



103896

LEGISLATIVE ACTION

Senate

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House

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The Committee on Health Policy (Young) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 456.0495, Florida Statutes, is created to read:

456.0495 Reporting adverse incidents occurring in planned out-of-hospital births.—

(1) For purposes of this section, the term "adverse incident" means an event over which a physician licensed under



103896

11 chapter 458 or chapter 459, a nurse midwife certified under part  
12 I of chapter 464, or a midwife licensed under chapter 467 could  
13 exercise control and which is associated with an attempted or  
14 completed planned out-of-hospital birth, and results in one or  
15 more of the following injuries or conditions:

16 (a) A maternal death that occurs during delivery or within  
17 42 days after delivery;

18 (b) The transfer of a maternal patient to a hospital  
19 intensive care unit;

20 (c) A maternal patient who experiences hemorrhagic shock or  
21 who requires a transfusion of more than 4 units of blood or  
22 blood products;

23 (d) A fetal or newborn death, including a stillbirth,  
24 associated with an obstetrical delivery;

25 (e) A transfer of a newborn to a neonatal intensive care  
26 unit due to a traumatic physical or neurological birth injury,  
27 including any degree of a brachial plexus injury;

28 (f) A transfer of a newborn to a neonatal intensive care  
29 unit within the first 72 hours after birth if the newborn  
30 remains in such unit for more than 72 hours; or

31 (g) Any other injury as determined by department rule.

32 (2) A physician licensed under chapter 458 or chapter 459,  
33 a nurse midwife certified under part I of chapter 464 or, a  
34 midwife licensed under chapter 467 who performs an attempted or  
35 completed planned out-of-hospital birth must report an adverse  
36 incident, along with a medical summary of events, to the  
37 department within 15 days after the adverse incident occurs.

38 (3) The department shall review each incident report and  
39 determine whether the incident involves conduct by a health care



40 practitioner which is subject to disciplinary action under s.  
41 456.073. Disciplinary action, if any, must be taken by the  
42 appropriate regulatory board or by the department if no such  
43 board exists.

44 (4) The department shall adopt rules to implement this  
45 section and shall develop a form to be used for the reporting of  
46 adverse incidents.

47 Section 2. This act shall take effect upon becoming law.

48  
49 ===== T I T L E A M E N D M E N T =====

50 And the title is amended as follows:

51 Delete everything before the enacting clause  
52 and insert:

53 A bill to be entitled  
54 An act relating to reporting of adverse incidents in  
55 planned out-of-hospital births; creating s. 456.0495,  
56 F.S.; defining the term "adverse incident"; requiring  
57 licensed physicians, certified nurse midwives, and  
58 licensed midwives to report an adverse incident and a  
59 medical summary of events to the Department of Health  
60 within a specified timeframe; requiring the department  
61 to review adverse incident reports and determine if  
62 conduct occurred that is subject to disciplinary  
63 action; requiring the appropriate regulatory board or  
64 the department to take disciplinary action under  
65 certain circumstances; requiring the department to  
66 adopt rules; requiring the department to develop a  
67 form to be used for the reporting of adverse  
68 incidents; providing an effective date.