

Amendment No.

CHAMBER ACTION

Senate

House

.

---

Representative Busatta Cabrera offered the following:

**Amendment to Amendment (910361)**

Remove lines 130-226 of the amendment and insert:  
procedure must have sufficient training, as determined by the board, to perform gluteal fat grafting procedures safely and effectively.

2. A physician performing a gluteal fat grafting procedure must conduct an in-person examination of the patient no later than the day before the procedure.

3. Any duty delegated by a physician, with a patient's informed consent, to be performed during a gluteal fat grafting procedure must be performed under the direct supervision of the

960375

Approved For Filing: 4/21/2023 6:57:56 PM

Amendment No.

14 physician performing such procedure. Fat extraction and gluteal  
15 fat injections must be performed by the physician and may not be  
16 delegated.

17 4. Gluteal fat may only be injected into the subcutaneous  
18 space of the patient and may not cross the fascia overlying the  
19 gluteal muscle. Intramuscular or submuscular fat injections are  
20 prohibited.

21 5. When the physician performing a gluteal fat grafting  
22 procedure injects fat into the subcutaneous space of the  
23 patient, the physician must use ultrasound guidance during the  
24 placement and navigation of the canula to ensure that the fat is  
25 injected into the subcutaneous space of the patient above the  
26 fascia overlying the gluteal muscle. The board may establish  
27 minimum technical standards for such ultrasound guidance.  
28 Ultrasound guidance is not required for other portions of such  
29 procedure.

30 (e) If a procedure in an office surgery setting results in  
31 hospitalization, the type of procedure performed and the  
32 location at which the procedure was performed, if known, must be  
33 included in the hospital intake information for the purpose of  
34 adverse incident reporting.

35 (f) An office in which a physician performs gluteal fat  
36 grafting procedures must at all times maintain a ratio of one  
37 physician to one patient during all phases of the procedure,  
38 beginning with the administration of anesthesia to the patient

960375

Approved For Filing: 4/21/2023 6:57:56 PM

Amendment No.

39 and concluding with the extubation of the patient. However,  
40 after a physician has commenced, and while he or she is engaged  
41 in, a gluteal fat grafting procedure, the physician may not  
42 commence or engage in another gluteal fat grafting procedure or  
43 any other procedure with another patient at the same time.

44 Section 4. Subsection (2) of section 459.0138, Florida  
45 Statutes, is renumbered as subsection (3), paragraphs (a) and  
46 (e) of subsection (1) are amended, and a new subsection (2) is  
47 added to that section, to read:

48 459.0138 Office surgeries.—

49 (1) REGISTRATION.—

50 (a) An office in which a physician performs a liposuction  
51 procedure in which more than 1,000 cubic centimeters of  
52 supernatant fat is removed, a Level II office surgery, or a  
53 Level III office surgery must register with the department  
54 ~~unless the office is licensed as a facility under chapter 390 or~~  
55 ~~chapter 395. The department must inspect any such office before~~  
56 registration. The department may not register a facility that  
57 must be licensed under chapter 390 or chapter 395.

58 (e) The department shall inspect a registered office at  
59 least annually, including a review of patient records, to ensure  
60 that the office is in compliance with this section and rules  
61 adopted hereunder unless the office is accredited by a  
62 nationally recognized accrediting agency approved by the board.  
63 The inspection may be unannounced, except for the inspection of

960375

Approved For Filing: 4/21/2023 6:57:56 PM

Amendment No.

64 an office that meets the description of clinic specified in s.  
65 459.0137(1)(a)3.h., and those wholly owned and operated  
66 physician offices described in s. 459.0137(1)(a)3.g. which  
67 perform procedures referenced in s. 459.0137(1)(a)3.h., which  
68 must be announced. The department must refuse to register a new  
69 office or immediately suspend the registration of a registered  
70 office that refuses an inspection for 14 days. Such office must  
71 be closed during the period of suspension. The suspension must  
72 remain in effect until the department has completed its  
73 inspection.

74 (2) STANDARD OF PRACTICE.-

75 (a) For purposes of this section, the term:

76 1. "Office surgery" means a surgery performed at an office  
77 that primarily serves as a physician's office at which a  
78 physician performs surgeries as permitted under this section.  
79 The physician's office must be an office at which such physician  
80 regularly performs consultations with surgical patients,  
81 presurgical examinations, and postoperative monitoring and care  
82 related to office surgeries and at which patient records are  
83 readily maintained and available.

84 2. "Physician" means a physician or surgeon licensed to  
85 practice under this chapter.

86 (b) A physician performing a gluteal fat grafting  
87 procedure in an office surgery setting shall adhere to standards

960375

Approved For Filing: 4/21/2023 6:57:56 PM

Amendment No.

88 of practice pursuant to this subsection and rules adopted by the  
89 board.

90 (c) Office surgeries may not:

91 1. Result in blood loss of more than 10 percent of  
92 estimated blood volume in a patient with a normal hemoglobin  
93 level;

94 2. Require major or prolonged intracranial, intrathoracic,  
95 abdominal, or joint replacement procedures, except for  
96 laparoscopic procedures;

97 3. Involve major blood vessels performed with direct  
98 visualization by open exposure of the major blood vessel, except  
99 for percutaneous endovascular intervention; or

100 4. Be emergent or life threatening.

101 (d)1. A physician performing a gluteal fat grafting  
102 procedure must have sufficient training, as determined by the  
103 board, to perform gluteal fat grafting procedures safely and  
104 effectively.

960375

Approved For Filing: 4/21/2023 6:57:56 PM