

By the Committees on Community Affairs; and Health Policy; and
Senators Bean and Brandes

578-01646-14

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1 A bill to be entitled
2 An act relating to the responsibilities of health care
3 facilities; repealing s. 383.336, F.S., relating to
4 provider hospitals; amending s. 395.0191, F.S.;
5 defining terms; prohibiting a health care facility
6 from employing or contracting with a surgical
7 assistant or surgical technologist under certain
8 circumstances; providing exceptions; amending s.
9 395.1051, F.S.; requiring a hospital to notify
10 obstetrical physicians before the hospital closes its
11 obstetrical department or ceases to provide
12 obstetrical services; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 383.336, Florida Statutes, is repealed.

17 Section 2. Present subsections (1) through (10) of section
18 395.0191, Florida Statutes, are redesignated as subsections (2)
19 through (11), respectively, and new subsections (1) and (12) are
20 added to that section, to read:

21 395.0191 Staff membership and clinical privileges.—

22 (1) As used in this section, the term:

23 (a) "Certified surgical assistant" means a surgical
24 assistant who maintains a valid and active certification under
25 one of the following designations:

26 1. Certified surgical first assistant, from the National
27 Board of Surgical Technology and Surgical Assisting.

28 2. Certified surgical assistant, from the National Surgical
29 Assistant Association.

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30 3. Surgical assistant-certified, from the American Board of
31 Surgical Assistants.

32 (b) "Certified surgical technologist" means a surgical
33 technologist who maintains a valid and active certification as a
34 certified surgical technologist from the National Board of
35 Surgical Technology and Surgical Assisting.

36 (c) "Surgeon" means a health care practitioner as defined
37 in s. 456.001 whose scope of practice includes performing
38 surgery and who is listed as the primary surgeon in the
39 operative record.

40 (d) "Surgical assistant" means a person who provides aid
41 under the supervision of a surgeon in exposure, hemostasis,
42 closures, and other intraoperative technical functions and who
43 assists the surgeon in performing a safe operation with optimal
44 results for the patient.

45 (e) "Surgical technologist" means a person who assists and
46 practices under the supervision of a surgeon to ensure that the
47 operating room environment is safe, that proper equipment is
48 available, and that the operative procedure is conducted
49 efficiently. Surgical technologist duties include, but are not
50 limited to, maintaining sterility during a surgical procedure,
51 handling and ensuring the availability of necessary equipment
52 and supplies, and maintaining visibility of the operative site.

53 (12) (a) A facility may not employ or contract with any
54 person to perform the duties of a surgical assistant unless the
55 person is a certified surgical assistant.

56 (b) A facility may not employ or contract with any person
57 to perform the duties of a surgical technologist unless the
58 person is a certified surgical technologist.

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59 (c) Paragraphs (a) and (b) do not apply to:

60 1. A person who was employed or contracted to perform the
61 duties of a surgical technologist or surgical assistant at any
62 time between January 1, 2014, and December 31, 2014.

63 2. A health care practitioner as defined in s. 456.001 or a
64 student if the duties that the practitioner or the student
65 performs fall within the scope of the practitioner's or the
66 student's training and practice.

67 3. A person enrolled in a surgical technology or surgical
68 assisting training program accredited by the Commission on
69 Accreditation of Allied Health Education Programs, the
70 Accrediting Bureau of Health Education Schools, or another
71 accrediting body recognized by the United States Department of
72 Education on July 1, 2014. A person may practice as a surgical
73 technologist or a surgical assistant for 1 year after completion
74 of such a training program before he or she is required to meet
75 the criteria in paragraph (a) or paragraph (b).

76 Section 3. Section 395.1051, Florida Statutes, is amended
77 to read:

78 395.1051 Duty to notify patients and obstetrical
79 physicians.—

80 (1) An appropriately trained person designated by each
81 licensed facility shall inform each patient, or an individual
82 identified pursuant to s. 765.401(1), in person about adverse
83 incidents that result in serious harm to the patient.
84 Notification of outcomes of care which ~~that~~ result in harm to
85 the patient under this section does ~~shall~~ not constitute an
86 acknowledgment or admission of liability and may not, ~~nor can it~~
87 be introduced as evidence.

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88 (2) A hospital shall notify each obstetrical physician who
89 has privileges at the hospital at least 120 days before the
90 hospital closes its obstetrical department or ceases to provide
91 obstetrical services, unless the hospital can demonstrate it was
92 impossible for the hospital to provide 120 days' notice due to
93 circumstances beyond the control of the hospital or the
94 obstetrical physician.

95 Section 4. This act shall take effect July 1, 2014.