

By Senator Bracy

11-00121-18

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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 of allegations of sexual
5 misconduct by a licensed health care practitioner be
6 made within a specified timeframe; increasing
7 penalties for violations; providing an effective date.
8

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 July 1, 2018.