

By the Committees on Rules; and Health Policy; and Senators  
Young and Mayfield

595-02205-18

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1 A bill to be entitled

2 An act relating to reporting of adverse incidents in  
3 planned out-of-hospital births; creating s. 456.0495,  
4 F.S.; defining the term "adverse incident"; requiring  
5 licensed physicians, certified nurse midwives, and  
6 licensed midwives to report an adverse incident and a  
7 medical summary of events to the Department of Health  
8 within a specified timeframe; requiring the department  
9 to review adverse incident reports and determine if  
10 conduct occurred that is subject to disciplinary  
11 action; requiring the appropriate regulatory board or  
12 the department to take disciplinary action under  
13 certain circumstances; requiring the department to  
14 adopt rules; requiring the department to develop a  
15 form to be used for the reporting of adverse  
16 incidents; providing an effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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

22 456.0495 Reporting adverse incidents occurring in planned  
23 out-of-hospital births.—

24 (1) For purposes of this section, the term "adverse  
25 incident" means an event over which a physician licensed under  
26 chapter 458 or chapter 459, a nurse midwife certified under part  
27 I of chapter 464, or a midwife licensed under chapter 467 could  
28 exercise control and which is associated with an attempted or  
29 completed planned out-of-hospital birth, and results in one or

595-02205-18

2018510c2

30 more of the following injuries or conditions:

31 (a) A maternal death that occurs during delivery or within  
32 42 days after delivery;

33 (b) The transfer of a maternal patient to a hospital  
34 intensive care unit;

35 (c) A maternal patient experiencing hemorrhagic shock or  
36 requiring a transfusion of more than 4 units of blood or blood  
37 products;

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

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

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

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

47 (2) Beginning July 1, 2018, a physician licensed under  
48 chapter 458 or chapter 459, a nurse midwife certified under part  
49 I of chapter 464, or a midwife licensed under chapter 467 who  
50 performs an attempted or completed planned out-of-hospital birth  
51 must report an adverse incident, along with a medical summary of  
52 events, to the department within 15 days after the adverse  
53 incident occurs.

54 (3) The department shall review each incident report and  
55 determine whether the incident involves conduct by a health care  
56 practitioner which is subject to disciplinary action under s.  
57 456.073. Disciplinary action, if any, must be taken by the  
58 appropriate regulatory board or by the department if no such

595-02205-18

2018510c2

59 board exists.

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

63 Section 2. This act shall take effect upon becoming a law.