

By the Committee on Health Policy; and Senator Young

588-01108-18

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1 A bill to be entitled

2 An act relating to reporting of adverse incidents in  
3 planned out-of-hospital births; creating s. 456.0495,  
4 F.S.; defining the term "adverse incident"; requiring  
5 licensed physicians, certified nurse midwives, and  
6 licensed midwives to report an adverse incident and a  
7 medical summary of events to the Department of Health  
8 within a specified timeframe; requiring the department  
9 to review adverse incident reports and determine if  
10 conduct occurred that is subject to disciplinary  
11 action; requiring the appropriate regulatory board or  
12 the department to take disciplinary action under  
13 certain circumstances; requiring the department to  
14 adopt rules; requiring the department to develop a  
15 form to be used for the reporting of adverse  
16 incidents; providing an effective date.

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

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20 Section 1. Section 456.0495, Florida Statutes, is created  
21 to read:

22 456.0495 Reporting adverse incidents occurring in planned  
23 out-of-hospital births.—

24 (1) For purposes of this section, the term "adverse  
25 incident" means an event over which a physician licensed under  
26 chapter 458 or chapter 459, a nurse midwife certified under part  
27 I of chapter 464, or a midwife licensed under chapter 467 could  
28 exercise control and which is associated with an attempted or  
29 completed planned out-of-hospital birth, and results in one or

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30 more of the following injuries or conditions:

31 (a) A maternal death that occurs during delivery or within  
32 42 days after delivery;

33 (b) The transfer of a maternal patient to a hospital  
34 intensive care unit;

35 (c) A maternal patient who experiences hemorrhagic shock or  
36 who requires a transfusion of more than 4 units of blood or  
37 blood products;

38 (d) A fetal or newborn death, including a stillbirth,  
39 associated with an obstetrical delivery;

40 (e) A transfer of a newborn to a neonatal intensive care  
41 unit due to a traumatic physical or neurological birth injury,  
42 including any degree of a brachial plexus injury;

43 (f) A transfer of a newborn to a neonatal intensive care  
44 unit within the first 72 hours after birth if the newborn  
45 remains in such unit for more than 72 hours; or

46 (g) Any other injury as determined by department rule.

47 (2) A physician licensed under chapter 458 or chapter 459,  
48 a nurse midwife certified under part I of chapter 464 or, a  
49 midwife licensed under chapter 467 who performs an attempted or  
50 completed planned out-of-hospital birth must report an adverse  
51 incident, along with a medical summary of events, to the  
52 department within 15 days after the adverse incident occurs.

53 (3) The department shall review each incident report and  
54 determine whether the incident involves conduct by a health care  
55 practitioner which is subject to disciplinary action under s.  
56 456.073. Disciplinary action, if any, must be taken by the  
57 appropriate regulatory board or by the department if no such  
58 board exists.

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59           (4) The department shall adopt rules to implement this  
60 section and shall develop a form to be used for the reporting of  
61 adverse incidents.

62           Section 2. This act shall take effect upon becoming a law.