

HB 373

2014

1 A bill to be entitled
2 An act relating to hospitals; amending ss. 383.336 and
3 395.1051, F.S.; requiring certain hospitals to notify
4 obstetrical physicians before the hospitals close
5 their obstetrical departments or cease to provide
6 obstetrical services; providing rulemaking authority
7 to the Agency for Health Care Administration;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 383.336, Florida Statutes, is amended
13 to read:

14 383.336 Provider hospitals; notice to obstetrical
15 physicians; practice parameters; peer review board.—

16 (1) As used in this section, the term "provider hospital"
17 means a hospital in which there annually occur 30 or more births
18 that are paid for partly or fully by state funds or federal
19 funds administered by the state.

20 (2) A provider hospital shall notify each obstetrical
21 physician who has clinical privileges at that hospital at least
22 120 days before the hospital closes its obstetrical department
23 or ceases to provide obstetrical services. The Agency for Health
24 Care Administration shall adopt rules to administer this
25 subsection, including rules governing those situations in which
26 it is impossible for the provider hospital to provide 120 days'
27 notice due to circumstances beyond the control of the hospital
28 or the obstetrical physician.

HB 373

2014

29 | (3)-(2) The Office of the State Surgeon General, in
30 | consultation with the Board of Medicine and the Florida
31 | Obstetric and Gynecologic Society, shall ~~is directed to~~
32 | establish practice parameters to be followed by physicians in
33 | provider hospitals in performance of a caesarean section
34 | delivery when the delivery will be paid partly or fully by state
35 | funds or federal funds administered by the state. These
36 | parameters must include a reduction in ~~shall be directed to~~
37 | ~~reduce~~ the number of unnecessary caesarean section deliveries
38 | and must. ~~These practice parameters shall~~ address, at a minimum,
39 | the following: feasibility of attempting a vaginal delivery for
40 | each patient with a prior caesarean section; dystocia, including
41 | arrested dilation and prolonged deceleration phase; fetal
42 | distress; and fetal malposition. The Agency for Health Care
43 | Administration ~~Department of Health~~ shall adopt rules to
44 | implement ~~the provisions of~~ this subsection.

45 | (4)-(3) Each provider hospital shall establish a peer
46 | review board consisting of obstetrical ~~obstetric~~ physicians and
47 | other persons having credentials within that hospital to perform
48 | deliveries by caesarean section. This board shall review, at
49 | least monthly, every caesarean section performed since the
50 | previous review and paid for by state funds or federal funds
51 | administered by the state. The board shall conduct its review
52 | pursuant to the parameters specified in the rule adopted by the
53 | Agency for Health Care Administration ~~Department of Health~~
54 | pursuant to this section, paying ~~act and shall pay~~ particular
55 | attention to electronic fetal monitoring records, umbilical cord
56 | gas results, and Apgar scores in determining if the caesarean

HB 373

2014

57 | section delivery was appropriate. The results of this periodic
58 | review must be shared with the attending physician. These
59 | reviews and the resultant reports must be considered a part of
60 | the hospital's quality assurance monitoring and peer review
61 | process established pursuant to s. 395.0193.

62 | Section 2. Section 395.1051, Florida Statutes, is amended
63 | to read:

64 | 395.1051 Duty to notify patients and physicians.—

65 | (1) An appropriately trained person designated by each
66 | licensed facility shall inform each patient, or an individual
67 | identified pursuant to s. 765.401(1), in person about adverse
68 | incidents that result in serious harm to the patient.

69 | Notification of outcomes of care which ~~that~~ result in harm to
70 | the patient under this section does ~~shall~~ not constitute an
71 | acknowledgment or admission of liability and may not, ~~nor can it~~
72 | be introduced as evidence.

73 | (2) A hospital shall notify each obstetrical physician who
74 | has privileges at the hospital at least 120 days before the
75 | hospital closes its obstetrical department or ceases to provide
76 | obstetrical services. The Agency for Health Care Administration
77 | shall adopt rules to administer this subsection, including rules
78 | governing those situations in which it is impossible for the
79 | hospital to provide 120 days' notice due to circumstances beyond
80 | the control of the hospital or the obstetrical physician.

81 | Section 3. This act shall take effect July 1, 2014.