

1                   A bill to be entitled  
2           An act relating to office surgery; amending s.  
3           456.074, F.S.; authorizing the department to issue an  
4           emergency order suspending or restricting the  
5           registration of certain facilities upon specified  
6           findings; amending s. 458.309, F.S.; deleting a  
7           provision relating to registration and inspection of  
8           an office in which a physician performs certain  
9           procedures or office surgeries; creating s. 458.328,  
10          F.S.; requiring an office in which a physician  
11          performs certain procedures or office surgeries to  
12          register with the Department of Health; requiring an  
13          office to designate a physician to be responsible for  
14          certain compliance requirements as part of  
15          registration; authorizing the department to deny or  
16          revoke the registration of or impose certain penalties  
17          against a facility in which certain procedures or  
18          office surgeries are performed under certain  
19          circumstances; requiring the Board of Medicine to  
20          adopt rules governing the standards of practice for  
21          physicians practicing in such offices and to impose a  
22          specified fine on physicians who perform certain  
23          procedures or office surgeries in an unregistered  
24          office; authorizing the board to adopt rules to  
25          administer the registration, inspection, and safety of

26 | offices in which certain procedures or office  
27 | surgeries are performed; amending s. 458.331, F.S.;  
28 | providing that a physician performing certain  
29 | procedures or office surgeries in an unregistered  
30 | office constitutes grounds for denial of a license or  
31 | disciplinary action; amending s. 459.005, F.S.;  
32 | deleting a provision relating to registration and  
33 | inspection of an office in which a physician performs  
34 | certain procedures or office surgeries; creating s.  
35 | 459.0138, F.S.; requiring an office in which a  
36 | physician performs certain procedures or office  
37 | surgeries to register with the Department of Health;  
38 | requiring an office to designate a physician to be  
39 | responsible for certain compliance requirements as  
40 | part of registration; authorizing the department to  
41 | deny or revoke the registration of or impose certain  
42 | penalties against a facility in which certain  
43 | procedures or office surgeries are performed under  
44 | certain circumstances; requiring the Board of  
45 | Osteopathic Medicine to adopt rules governing the  
46 | standards of practice for physicians practicing in  
47 | such offices and to impose a specified fine on  
48 | physicians who perform certain procedures or office  
49 | surgeries in an unregistered office; authorizing the  
50 | board to adopt rules to administer the registration,

51 inspection, and safety of offices in which certain  
 52 procedures or office surgeries are performed; amending  
 53 s. 459.015, F.S.; providing that a physician  
 54 performing certain procedures or office surgeries in  
 55 an unregistered office constitutes grounds for denial  
 56 of a license or disciplinary action; providing an  
 57 effective date.  
 58

59 Be It Enacted by the Legislature of the State of Florida:  
 60

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

63 456.074 Certain health care practitioners; immediate  
 64 suspension of license.—

65 (6) The department may issue an emergency order suspending  
 66 or restricting the registration of an office in which a  
 67 liposuction procedure in which more than 1,000 cubic centimeters  
 68 of supernatant fat is removed, a Level II office surgery, or a  
 69 Level III office surgery is performed upon a finding of probable  
 70 cause that the office, or a physician performing such procedure  
 71 or surgery in the office, is not in compliance with the  
 72 standards of practice for office surgery adopted by the boards  
 73 pursuant to s. 458.328 or s. 459.0138, as applicable, or is in  
 74 violation of s. 458.331(1)(v) or s. 459.015(1)(z), and that such  
 75 noncompliance or violation constitutes an immediate danger to

76 | the public.

77 | Section 2. Subsection (3) of section 458.309, Florida  
78 | Statutes, is amended to read:

79 | 458.309 Rulemaking authority.—

80 | ~~(3) A physician who performs liposuction procedures in~~  
81 | ~~which more than 1,000 cubic centimeters of supernatant fat is~~  
82 | ~~removed, level 2 procedures lasting more than 5 minutes, and all~~  
83 | ~~level 3 surgical procedures in an office setting must register~~  
84 | ~~the office with the department unless that office is licensed as~~  
85 | ~~a facility under chapter 395. The department shall inspect the~~  
86 | ~~physician's office annually unless the office is accredited by a~~  
87 | ~~nationally recognized accrediting agency or an accrediting~~  
88 | ~~organization subsequently approved by the Board of Medicine. The~~  
89 | ~~actual costs for registration and inspection or accreditation~~  
90 | ~~shall be paid by the person seeking to register and operate the~~  
91 | ~~office setting in which office surgery is performed.~~

92 | Section 3. Section 458.328, Florida Statutes, is created  
93 | to read:

94 | 458.328 Office surgeries.—

95 | (1) REGISTRATION.—

96 | (a) An office in which a physician performs a liposuction  
97 | procedure in which more than 1,000 cubic centimeters of  
98 | supernatant fat is removed, a Level II office surgery, or a  
99 | Level III office surgery must register with the department  
100 | unless the office is licensed as a facility under chapter 395.

101        (b) To register, an office must designate a physician who  
102 is responsible for the office's compliance with the office  
103 safety requirements of this section and rules adopted hereunder.  
104 A designated physician must have a full, active, and  
105 unencumbered license under this chapter or chapter 459 and shall  
106 practice at the office for which he or she has assumed  
107 responsibility. Within 10 calendar days after the termination of  
108 a designated physician relationship, the office must notify the  
109 department of the designation of another physician to serve as  
110 the designated physician. The department may suspend the  
111 registration of an office if the office fails to comply with the  
112 requirements of this paragraph.

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

117        (d) The department shall inspect a registered office at  
118 least annually, including a review of patient records, to ensure  
119 that the office is in compliance with this section and rules  
120 adopted hereunder unless the office is accredited by a  
121 nationally recognized accrediting agency approved by the board.  
122 The inspection may be unannounced.

123        (e) The department may suspend or revoke the registration  
124 of an office in which a procedure or surgery identified in  
125 paragraph (a) is performed for failure of any of its physicians,

126 owners, or operators to comply with this section and rules  
127 adopted hereunder or s. 459.0138 and rules adopted thereunder.  
128 If an office's registration is revoked, the department may deny  
129 any person named in the registration documents of the office,  
130 including the persons who own or operate the office,  
131 individually or as part of a group, from registering an office  
132 to perform procedures or office surgeries pursuant to this  
133 section or s. 459.0138 for 5 years after the revocation date.

134 (f) The department may impose any penalty set forth in s.  
135 456.072(2) against the designated physician for failure of the  
136 office to operate in compliance with the office safety  
137 requirements of this section and rules adopted hereunder or s.  
138 459.0138 and rules adopted thereunder.

139 (g) A physician may only perform a procedure or surgery  
140 identified in paragraph (a) in an office that is registered with  
141 the department. The board shall impose a fine of \$5,000 per day  
142 on a physician who performs a procedure or surgery in an office  
143 that is not registered with the department.

144 (h) The actual costs of registration and inspection or  
145 accreditation shall be paid by the person seeking to register  
146 and operate the office in which a procedure or surgery  
147 identified in paragraph (a) will be performed.

148 (2) RULEMAKING.—

149 (a) The board shall adopt by rule standards of practice  
150 for physicians who perform procedures or office surgeries

151 pursuant to this section.

152 (b) The board may adopt rules to administer the  
 153 registration, inspection, and safety of offices in which a  
 154 physician performs procedures or office surgeries pursuant to  
 155 this section.

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

158 458.331 Grounds for disciplinary action; action by the  
 159 board and department.—

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

162 (vv) Performing a liposuction procedure in which more than  
 163 1,000 cubic centimeters of supernatant fat is removed, a Level  
 164 II office surgery, or a Level III office surgery in an office  
 165 that is not registered with the department pursuant to s.  
 166 458.328 or s. 459.0138.

167 Section 5. Subsection (2) of section 459.005, Florida  
 168 Statutes, is amended to read:

169 459.005 Rulemaking authority.—

170 ~~(2) A physician who performs liposuction procedures in~~  
 171 ~~which more than 1,000 cubic centimeters of supernatant fat is~~  
 172 ~~removed, level 2 procedures lasting more than 5 minutes, and all~~  
 173 ~~level 3 surgical procedures in an office setting must register~~  
 174 ~~the office with the department unless that office is licensed as~~  
 175 ~~a facility under chapter 395. The department shall inspect the~~

176 ~~physician's office annually unless the office is accredited by a~~  
177 ~~nationally recognized accrediting agency or an accrediting~~  
178 ~~organization subsequently approved by the Board of Osteopathic~~  
179 ~~Medicine. The actual costs for registration and inspection or~~  
180 ~~accreditation shall be paid by the person seeking to register~~  
181 ~~and operate the office setting in which office surgery is~~  
182 ~~performed.~~

183 Section 6. Section 459.0138, Florida Statutes, is created  
184 to read:

185 459.0138 Office surgeries.-

186 (1) REGISTRATION.-

187 (a) An office in which a physician performs a liposuction  
188 procedure in which more than 1,000 cubic centimeters of  
189 supernatant fat is removed, a Level II office surgery, or a  
190 Level III office surgery must register with the department  
191 unless the office is licensed as a facility under chapter 395.

192 (b) To register, an office must designate a physician who  
193 is responsible for the office's compliance with the office  
194 safety requirements of this section and rules adopted hereunder.  
195 A designated physician must have a full, active, and  
196 unencumbered license under this chapter or chapter 458 and shall  
197 practice at the office for which he or she has assumed  
198 responsibility. Within 10 calendar days after the termination of  
199 a designated physician relationship, the office must notify the  
200 department of the designation of another physician to serve as



201 the designated physician. The department may suspend a  
202 registration for an office if the office fails to comply with  
203 the requirements of this paragraph.

204 (c) Each physician practicing at an office registered  
205 under this section or s. 458.328 shall advise the board, in  
206 writing, within 10 calendar days after beginning or ending his  
207 or her practice at the registered office.

208 (d) The department shall inspect an office at least  
209 annually, including a review of patient records, to ensure that  
210 the office is in compliance with this section and rules adopted  
211 hereunder unless the office is accredited by a nationally  
212 recognized accrediting agency approved by the board. The  
213 inspection may be unannounced.

214 (e) The department may suspend or revoke the registration  
215 of an office in which a procedure or surgery identified in  
216 paragraph (a) is performed for failure of any of its physicians,  
217 owners, or operators to comply with this section and rules  
218 adopted hereunder or s. 458.328 and rules adopted thereunder. If  
219 an office's registration is revoked, the department may deny any  
220 person named in the registration documents of the office,  
221 including the persons who own or operate the office,  
222 individually or as part of a group, from registering an office  
223 to perform procedures or office surgeries pursuant to this  
224 section or s. 458.328 for 5 years after the revocation date.

225 (f) The department may impose any penalty set forth in s.

226 456.072(2) against the designated physician for failure of the  
227 office to operate in compliance with the office safety  
228 requirements of this section and rules adopted hereunder or s.  
229 458.328 and rules adopted thereunder.

230 (g) A physician may only perform a procedure or surgery  
231 identified in paragraph (a) in an office that is registered with  
232 the department. The board shall impose a fine of \$5,000 per day  
233 on a physician who performs a procedure or surgery in an office  
234 that is not registered with the department.

235 (h) The actual costs of registration and inspection or  
236 accreditation shall be paid by the person seeking to register  
237 and operate the office in which a procedure or surgery  
238 identified in paragraph (a) will be performed.

239 (2) RULEMAKING.—

240 (a) The board shall adopt by rule standards of practice  
241 for physicians who perform procedures or office surgeries  
242 pursuant to this section.

243 (b) The board may adopt rules to administer the  
244 registration, inspection, and safety of offices in which a  
245 physician performs procedures or office surgeries pursuant to  
246 this section.

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

249 459.015 Grounds for disciplinary action; action by the  
250 board and department.—

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251 (1) The following acts constitute grounds for denial of a  
252 license or disciplinary action, as specified in s. 456.072(2):  
253 (xx) Performing a liposuction procedure in which more than  
254 1,000 cubic centimeters of supernatant fat is removed, a Level  
255 II office surgery, or a Level III office surgery in an office  
256 that is not registered with the department pursuant to s.  
257 458.328 or s. 459.0138.

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