A bill to be entitled
An act relating to gluteal fat grafting procedures;
amending ss. 458.328 and 459.0138, F.S.; requiring
physicians performing gluteal fat grafting procedures
in an office surgery setting to adhere to specified
standards of practice; authorizing the Board of
Medicine and the Board of Osteopathic Medicine,
respectively, to adopt certain rules; providing an
effective date.

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

Section 1. Present subsection (2) of section 458.328,
Florida Statutes, is redesignated as subsection (3), and a new
subsection (2) is added to that section, to read:
458.328 Office surgeries.—
(2) GLUTEAL FAT GRAFTING PROCEDURES.—
(a) Physicians performing gluteal fat grafting procedures
in an office surgery setting shall adhere to standards of
practice prescribed under this subsection. The board may adopt
rules to prescribe additional requirements for the safe
performance of gluteal fat grafting procedures, provided such
rules do not conflict with this subsection.
(b) An office in which a physician performs gluteal fat
grafting procedures must at all times maintain a ratio of one
physician to one patient during all phases of the procedure,
beginning with the administration of anesthesia to the patient
and concluding with the extubation of the patient. A physician
is not limited in the number of gluteal fat grafting procedures
that he or she may safely perform in accordance with the applicable standard of care and as prescribed in this subsection. However, a physician may not begin or otherwise engage in more than one gluteal fat grafting procedure, or begin or otherwise engage in a gluteal fat grafting procedure and any other procedure, with more than one patient at a time.

(c) Any duties delegated during a gluteal fat grafting procedure must be performed under the direct supervision of the physician performing the procedure. Gluteal fat injections must be performed by the physician performing the procedure and may not be delegated.

(d) Only the physician performing the gluteal fat grafting procedure may inject gluteal fat into the patient. The gluteal fat may be injected only into the subcutaneous space of the patient and may not cross the fascia overlying the gluteal muscle. Intramuscular and submuscular fat injections are prohibited.

(e) When the physician performing a gluteal fat grafting procedure injects gluteal fat into the subcutaneous space of the patient, the physician must use ultrasound guidance during the placement and navigation of a cannula to ensure that the fat is placed into the subcutaneous space of the patient above the fascia overlying the gluteal muscle. Ultrasound guidance is not required for other portions of the procedure.

Section 2. Present subsection (2) of section 459.0138, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

459.0138 Office surgeries.—

(2) GLUTEAL FAT GRAFTING PROCEDURES.—
(a) Physicians performing gluteal fat grafting procedures in an office surgery setting shall adhere to standards of practice prescribed under this subsection. The board may adopt rules to prescribe additional requirements for the safe performance of gluteal fat grafting procedures, provided such rules do not conflict with this subsection.

(b) An office in which a physician performs gluteal fat grafting procedures must at all times maintain a ratio of one physician to one patient during all phases of the procedure, beginning with the administration of anesthesia to the patient and concluding with the extubation of the patient. A physician is not limited in the number of gluteal fat grafting procedures that he or she may safely perform in accordance with the applicable standard of care and as prescribed in this subsection. However, a physician may not begin or otherwise engage in more than one gluteal fat grafting procedure, or begin or otherwise engage in a gluteal fat grafting procedure and any other procedure, with more than one patient at a time.

(c) Any duties delegated during a gluteal fat grafting procedure must be performed under the direct supervision of the physician performing the procedure. Gluteal fat injections must be performed by the physician performing the procedure and may not be delegated.

(d) Only the physician performing the gluteal fat grafting procedure may inject gluteal fat into the patient. The gluteal fat may be injected only into the subcutaneous space of the patient and may not cross the fascia overlying the gluteal muscle. Intramuscular and submuscular fat injections are prohibited.
(e) When the physician performing a gluteal fat grafting procedure injects gluteal fat into the subcutaneous space of the patient, the physician must use ultrasound guidance during the placement and navigation of a cannula to ensure that the fat is placed into the subcutaneous space of the patient above the fascia overlying the gluteal muscle. Ultrasound guidance is not required for other portions of the procedure.

Section 3. This act shall take effect July 1, 2023.