

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Rodriguez, A. offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (6) is added to section 456.074,
8 Florida Statutes, to read:

9 456.074 Certain health care practitioners; immediate
10 suspension of license.—

11 (6) The department may issue an emergency order suspending
12 or restricting the registration of an office in which
13 liposuction procedures in which more than 1,000 cubic
14 centimeters of supernatant fat is removed, Level II office
15 surgery, or Level III office surgery are performed upon a
16 finding of probable cause that the office or, a physician

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17 performing such surgeries in the office, are not in compliance
18 with the standards of practice for office surgery adopted by the
19 boards pursuant to s. 458.328 or s. 459.0138, as applicable, or
20 are in violation of s. 458.331(1)(v) or s. 459.015(1)(z) and
21 that such noncompliance constitutes an immediate danger to the
22 public.

23 Section 2. Subsection (3) of section 458.309, Florida
24 Statutes, is repealed.

25 Section 3. Section 458.328, Florida Statutes, is created
26 to read:

27 458.328 Office Surgeries.-

28 (1) REGISTRATION.-

29 (a) An office in which a physician performs any
30 liposuction procedure in which more than 1,000 cubic centimeters
31 of supernatant fat is removed, any Level II office surgery, or
32 any Level III office surgery must register with the department
33 unless the office is licensed as a facility under chapter 395.

34 (b) To register, an office must designate a physician who
35 is responsible for the office's compliance with the office
36 safety requirements of this section and the rules adopted
37 hereunder. A designated physician must have a full, active, and
38 unencumbered license under this chapter or chapter 459 and shall
39 practice at the office for which he or she has assumed
40 responsibility. Within 10 calendar days after the termination of
41 a designated physician relationship, an office must designate a

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42 physician to serve as the designated physician and notify the
43 department of such designation. The department may suspend a
44 registration if an office fails to comply with the requirements
45 of this paragraph.

46 (c) Each physician practicing at an office registered
47 under this section or s. 459.0138 shall advise the board, in
48 writing, within 10 calendar days after beginning or ending his
49 or her practice at a registered office.

50 (d) The department shall inspect a registered office at
51 least annually, including a review of patient records, to ensure
52 it complies with this section and the rules adopted hereunder
53 unless the office is accredited by a nationally recognized
54 accrediting agency approved by the board. The inspection may be
55 unannounced.

56 (e) The department may suspend or revoke the registration
57 of an office in which a procedure or surgery identified in
58 paragraph (a) is performed for failure of any of its physicians,
59 owners, or operators to comply with this section or s. 459.0138
60 and the rules adopted thereunder. If an office's registration is
61 revoked, the department may deny any person named in the
62 registration documents of the office, including the persons who
63 own or operate the office, individually or as part of a group,
64 from registering an office to perform surgical procedures
65 pursuant to this section or s. 459.0138 for 5 years after the
66 revocation date.

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67 (f) The department may impose any penalty set forth in s.
68 456.072(2) against the designated physician for failure of the
69 office to operate in compliance with the office safety
70 requirements of this section or s. 459.0138 and the rules
71 adopted thereunder.

72 (g) A physician may only perform a procedure or surgery
73 identified in paragraph (a) in an office that is registered with
74 the department. The board shall impose a fine of \$5,000 per day
75 on a physician who performs a procedure or surgery in such an
76 office that is not registered with the department.

77 (h) The actual costs of registration and inspection or
78 accreditation shall be paid by the person seeking to register
79 and operate the office in which a procedure or surgery
80 identified in paragraph (a) is performed.

81 (2) RULEMAKING.—

82 (a) The board shall adopt by rule standards of practice
83 for physicians who perform office surgery.

84 (b) The board may adopt rules to administer the
85 registration, inspection, and safety of offices in which a
86 physician performs office surgery.

87 Section 4. Paragraph (vv) is added to subsection (1) of
88 section 458.331, Florida Statutes, to read:

89 458.331 Grounds for disciplinary action; action by the
90 board and department.—

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91 (1) The following acts constitute grounds for denial of a
92 license or disciplinary action, as specified in s. 456.072(2):

93 (vv) Performing a liposuction procedure in which more than
94 1,000 cubic centimeters of supernatant fat is removed, a Level
95 II office surgery, or a Level III office surgery in an office
96 that is not registered with the department pursuant to s.
97 458.328 or s. 459.138.

98 Section 5. Subsection (2) of section 459.005, Florida
99 Statutes, is repealed.

100 Section 6. Section 7. Section 459.0138, Florida Statutes,
101 is created to read:

102 459.0138 Office Surgeries.-

103 (1) REGISTRATION.-

104 (a) An office in which a physician performs any
105 liposuction procedure in which more than 1,000 cubic centimeters
106 of supernatant fat is removed, any Level II office surgery, or
107 any Level III office surgery must register with the department
108 unless the office is licensed as a facility under chapter 395.

109 (b) To register, an office must designate a physician who
110 is responsible for the office's compliance with the office
111 safety requirements of this section and the rules adopted
112 hereunder. A designated physician must have a full, active, and
113 unencumbered license under this chapter or chapter 459 and shall
114 practice at the office for which he or she has assumed
115 responsibility. Within 10 calendar days after the termination of

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116 a designated physician relationship, an office must designate a
117 physician to serve as the designated physician and notify the
118 department of such designation. The department may suspend a
119 registration if an office fails to comply with the requirements
120 of this paragraph.

121 (c) Each physician practicing at an office registered
122 under this section or s. 458.328 shall advise the board, in
123 writing, within 10 calendar days after beginning or ending her
124 or her practice at the registered office.

125 (d) The department shall inspect an office at least
126 annually, including a review of patient records, to ensure that
127 it complies with this section and the rules adopted hereunder
128 unless the office is accredited by a nationally recognized
129 accrediting agency approved by the board. The inspection may be
130 unannounced.

131 (e) The department may suspend or revoke the registration
132 of any office in which a procedure or surgery, identified in
133 paragraph (a), is performed for failure of any of its
134 physicians, owners, or operators to comply with this section or
135 s. 458.328 and the rules adopted thereunder. If an office's
136 registration is revoked, the department may deny any person
137 named in the registration documents of the office, including the
138 persons who own or operate the office, individually or as part
139 of a group, from registering an office to perform surgical

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140 procedures pursuant to this section or s. 458.328 for 5 years
141 after the revocation date.

142 (f) The department may impose any penalty set forth in s.
143 456.072(2) against the designated physician for failure of the
144 office to operate in compliance with the office safety
145 requirements of this section or s. 458.328 and the rules adopted
146 thereunder.

147 (g) A physician may only perform a procedure or surgery
148 identified in paragraph (a) in an office that is registered with
149 the department. The board shall impose a fine of \$5,000 per day
150 on a physician who performs a procedure or surgery in such an
151 office that is not registered with the department.

152 (h) The actual costs of registration and inspection or
153 accreditation shall be paid by the person seeking to register
154 and operate the office in which a procedure or surgery
155 identified in paragraph (a) is performed.

156 (2) RULEMAKING.—

157 (a) The board shall adopt by rule standards of practice
158 for physicians who perform office surgery.

159 (b) The board may adopt rules to administer the
160 registration, inspection, and safety of offices in which a
161 physician performs office surgery.

162 Section 7. Paragraph (xx) is added to subsection (1) of
163 section 459.015, Florida Statutes, to read:

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164 459.015 Grounds for disciplinary action; action by the
165 board and department.—

166 (1) The following acts constitute grounds for denial of a
167 license or disciplinary action, as specified in s. 456.072(2):

168 (xx) Performing a liposuction procedure in which more than
169 1,000 cubic centimeters of supernatant fat is removed, a Level
170 II office surgery, or a Level III office surgery in an office
171 that is not registered with the department pursuant to s.
172 458.328 or 459.0138.

173 Section 8. This act shall take effect July 1, 2019.

174
175 -----
176 **T I T L E A M E N D M E N T**

177 Remove everything before the enacting clause and insert:
178 An act relating to office surgery; amending s. 456.074, F.S.;
179 authorizing the Department of Health to issue an emergency order
180 suspending or restricting the registration of certain offices
181 upon specified findings; amending s. 458.309, F.S.; removing a
182 requirement that physicians performing certain procedures or
183 office surgeries register their offices with the department;
184 creating s. 458.328; requiring offices in which physicians
185 perform certain procedures or office surgeries to register with
186 the department; requiring such offices to designate a physician
187 who is responsible for compliance with specified provisions;
188 authorizing the department to suspend an office registration

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189 under certain circumstances; requiring physicians practicing at
190 registered offices to notify the board when beginning or ending
191 practice at the office within a specified time; authorizing the
192 department to deny or revoke the registration of or impose
193 certain penalties against an office in which certain procedures
194 or office surgeries are performed under certain circumstances;
195 providing applicability; authorizing the department to deny
196 certain persons associated with an office for which the
197 registration was revoked from registering another office to
198 perform certain procedures or office surgeries; requiring the
199 department to perform annual inspections; requiring the Board of
200 Medicine to impose a fine on physicians who perform certain
201 procedures or office surgeries in an unregistered office;
202 requiring the board to adopt rules governing the standard of
203 practice for physicians who perform certain procedures or office
204 surgeries in such offices; authorizing the board to adopt rules
205 to administer the registration, inspection, and safety in such
206 offices; amending s. 458.331, F.S.; providing that a physician
207 performing certain procedures or office surgeries in an
208 unregistered office constitutes grounds for denial of a license
209 or disciplinary action; amending s. 459.005, F.S.; removing a
210 requirement that physicians performing certain procedures or
211 office surgeries register their offices with the department;
212 creating s. 459.0138; requiring offices in which physicians
213 perform certain procedures or office surgeries to register with

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214 the department; requiring such offices to designate a physician
215 who is responsible for compliance with specified provisions;
216 authorizing the department to suspend an office registration
217 under certain circumstances; requiring physicians practicing at
218 registered offices to notify the board when beginning or ending
219 practice at the office within a specified time; authorizing the
220 department to deny or revoke the registration of or impose
221 certain penalties against an office in which certain procedures
222 or office surgeries are performed under certain circumstances;
223 providing applicability; authorizing the department to deny
224 certain persons associated with an office for which the
225 registration was revoked from registering another office to
226 perform certain procedures or office surgeries; requiring the
227 department to perform annual inspections; requiring the Board of
228 Osteopathic Medicine to adopt rules governing the standard of
229 practice for physicians who perform certain procedures or office
230 surgeries in such offices; authorizing the board to adopt rules
231 to administer the registration, inspection, and safety in such
232 offices; requiring the board to impose a fine on physicians who
233 perform certain procedures or office surgeries in an
234 unregistered office; amending s. 459.015, F.S.; providing that a
235 physician performing certain procedures or office surgeries in
236 an unregistered office constitutes grounds for denial of a
237 license or disciplinary action; providing an effective date.