring that the report to the  
4           Department of Health for allegations of sexual  
5           misconduct by a licensed health care facility be made  
6           within a specified time period; increasing penalties  
7           for violations; providing an effective date.

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9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Paragraph (d) of subsection (9) and subsection  
12           (12) of section 395.0197, Florida Statutes, are amended to read:  
13           395.0197 Internal risk management program.—

14           (9) The internal risk manager of each licensed facility  
15           shall:

16           (d) Report to the Department of Health every allegation of  
17           sexual misconduct, as defined in chapter 456 and the respective  
18           practice act, by a licensed health care practitioner which ~~that~~  
19           involves a patient. Such report shall be made within 30 days  
20           after each separate allegation of sexual misconduct.

21           (12) In addition to any penalty imposed pursuant to this  
22           section or part II of chapter 408, the agency shall require a  
23           written plan of correction from the facility. For a single  
24           incident or series of isolated incidents that are nonwillful  
25           violations of the reporting requirements of this section or part  
26           II of chapter 408, the agency shall first seek to obtain  
27           corrective action by the facility. If the correction is not  
28           demonstrated within the timeframe established by the agency or  
29           if there is a pattern of nonwillful violations of this section

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30 or part II of chapter 408, the agency may impose an  
31 administrative fine, not to exceed \$10,000 ~~\$5,000~~ for any  
32 violation of the reporting requirements of this section or part  
33 II of chapter 408. The administrative fine for repeated  
34 nonwillful violations may not exceed \$15,000 ~~\$10,000~~ for any  
35 violation. The administrative fine for each intentional and  
36 willful violation may not exceed \$30,000 ~~\$25,000~~ per violation,  
37 per day. The fine for an intentional and willful violation of  
38 this section or part II of chapter 408 may not exceed \$250,000.  
39 In determining the amount of fine to be levied, the agency shall  
40 be guided by s. 395.1065(2) (b).

41 Section 2. This act shall take effect October 1, 2015.