13-856A-07

1 A bill to be entitled 2 An act relating to health care professionals; amending s. 458.307, F.S.; revising the number 3 of members of and the requirements for 4 5 membership on the Board of Medicine within the 6 Department of Health; revising the terms of 7 service on the board; amending s. 456.041, 8 F.S.; revising provisions that require the 9 department to report information regarding certain liability actions against a health care 10 practitioner; providing an effective date. 11 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Subsections (1), (2), and (3) of section 15 458.307, Florida Statutes, are amended to read: 16 17 458.307 Board of Medicine.--(1) There is created within the department the Board 18 of Medicine, composed of 15 members appointed by the Governor 19 and confirmed by the Senate. 20 21 (2) Ten Twelve members of the board must be licensed 22 physicians in good standing in this state who are residents of 23 the state and who have been engaged in the active practice or teaching of medicine for at least 5 4 years immediately 2.4 preceding their appointment. One of the physicians must be on 25 the full-time faculty of a medical school in this state, and 26 27 one of the physicians must be in private practice and on the 2.8 full-time staff of a statutory teaching hospital in this state as defined in s. 408.07. At least one of the physicians must 29 30

remaining three members must be residents of the state who

have lived in the state for at least 5 years immediately preceding their appointments, have never been licensed as a 2 health care practitioner under chapter 456 or the applicable 3 practice act, and do not have a substantial personal, 4 business, professional, or pecuniary connection with a 5 licensed health care practitioner or with a medical education 7 facility or health care facility, except as patients or 8 potential patients are not, and never have been, licensed health care practitioners. The final member One member must be 9 10 the chief operations officer of a hospital a health care risk manager licensed under chapter 395 who has lived in the state 11 12 and held this position for at least 5 years immediately 13 preceding his or her appointment s. 395.10974. At least one member of the board must be 60 years of age or older. 14 15 (3) Terms for current members of the board shall expire on October 31, 2007. Initial appointments to the board 16 pursuant to this section shall take effect November 1, 2007. 18 Five of the initial physician appointments shall be for a term of 2 years; five of the initial physician appointments shall 19 be for a term of 3 years; and the remaining initial 2.0 21 appointments shall be for a term of 4 years. As the terms of 22 the members expire subsequent to November 1, 2007, the 23 Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed. 2.4 25 Section 2. Subsection (4) of section 456.041, Florida Statutes, is amended to read: 26 27 456.041 Practitioner profile; creation.--2.8 (4) The Department of Health shall include, with 29 respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected 30 to comply with the financial responsibility requirements of s.

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458.320 or s. 459.0085. The department shall include, with 2 respect to practitioners subject to s. 456.048, a statement of how the practitioner has elected to comply with the financial 3 responsibility requirements of that section. The department 4 5 shall include, with respect to practitioners licensed under chapter 461, information relating to liability actions which 7 has been reported under s. 456.049 or s. 627.912 within the 8 previous 10 years for any paid claim that exceeds \$5,000. The department shall include, with respect to practitioners 9 10 licensed under chapter 458, or chapter 459, or chapter 461, information relating to liability actions that which has been 11 12 reported under ss. 456.049 and 627.912 within the previous 10 13 years for any paid claim that exceeds 50,000\$100,000. Any Such claims information shall be reported in the context of 14 comparing an individual practitioner's claims to the 15 16 experience of other practitioners within the same specialty, 17 or profession if the practitioner is not a specialist. The 18 department must provide a hyperlink in such practitioner's profile to all such comparison reports. If information 19 relating to a liability action is included in a practitioner's 20 21 practitioner profile, the profile must also include the 22 following statement: "Settlement of a claim may occur for a 23 variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the practitioner. 2.4 A payment in settlement of a medical malpractice action or 25 claim should not be construed as creating a presumption that 26 27 medical malpractice has occurred." Section 3. This act shall take effect July 1, 2007. 28 29 30

********** SENATE SUMMARY Revises the membership requirements on the Board of Medicine within the Department of Health. Revises the terms of service on the board. Revises provisions that require the department to report information regarding certain liability actions against a health care practitioner.