



638494

LEGISLATIVE ACTION

Senate	.	House
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Senator Storms moved the following:

**Senate Amendment (with title amendment)**

Between lines 879 and 880  
insert:

Section 22. Subsection (1) of section 400.145, Florida  
Statutes, is amended to read:

400.145 Records of care and treatment of resident; copies  
to be furnished.—

(1) Unless expressly prohibited by a legally competent  
resident, any nursing home licensed pursuant to this part shall  
furnish to the spouse, parent, adult child, adult sibling, adult  
grandchild, any person within the third degree of kinship to the  
resident, guardian, surrogate, proxy, or attorney in fact, as



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14 provided in chapters 744 and 765, of a current resident, all of  
15 whom are deemed authorized to act on behalf of the decedent and  
16 the decedent's estate, before the formal opening of the estate,  
17 for purposes of obtaining records from the nursing home, within  
18 7 working days after receipt of a written request, or of a  
19 former resident, within 10 working days after receipt of a  
20 written request, a copy of that resident's records that ~~which~~  
21 are in the possession of the facility. Such records shall  
22 include medical and psychiatric records and any records  
23 concerning the care and treatment of the resident performed by  
24 the facility, except progress notes and consultation report  
25 sections of a psychiatric nature. Copies of such records are  
26 ~~shall not be~~ considered part of a deceased resident's estate and  
27 may be made available prior to the administration of an estate,  
28 upon request, to the spouse, parent, adult child, adult sibling,  
29 adult grandchild, any person within the third degree of kinship  
30 to the resident, guardian, surrogate, proxy, or attorney in  
31 fact, as provided in chapters 744 and 765, all of whom are  
32 deemed authorized to act on behalf of the decedent and the  
33 decedent's estate, before the formal opening of the estate, for  
34 purposes of obtaining records from the nursing home. A facility  
35 may charge a reasonable fee for the copying of resident records.  
36 Such fee shall not exceed \$1 per page for the first 25 pages and  
37 25 cents per page for each page in excess of 25 pages. The  
38 facility shall further allow any such spouse, parent, adult  
39 child, adult sibling, adult grandchild, any person within the  
40 third degree of kinship to the resident, guardian, surrogate,  
41 proxy, or attorney in fact, as provided in chapters 744 and 765,  
42 all of whom are deemed authorized to act on behalf of the



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43 decedent and the decedent's estate, prior to the formal opening  
44 of the estate, for purposes of obtaining records from the  
45 nursing home, to examine the original records in its possession,  
46 or microfilms or other suitable reproductions of the records,  
47 upon such reasonable terms as shall be imposed, to help assure  
48 that the records are not damaged, destroyed, or altered.

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50 ===== T I T L E A M E N D M E N T =====

51 And the title is amended as follows:

52 Delete line 96

53 and insert:

54 outpatient clinic" and "resident care plan"; amending  
55 s. 400.145, F.S.; revising provisions relating to  
56 access to residents' records; amending