

House Bill No. 1447

An act relating to St. Lucie County; providing legislative intent; providing a popular name; providing for consolidation of certain local hospital authority; providing powers and duties of hospital governing boards; providing an effective date.

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

Section 1. This act clarifies the delineation of authority within each hospital within St. Lucie County. It is the intent of the Legislature to provide consolidation of a hospital corporation's board of directors' power, authority, duty, and ultimate responsibility under existing statutes with respect to the operation of a hospital, including, but not limited to, the granting, denial, and discipline of medical staff and clinical privileges, and for compliance with statutorily mandated peer review, risk management, and quality assurance activities. This act is not intended to supersede, amend, or terminate any existing medical staff bylaws, but rather to clarify that in the event of a conflict between bylaws of a hospital corporation's board of directors and a hospital's medical staff bylaws, the hospital board's bylaws shall prevail with respect to medical staff privileges, quality assurance, peer review, and contracts for hospital-based services.

Section 2. This act may be known by the popular name the "St. Lucie County Hospital Governance Law."

Section 3. The board of directors of each general hospital operating in St. Lucie County whose license is held by a corporation shall appoint or elect, in a manner and method of its own choosing, a governing board for each hospital which may be the board of directors of such corporation or a separate governing board. The board of directors may delegate such authority as it deems necessary to the governing board of a hospital, but such delegation does not relieve the hospital corporation of ultimate responsibility, and such delegation of authority shall remain subject to amendment, rescission, or revocation by the board of directors.

Section 4. The governing board shall also be ultimately responsible for the administration of the hospital, including managing the operations of the hospital, ensuring patient welfare, conducting peer review, overseeing the risk management program and quality assurance activities, and determining eligibility for medical staff membership and clinical privileges. This authority is granted subject to the provisions of sections 395.0191 and 395.0193, Florida Statutes, and the articles of incorporation and bylaws of the hospital corporation.

Section 5. A governing board's authority for the administration of the hospital is not limited by the authority of its medical staff. Therefore, a governing board may reject or modify a medical staff recommendation or may, if the medical staff has failed to act, take action independent of the medical staff concerning medical staff membership, clinical privileges, peer

review, and quality assurance in accordance with the procedures specified in section 6. To the extent, if any, that the bylaws or other regulations of the medical staff conflict with the bylaws or other regulations of the governing board, the bylaws or other regulations of the governing board shall control with respect to medical staff privileges, quality assurance, peer review, and contracts for hospital-based services, irrespective of the identity of the drafter of the respective bylaws or regulations. However, in no event shall a decision regarding medical staff privileges be made by the governing board entirely upon economic considerations. Neither the governing board nor a hospital's medical staff shall unilaterally amend a hospital's medical staff bylaws and related manuals, rules, or regulations. Any amendments or revisions proposed by the governing board shall first be submitted to the medical staff for its recommendations, including 30 days' notice for response, and any response timely made shall be carefully considered by the governing board prior to its approval of the proposed amendments or revisions.

Section 6. To the extent a governing board seeks to modify a medical staff recommendation, or where a medical staff has failed to act within 75 days after a request from the governing board to take action against, or with regard to, an individual physician concerning medical staff membership, clinical privileges, peer review, or quality assurance, a governing board may take action independent of the actions of the medical staff. Any such action shall be subject to a fair hearing process, if authorized by the medical staff bylaws, in which the physician is entitled to be represented by counsel, to be afforded an opportunity to present oral and written argument in response to the corrective or disciplinary action proposed, and to comment upon and cross-examine witnesses and evidence against such physician. If, after any fair hearing, the governing board determines that corrective or disciplinary action is necessary, it shall recommend such action to a six-member joint conference committee composed of three members of the governing board, to be appointed by the chair of the governing board, and three members of the medical staff, to be appointed by the chair or president of the medical staff. The joint conference committee shall, within 15 days after the governing board's decision after the fair hearing process, review the fair hearing recommendation and notify the governing board that the joint conference committee accepts, rejects, or cannot reach a majority consensus concerning the governing board's recommendation. If the joint conference committee's recommendation is to accept the governing board's recommendation, the governing board's decision shall be final. If the joint conference committee rejects the governing board's recommendation and suggests an alternative corrective or disciplinary action, or finds that no corrective or disciplinary action is warranted, the governing board shall not unreasonably reject the joint conference committee's recommendation. If the joint conference committee cannot reach a majority consensus to either accept or reject the governing board's action concerning the fair hearing decision, the governing board's action shall be final. The governing board shall give full and complete consideration to the joint conference committee's recommendations.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor July 16, 2003.

Filed in Office Secretary of State July 16, 2003.