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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:

15
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 Section 383.336, Florida Statutes, is repealed.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 in
41 exposure, hemostasis, closures, and other intraoperative
42 technical functions and who assists the surgeon in performing a
43 safe operation with optimal results for the patient.

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

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

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

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

58 1. A person who has completed an appropriate training

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59 program for surgical technology in any branch of the Armed
60 Forces or reserve component of the Armed Forces.

61 2. A person who was employed or contracted to perform the
62 duties of a surgical technologist or surgical assistant at any
63 time before July 1, 2014.

64 3. A health care practitioner as defined in s. 456.001 or a
65 student if the duties performed by the practitioner or the
66 student are within the scope of the practitioner's or the
67 student's training and practice.

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

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

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

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

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88 be introduced as evidence.

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

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