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1 A bill to be entitled
2 An act relating to responsibilities of health care
3 providers; repealing s. 383.336, F.S., relating to
4 practice parameters for physicians performing
5 caesarean section deliveries in provider hospitals;
6 amending s. 395.0191, F.S.; defining terms; requiring
7 a certain percentage of surgical assistants or
8 surgical technologists employed by or contracting with
9 a facility to be certified; providing exceptions to
10 such certification requirements; creating s. 395.0192,
11 F.S.; requiring a hospital to notify certain
12 obstetrical physicians within a specified timeframe
13 before the hospital closes its obstetrical department
14 or ceases to provide obstetrical services; providing
15 an effective date.

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

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 Section 383.336, Florida Statutes, is repealed.

20 Section 2. Present subsections (1) through (10) of section
21 395.0191, Florida Statutes, are redesignated as subsections (2)
22 through (11), respectively, present subsection (6) of that
23 section is amended, and a new subsection (1) and subsection (12)
24 are added to that section, to read:

25 395.0191 Staff membership and clinical privileges.—

26 (1) As used in this section, the term:

27 (a) "Certified surgical assistant" means a surgical
28 assistant who maintains a valid and active certification under
29 one of the following designations: certified surgical first

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30 assistant, from the National Board of Surgical Technology and
31 Surgical Assisting; certified surgical assistant, from the
32 National Surgical Assistant Association; or surgical assistant-
33 certified, from the American Board of Surgical Assistants.

34 (b) "Certified surgical technologist" means a surgical
35 technologist who maintains a valid and active certification as a
36 certified surgical technologist from the National Board of
37 Surgical Technology and Surgical Assisting.

38 (c) "Surgeon" means a health care practitioner as defined
39 in s. 456.001 whose scope of practice includes performing
40 surgery and who is listed as the primary surgeon in the
41 operative record.

42 (d) "Surgical assistant" means a person who provides aid in
43 exposure, hemostasis, closures, and other intraoperative
44 technical functions and who assists the surgeon in performing a
45 safe operation with optimal results for the patient.

46 (e) "Surgical technologist" means a person whose duties
47 include, but are not limited to, maintaining sterility during a
48 surgical procedure, handling and ensuring the availability of
49 necessary equipment and supplies, and maintaining visibility of
50 the operative site to ensure that the operating room environment
51 is safe, that proper equipment is available, and that the
52 operative procedure is conducted efficiently.

53 (7)-(6) Upon the written request of the applicant, any
54 licensed facility that has denied staff membership or clinical
55 privileges to any applicant specified in ~~subsection (1) or~~
56 subsection (2) or subsection (3) shall, within 30 days of such
57 request, provide the applicant with the reasons for such denial
58 in writing. A denial of staff membership or clinical privileges

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59 to any applicant shall be submitted, in writing, to the
60 applicant's respective licensing board.

61 (12) At least 50 percent of the surgical assistants and 50
62 percent of the surgical technologists that a facility employs or
63 with whom it contracts must be certified surgical assistants and
64 certified surgical technologists, respectively. The requirements
65 of this subsection do not apply to the following:

66 (a) A person who has completed an appropriate training
67 program for surgical technology in any branch or reserve
68 component of the United States Armed Forces.

69 (b) A person who was employed or contracted to perform the
70 duties of a surgical technologist or surgical assistant at any
71 time before July 1, 2016.

72 (c) A health care practitioner as defined in s. 456.001 or
73 a student if the duties performed by the practitioner or the
74 student are within the scope of the practitioner's or the
75 student's training and practice.

76 (d) A person enrolled in a surgical technology or surgical
77 assisting training program accredited by the Commission on
78 Accreditation of Allied Health Education Programs, the
79 Accrediting Bureau of Health Education Schools, or another
80 accrediting body recognized by the United States Department of
81 Education on July 1, 2016. A person may practice as a surgical
82 technologist or a surgical assistant for 2 years after
83 completion of such a training program before he or she is
84 required to obtain a certification under this subsection.

85 Section 3. Section 395.0192, Florida Statutes, is created
86 to read:

87 395.0192 Duty to notify physicians.—A hospital shall notify

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88 each obstetrical physician who has privileges at the hospital at
89 least 120 days before the hospital closes its obstetrical
90 department or ceases to provide obstetrical services.

91 Section 4. This act shall take effect July 1, 2016.