Bill No. CS for CS for SB 1252

Amendment No. ___ Barcode 815316

CHAMBER ACTION

Senate	House
1/AD/2R 04/25/2003 05:05 PM	.

Senator Peaden moved the following amendment:

Senate Amendment (with title amendment)

On page 5, lines 8-22, delete those lines

and insert:

Section 4. Subsections (5), (7), (8), and (12) of section 400.147, Florida Statutes, are amended to read:

400.147 Internal risk management and quality assurance program.--

(5) For purposes of reporting to the agency under this section, the term "adverse incident" means:

(a) An event over which facility personnel could exercise control and which is associated in whole or in part with the facility's intervention, rather than the condition for which such intervention occurred, and which results in one of the following:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A limitation of neurological, physical, or sensory function;

6. Any condition that required medical attention to which the resident has not given his or her informed consent, including failure to honor advanced directives; or

7. Any condition that required the transfer of the resident, within or outside the facility, to a unit providing a more acute level of care due to the adverse incident, rather than the resident's condition prior to the adverse incident;

(b) Abuse, neglect, or exploitation as defined in s. 415.102;

(c) Abuse, neglect and harm as defined in s. 39.01;

(d) Resident elopement; or

(e) An event that is reported to law enforcement for investigation.

~~(7) The facility shall initiate an investigation and shall notify the agency within 1 business day after the risk manager or his or her designee has received a report pursuant to paragraph (1)(d). The notification must be made in writing and be provided electronically, by facsimile device or overnight mail delivery. The notification must include information regarding the identity of the affected resident, the type of adverse incident, the initiation of an investigation by the facility, and whether the events causing or resulting in the adverse incident represent a potential risk to any other resident. The notification is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in~~

~~response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.~~

(8)(a) Each facility shall complete the investigation and submit an adverse incident report to the agency for each adverse incident within 15 calendar days after its occurrence. If, after a complete investigation, the risk manager determines that the incident was ~~not~~ an adverse incident as defined in subsection (5), the facility shall include this information in the report. The agency shall develop a form for reporting this information.

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 shall apply.

(c) The report submitted to the agency must also contain the name of the risk manager of the facility.

(d) The adverse incident report is confidential as provided by law and is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board.

(12) If the agency, through its receipt of the adverse incident reports ~~prescribed in subsection (7)~~, or through any investigation, has a reasonable belief that conduct by a staff member or employee of a facility is grounds for disciplinary action by the appropriate regulatory board, the agency shall

report this fact to the regulatory board. The agency must use the 15-day report to fulfill this reporting requirement. This subsection does not require dual reporting nor additional, new documentation and reporting by the facility to the appropriate regulatory board.

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

And the title is amended as follows:

On page 1, lines 25-28, delete those lines

and insert:

actions; amending s. 400.147, F.S.; amending the definition of the term "adverse incident"; deleting provisions requiring the facility to provide notice of an investigation to the Agency for Health Care Administration; revising requirements for a facility's report to the agency on adverse incidents; providing guidelines for the agency's report to a regulatory board that the agency has a reasonable belief that there are grounds for regulatory action; amending s. 400.211, F.S.; revising