

CHAPTER 2018-21

Committee Substitute for Committee Substitute for Senate Bill No. 510

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

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

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

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

(1) For purposes of this section, the term “adverse incident” means an event over which a physician licensed under chapter 458 or chapter 459, a nurse midwife certified under part I of chapter 464, or a midwife licensed under chapter 467 could exercise control and which is associated with an attempted or completed planned out-of-hospital birth, and results in one or more of the following injuries or conditions:

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor March 19, 2018.

Filed in Office Secretary of State March 19, 2018.