4-1434-06   See HB 497

 1   A bill to be entitled
 2   An act relating to medical negligence; amending
 3   s. 766.102, F.S.; specifying claims of
 4   negligence pertaining to certain activities of
 5   blood banks as medical negligence claims;
 6   providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
10   Section 1. Subsection (1) of section 766.102, Florida
11 Statutes, is amended to read:
12   766.102 Medical negligence; standards of recovery;
13 expert witness.--
14   (1) In any action for recovery of damages based on the
15 death or personal injury of any person in which it is alleged
16 that such death or injury resulted from the negligence of a
17 health care provider as defined in s. 766.202(4), the claimant
18 shall have the burden of proving by the greater weight of
19 evidence that the alleged actions of the health care provider
20 represented a breach of the prevailing professional standard
21 of care for that health care provider. The prevailing
22 professional standard of care for a given health care provider
23 shall be that level of care, skill, and treatment which, in
24 light of all relevant surrounding circumstances, is recognized
25 as acceptable and appropriate by reasonably prudent similar
26 health care providers. With respect to blood banks, the
27 collection, screening, testing, and processing of blood
28 obtained from donors for transfusion constitutes a
29 professional medical service integral to the care and
30 treatment of patients, and any claim of negligence pertaining
31 to these activities is a medical negligence claim.

1   Section 2.   This act shall take effect July 1, 2006.

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.