

By Senator Bracy

11-00966-19

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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 by licensed facilities;
8 providing an effective date.

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

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12 Section 1. Paragraph (d) of subsection (9) and subsection
13 (12) of section 395.0197, Florida Statutes, are amended to read:
14 395.0197 Internal risk management program.—

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

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

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

11-00966-19

20191216__

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

42 Section 2. This act shall take effect July 1, 2019.