

1 A bill to be entitled
 2 An act relating to disciplinary proceedings for health
 3 care practitioners; amending s. 456.073, F.S.;
 4 requiring the full Board of Medicine or the Board of
 5 Osteopathic Medicine to review certain complaints;
 6 providing that a third complaint alleging medical
 7 malpractice is evidence of probable cause; clarifying
 8 that multiple complaints alleging the same wrongful
 9 treatment of the same patient constitutes one
 10 complaint; providing an effective date.

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

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 14 Section 1. Subsection (3) of section 456.073, Florida
 15 Statutes, is amended to read:

16 456.073 Disciplinary proceedings.—Disciplinary proceedings
 17 for each board shall be within the jurisdiction of the
 18 department.

19 (3) As an alternative to ~~the provisions of~~ subsections (1)
 20 and (2), when a complaint is received:7

21 (a) The department may provide a licensee with a notice of
 22 noncompliance for an initial offense of a minor violation. Each
 23 board, or the department if there is no board, shall establish
 24 by rule those minor violations under this provision which do not
 25 endanger the public health, safety, and welfare and which do not
 26 demonstrate a serious inability to practice the profession.

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27 Failure of a licensee to take action in correcting the violation
28 within 15 days after notice may result in the institution of
29 regular disciplinary proceedings.

30 (b) If it is the third complaint alleging medical
31 malpractice against a licensee within a 10-year period, the
32 complaint shall be sent to the full board for review. The
33 existence of such complaint is evidence of probable cause. For
34 purposes of this paragraph, complaints filed by different
35 claimants against a licensee which allege the same wrongful
36 treatment of the same patient constitutes one complaint.

37 Section 2. This act shall take effect July 1, 2015.