

By Senator Garcia

36-00934-23

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1 A bill to be entitled
2 An act relating to gluteal fat grafting procedures;
3 amending ss. 458.328 and 459.0138, F.S.; requiring
4 physicians performing gluteal fat grafting procedures
5 in an office surgery setting to adhere to specified
6 standards of practice; authorizing the Board of
7 Medicine and the Board of Osteopathic Medicine,
8 respectively, to adopt certain rules; providing an
9 effective date.

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

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13 Section 1. Present subsection (2) of section 458.328,
14 Florida Statutes, is redesignated as subsection (3), and a new
15 subsection (2) is added to that section, to read:

16 458.328 Office surgeries.—

17 (2) GLUTEAL FAT GRAFTING PROCEDURES.—

18 (a) Physicians performing gluteal fat grafting procedures
19 in an office surgery setting shall adhere to standards of
20 practice prescribed under this subsection. The board may adopt
21 rules to prescribe additional requirements for the safe
22 performance of gluteal fat grafting procedures, provided such
23 rules do not conflict with this subsection.

24 (b) An office in which a physician performs gluteal fat
25 grafting procedures must at all times maintain a ratio of one
26 physician to one patient during all phases of the procedure,
27 beginning with the administration of anesthesia to the patient
28 and concluding with the extubation of the patient. A physician
29 is not limited in the number of gluteal fat grafting procedures

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30 that he or she may safely perform in accordance with the
31 applicable standard of care and as prescribed in this
32 subsection. However, a physician may not begin or otherwise
33 engage in more than one gluteal fat grafting procedure, or begin
34 or otherwise engage in a gluteal fat grafting procedure and any
35 other procedure, with more than one patient at a time.

36 (c) Any duties delegated during a gluteal fat grafting
37 procedure must be performed under the direct supervision of the
38 physician performing the procedure. Gluteal fat injections must
39 be performed by the physician performing the procedure and may
40 not be delegated.

41 (d) Only the physician performing the gluteal fat grafting
42 procedure may inject gluteal fat into the patient. The gluteal
43 fat may be injected only into the subcutaneous space of the
44 patient and may not cross the fascia overlying the gluteal
45 muscle. Intramuscular and submuscular fat injections are
46 prohibited.

47 (e) When the physician performing a gluteal fat grafting
48 procedure injects gluteal fat into the subcutaneous space of the
49 patient, the physician must use ultrasound guidance during the
50 placement and navigation of a cannula to ensure that the fat is
51 placed into the subcutaneous space of the patient above the
52 fascia overlying the gluteal muscle. Ultrasound guidance is not
53 required for other portions of the procedure.

54 Section 2. Present subsection (2) of section 459.0138,
55 Florida Statutes, is redesignated as subsection (3), and a new
56 subsection (2) is added to that section, to read:

57 459.0138 Office surgeries.—

58 (2) GLUTEAL FAT GRAFTING PROCEDURES.—

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59 (a) Physicians performing gluteal fat grafting procedures
60 in an office surgery setting shall adhere to standards of
61 practice prescribed under this subsection. The board may adopt
62 rules to prescribe additional requirements for the safe
63 performance of gluteal fat grafting procedures, provided such
64 rules do not conflict with this subsection.

65 (b) An office in which a physician performs gluteal fat
66 grafting procedures must at all times maintain a ratio of one
67 physician to one patient during all phases of the procedure,
68 beginning with the administration of anesthesia to the patient
69 and concluding with the extubation of the patient. A physician
70 is not limited in the number of gluteal fat grafting procedures
71 that he or she may safely perform in accordance with the
72 applicable standard of care and as prescribed in this
73 subsection. However, a physician may not begin or otherwise
74 engage in more than one gluteal fat grafting procedure, or begin
75 or otherwise engage in a gluteal fat grafting procedure and any
76 other procedure, with more than one patient at a time.

77 (c) Any duties delegated during a gluteal fat grafting
78 procedure must be performed under the direct supervision of the
79 physician performing the procedure. Gluteal fat injections must
80 be performed by the physician performing the procedure and may
81 not be delegated.

82 (d) Only the physician performing the gluteal fat grafting
83 procedure may inject gluteal fat into the patient. The gluteal
84 fat may be injected only into the subcutaneous space of the
85 patient and may not cross the fascia overlying the gluteal
86 muscle. Intramuscular and submuscular fat injections are
87 prohibited.

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88 (e) When the physician performing a gluteal fat grafting
89 procedure injects gluteal fat into the subcutaneous space of the
90 patient, the physician must use ultrasound guidance during the
91 placement and navigation of a cannula to ensure that the fat is
92 placed into the subcutaneous space of the patient above the
93 fascia overlying the gluteal muscle. Ultrasound guidance is not
94 required for other portions of the procedure.

95 Section 3. This act shall take effect July 1, 2023.