



HB 1447

2003

1 A bill to be entitled

2 An act relating to St. Lucie County; providing legislative
3 intent; providing a popular name; providing for
4 consolidation of certain local hospital authority;
5 providing powers and duties of hospital governing boards;
6 providing an effective date.

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

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10 Section 1. This act clarifies the delineation of authority
11 within each hospital within St. Lucie County. It is the intent
12 of the Legislature to provide consolidation of a hospital
13 corporation's board of directors' power, authority, duty, and
14 ultimate responsibility under existing statutes with respect to
15 the operation of a hospital, including, but not limited to, the
16 granting, denial, and discipline of medical staff and clinical
17 privileges, and for compliance with statutorily mandated peer
18 review, risk management, and quality assurance activities. This
19 act is not intended to supersede or terminate any existing
20 medical staff bylaws, but rather to clarify that in the event of
21 a conflict between bylaws of a hospital corporation's board of
22 directors and a hospital's medical staff bylaws, the hospital
23 board's bylaws shall prevail.

24 Section 2. This act may be known by the popular name the
25 "St. Lucie County Hospital Governance Law."

26 Section 3. The board of directors of each general hospital
27 operating in St. Lucie County whose license is held by a
28 corporation shall appoint or elect, in a manner and method of
29 its own choosing, a governing board for each hospital which may
30 be the board of directors of such corporation or a separate



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31 governing board. The board of directors may delegate such
32 authority as it deems necessary to the governing board of a
33 hospital, but such delegation does not relieve the hospital
34 corporation of ultimate responsibility, and such delegation of
35 authority shall remain subject to amendment, rescission, or
36 revocation by the board of directors.

37 Section 4. The governing board shall also be ultimately
38 responsible for the administration of the hospital, including
39 managing the operations of the hospital, ensuring patient
40 welfare, conducting peer review, overseeing the risk management
41 program and quality assurance activities, and determining
42 eligibility for medical staff membership and clinical
43 privileges. This authority is granted subject to the provisions
44 of sections 395.0191 and 395.0193, Florida Statutes, and the
45 articles of incorporation and bylaws of the hospital
46 corporation.

47 Section 5. A governing board's authority for the
48 administration of the hospital is not limited by the authority
49 of its medical staff. Therefore, a governing board may reject or
50 modify a medical staff recommendation or may, if the medical
51 staff has failed to act, take action independent of the medical
52 staff concerning medical staff membership, clinical privileges,
53 peer review, and quality assurance in accordance with the
54 procedures specified in section 6. To the extent, if any, that
55 the bylaws or other regulations of the medical staff conflict
56 with the bylaws or other regulations of the governing board, the
57 bylaws or other regulations of the governing board shall
58 control, irrespective of the identity of the drafter of the
59 respective bylaws or regulations. Neither the governing board
60 nor a hospital's medical staff shall unilaterally amend a



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61 hospital's medical staff bylaws and related manuals, rules, or
62 regulations. Any amendments or revisions proposed by the
63 governing board shall first be submitted to the medical staff
64 for its recommendations, including 30 days' notice for response,
65 and any response timely made shall be carefully considered by
66 the governing board prior to its approval of the proposed
67 amendments or revisions.

68 Section 6. To the extent a governing board seeks to modify
69 a medical staff recommendation, or where a medical staff has
70 failed to act within 60 days after a request from the governing
71 board to take action against an individual physician concerning
72 medical staff membership, clinical privileges, peer review, or
73 quality assurance, a governing board may take corrective or
74 disciplinary action against such physician. Any such action
75 shall be subject to a fair hearing process in which the
76 physician is entitled to be represented by counsel, to be
77 afforded an opportunity to present oral and written argument in
78 response to the corrective or disciplinary action proposed, and
79 to comment upon and cross-examine witnesses and evidence against
80 such physician. If, after the fair hearing, the governing board
81 determines that corrective or disciplinary action is necessary,
82 it shall recommend such action to a six-member joint conference
83 committee composed of three members of the governing board, to
84 be appointed by the chair of the governing board, and three
85 members of the medical staff, to be appointed by the chair or
86 president of the medical staff. The joint conference committee
87 shall, within 15 days after the governing board's decision after
88 the fair hearing process, review the fair hearing recommendation
89 and notify the governing board that the joint conference
90 committee accepts, rejects, or cannot reach a majority consensus



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91 concerning the governing board's recommendation. If the joint
92 conference committee's recommendation is to accept the governing
93 board's recommendation, the governing board's decision shall be
94 final. The joint conference committee's recommendation shall be
95 entitled to deference. If the joint conference committee rejects
96 the governing board's recommendation and suggests an alternative
97 corrective or disciplinary action, or finds that no corrective
98 or disciplinary action is warranted, the governing board shall
99 not unreasonably reject the joint conference committee's
100 recommendation. If the joint conference committee cannot reach a
101 majority consensus to either accept or reject the governing
102 board's action concerning the fair hearing decision, the
103 governing board's action shall be final.

104 Section 7. This act shall take effect upon becoming a law.