

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Organ Transplant Technical
3 Advisory Council; amending s. 765.53, F.S.; requiring
4 the Agency for Health Care Administration to establish
5 the Organ Transplant Technical Advisory Council for a
6 specified purpose; providing for membership, meetings,
7 and duties of the council; requiring the council to
8 submit a report to the Governor, the Legislature, the
9 Secretary of Health Care Administration, and the State
10 Surgeon General by a specified date; extending
11 sovereign immunity to council members under certain
12 circumstances; requiring the agency to amend or adopt
13 specified rules based on the council's
14 recommendations; providing for expiration of a certain
15 provision; amending s. 408.0455, F.S.; revising a
16 provision related to the operation of certain rules
17 adopted by the agency; providing an effective date.

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

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21 Section 1. Section 765.53, Florida Statutes, is amended to
22 read:

23 (Substantial rewording of section. See
24 s. 765.53, F.S., for present text.)

25 765.53 Organ Transplant Technical Advisory Council.—

26 (1) CREATION AND PURPOSE.—The Organ Transplant Technical
27 Advisory Council, an advisory council as defined in s. 20.03, is
28 created within the agency to assist the agency in developing
29 standards for quality and outcomes at adult and pediatric organ

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30 transplant programs. Unless expressly provided otherwise in this
31 section, the council shall operate in a manner consistent with
32 s. 20.052.

33 (2) MEMBERS.—

34 (a) Voting members of the council must have technical
35 expertise in adult or pediatric organ transplantation. Each
36 chief executive officer of the following hospitals shall appoint
37 one representative, who must be an organ transplant surgeon
38 licensed under chapter 458 or chapter 459, to serve as a voting
39 member of the council:

40 1. Jackson Memorial Hospital in Miami.

41 2. Tampa General Hospital in Tampa.

42 3. University of Florida Health Shands Hospital in
43 Gainesville.

44 4. AdventHealth Orlando in Orlando.

45 5. Mayo Clinic in Jacksonville.

46 6. Cleveland Clinic Florida in Weston.

47 7. Largo Medical Center in Largo.

48 8. Memorial Regional Hospital in Hollywood.

49 9. Halifax Health Medical Center in Daytona Beach.

50 10. Sacred Heart Hospital in Pensacola.

51 11. H. Lee Moffitt Cancer Center and Research Institute,
52 Inc., in Tampa.

53 12. University of Miami Hospital in Miami.

54 (b) The Secretary of Health Care Administration shall serve
55 as the chair and a nonvoting member of the council.

56 (c) The Secretary of Health Care Administration may appoint
57 any of the following individuals to serve as a nonvoting member
58 of the council:

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- 59 1. The State Surgeon General.
- 60 2. A parent of a child who has had an organ transplant.
- 61 3. An adult who has had an organ transplant.
- 62 4. One representative from each of the following:
- 63 a. The Florida Hospital Association.
- 64 b. The Safety Net Hospital Alliance of Florida.
- 65 c. HCA Healthcare.
- 66 (d) Appointments made under paragraph (a) are contingent
- 67 upon the hospital's compliance with chapter 395 and rules
- 68 adopted thereunder. A member of the council appointed under
- 69 paragraph (a) whose hospital fails to comply with such law and
- 70 rules may serve only as a nonvoting member until the hospital
- 71 comes into compliance.
- 72 (e) Any vacancy on the council must be filled in the same
- 73 manner as the original appointment. Members are eligible for
- 74 reappointment.
- 75 (f) Members of the council shall serve without compensation
- 76 but may be reimbursed as provided in s. 112.061 for per diem and
- 77 travel expenses incurred in the performance of their duties
- 78 under this section.
- 79 (3) MEETINGS.—The council shall meet at least annually and
- 80 upon the call of the chair. The council may use any method of
- 81 telecommunications to conduct its meetings.
- 82 (4) DUTIES.—The council shall recommend to the agency
- 83 standards for quality care of adult and pediatric organ
- 84 transplant patients, including recommendations on minimum volume
- 85 of transplants by organ type, personnel, physical plant,
- 86 equipment, transportation, and data reporting for hospitals that
- 87 perform organ transplants. The council shall also develop

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88 recommendations for improving education, outreach, and
89 communication between hospitals, patients, and the public, with
90 an emphasis on potential and prospective donors, including
91 recommendations for clear explanations to the public of relevant
92 laws, rules, and regulations; requirements for coordinated
93 communication between hospitals, between hospitals and patients,
94 and between hospitals and prospective donors; and
95 recommendations for providing education to the public on the
96 organ donation process, with an emphasis on educating potential
97 living donors. When developing its recommendations, the council
98 shall review any relevant existing or proposed agency rules and
99 may provide recommendations to the agency on amendments to such
100 rules. A voting member may vote on standards related to a
101 specific type of organ only if he or she represents a hospital
102 that has a transplant program for that organ.

103 (5) REPORT.—By October 1, 2021, the council shall submit a
104 report of its recommendations to the Governor, the President of
105 the Senate, the Speaker of the House of Representatives, the
106 Secretary of Health Care Administration, and the State Surgeon
107 General.

108 (6) SOVEREIGN IMMUNITY.—Members of the council acting in
109 good faith in the performance of their duties under this section
110 are considered agents of the state for purposes of s. 768.28.

111 (7) AGENCY RULES.—

112 (a) Based on the recommendations of the council, the agency
113 shall amend or adopt rules for organ transplant programs so that
114 such rules include at least all of the following:

115 1. Quality of care standards for adult and pediatric organ
116 transplants, including minimum volume thresholds by organ type,

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117 personnel, physical plant, equipment, transportation, and data
118 reporting.

119 2. Outcome and survival rate standards that meet or exceed
120 nationally established levels of performance in organ
121 transplantation.

122 3. Specific steps to be taken by the agency and licensed
123 facilities when the facilities do not meet the volume, outcome,
124 or survival rate standards within a specified timeframe that
125 includes the time required for detailed case reviews and the
126 development and implementation of corrective action plans.

127 (b) This subsection expires upon the agency's adoption of
128 organ transplant program rules in accordance with paragraph (a).

129 Section 2. Section 408.0455, Florida Statutes, is amended
130 to read:

131 408.0455 Rules; pending proceedings.—The rules of the
132 agency in effect on June 30, 2004, ~~shall~~ remain in effect and
133 are shall be enforceable by the agency with respect to ss.
134 408.031-408.045 until such rules are repealed or amended by the
135 agency. Rules 59C-1.039 through 59C-1.044, Florida
136 Administrative Code, including, but not limited to, the minimum
137 volume standards for organ transplantation and neonatal
138 intensive care services, remain in effect for the sole purpose
139 of maintaining licensure requirements for the applicable
140 services until the agency has adopted rules for the
141 corresponding services pursuant to s. 395.1055(1)(i), Florida
142 Statutes 2018.

143 Section 3. This act shall take effect July 1, 2020.