

By Senator Ring

29-00185-15

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1                   A bill to be entitled  
2       An act relating to disciplinary proceedings for health  
3       care practitioners; amending s. 456.073, F.S.;  
4       requiring the full Board of Medicine or the Board of  
5       Osteopathic Medicine to review certain complaints;  
6       providing that a third complaint alleging medical  
7       malpractice is evidence of probable cause; clarifying  
8       that multiple complaints alleging the same wrongful  
9       treatment of the same patient constitutes one  
10      complaint; providing an effective date.

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

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14       Section 1. Subsection (3) of section 456.073, Florida  
15       Statutes, is amended to read:

16       456.073 Disciplinary proceedings.—Disciplinary proceedings  
17       for each board shall be within the jurisdiction of the  
18       department.

19       (3) As an alternative to ~~the provisions of~~ subsections (1)  
20       and (2), when a complaint is received:7

21       (a) The department may provide a licensee with a notice of  
22       noncompliance for an initial offense of a minor violation. Each  
23       board, or the department if there is no board, shall establish  
24       by rule those minor violations under this provision which do not  
25       endanger the public health, safety, and welfare and which do not  
26       demonstrate a serious inability to practice the profession.  
27       Failure of a licensee to take action in correcting the violation  
28       within 15 days after notice may result in the institution of  
29       regular disciplinary proceedings.

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30       (b) If it is the third complaint alleging medical  
31 malpractice against a licensee within a 10-year period, the  
32 complaint shall be sent to the full board for review. The  
33 existence of such complaint is evidence of probable cause. For  
34 purposes of this paragraph, complaints filed by different  
35 claimants against a licensee which allege the same wrongful  
36 treatment of the same patient constitutes one complaint.

37       Section 2. This act shall take effect July 1, 2015.