

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 732 — Office Surgery

by Appropriations Committee; Health Policy Committee; and Senator Flores

The bill authorizes the Department of Health to register and regulate office surgeries. The bill creates ss. 458.328 and 459.0138, F.S., which both require an office in which a physician performs any of the following procedures to register with the department unless they are licensed under chs. 390 and 395, F.S.: a liposuction procedure in which more than 1,000 cc. of fat is removed; a Level II office surgery; or a Level III office surgery.

As a condition of registration, each office must demonstrate, and maintain, a level of financial responsibility that meets the same level of financial responsibility applicable to physicians under ss. 458.320 and 459.0085, F.S. Each physician practicing at a registered office must also meet the financial responsibility requirements of s. 458.320, F.S., or s. 459.0085, F.S.

The department must inspect a registered office annually to ensure compliance with these provisions, unless the office is accredited by a nationally-recognized accrediting agency approved by the Board of Medicine or the Board of Osteopathic Medicine, as applicable. The inspection of a registered office may be unannounced, unless the office is specifically exempted from unannounced inspections. The actual costs of registration and inspection must be paid by the person seeking to register the office. The Board of Medicine and the Board of Osteopathic Medicine are authorized to adopt rules to administer the registration, inspection, accreditation and safety of office surgery centers and the standards of practice for physicians who perform office surgery.

Each registered office must designate a physician to be responsible for the office's compliance with the health and safety requirements under these sections. The designated physician must have a full, active, and unencumbered license and must practice at the office where he or she has assumed responsibility. Within 10 days after the termination of a designated physician, the office must notify the department of the designation of another physician to serve as the designated physician. The department may suspend the office registration if the office fails to comply with this requirement. Each physician practicing at a registered office must also advise his or her board within 10 days of beginning or ending his or her practice at a registered office.

The department may suspend or revoke the registration of an office for failure of any of its physicians, owners, or operators to comply with these provisions. If an office's registration is revoked, the department may deny any person named in the registration, including owners and operators of the office, from registering an office for five years after the revocation. The department may also impose any penalty set forth in s. 456.072(2), F.S., against the designated physician for failure of the office to operate in compliance with the health and safety requirements. The board must also impose a fine of \$5,000 per day on a physician who performs a procedure or surgery in an office that is not registered.

If approved by the Governor, these provisions take effect January 1, 2020.

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Vote: Senate 37-0; House 114-0