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2 An act relating to reporting of adverse incidents in
3 planned out-of-hospital births; creating s. 456.0495,
4 F.S.; defining the term "adverse incident"; requiring
5 licensed physicians, certified nurse midwives, and
6 licensed midwives to report an adverse incident and a
7 medical summary of events to the Department of Health
8 within a specified timeframe; requiring the department
9 to review adverse incident reports and determine if
10 conduct occurred that is subject to disciplinary
11 action; requiring the appropriate regulatory board or
12 the department to take disciplinary action under
13 certain circumstances; requiring the department to
14 adopt rules; requiring the department to develop a
15 form to be used for the reporting of adverse
16 incidents; providing an effective date.

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

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20 Section 1. Section 456.0495, Florida Statutes, is created
21 to read:

22 456.0495 Reporting adverse incidents occurring in planned
23 out-of-hospital births.-

24 (1) For purposes of this section, the term "adverse
25 incident" means an event over which a physician licensed under
26 chapter 458 or chapter 459, a nurse midwife certified under part
27 I of chapter 464, or a midwife licensed under chapter 467 could
28 exercise control and which is associated with an attempted or
29 completed planned out-of-hospital birth, and results in one or

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30 more of the following injuries or conditions:

31 (a) A maternal death that occurs during delivery or within
32 42 days after delivery;

33 (b) The transfer of a maternal patient to a hospital
34 intensive care unit;

35 (c) A maternal patient experiencing hemorrhagic shock or
36 requiring a transfusion of more than 4 units of blood or blood
37 products;

38 (d) A fetal or newborn death, including a stillbirth,
39 associated with an obstetrical delivery;

40 (e) A transfer of a newborn to a neonatal intensive care
41 unit due to a traumatic physical or neurological birth injury,
42 including any degree of a brachial plexus injury;

43 (f) A transfer of a newborn to a neonatal intensive care
44 unit within the first 72 hours after birth if the newborn
45 remains in such unit for more than 72 hours; or

46 (g) Any other injury as determined by department rule.

47 (2) Beginning July 1, 2018, a physician licensed under
48 chapter 458 or chapter 459, a nurse midwife certified under part
49 I of chapter 464, or a midwife licensed under chapter 467 who
50 performs an attempted or completed planned out-of-hospital birth
51 must report an adverse incident, along with a medical summary of
52 events, to the department within 15 days after the adverse
53 incident occurs.

54 (3) The department shall review each incident report and
55 determine whether the incident involves conduct by a health care
56 practitioner which is subject to disciplinary action under s.
57 456.073. Disciplinary action, if any, must be taken by the
58 appropriate regulatory board or by the department if no such

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59 board exists.

60 (4) The department shall adopt rules to implement this
61 section and shall develop a form to be used for the reporting of
62 adverse incidents.

63 Section 2. This act shall take effect upon becoming a law.