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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
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The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment

Delete lines 31 - 69
and insert:

(a) A health care provider as defined in s. 408.07 who certifies that the information is necessary to provide medical treatment to a patient with a terminal illness who has a plan in the clearinghouse. ~~A physician who certifies that the information is necessary to provide medical treatment to a patient with a terminal illness who has a plan in the~~



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11 ~~clearinghouse.~~

12 (b) A patient or the legal guardian or designated health
13 care surrogate of a patient with a terminal illness who has a
14 plan in the clearinghouse.

15 (c) A health care facility that certifies that the
16 information is necessary to provide medical treatment to a
17 patient with a terminal illness who has a plan in the
18 clearinghouse.

19 (3) This section is subject to the Open Government Sunset
20 Review Act in accordance with s. 119.15 and shall stand repealed
21 on October 2, 2023, unless reviewed and saved from repeal
22 through reenactment by the Legislature.

23 Section 2. The Legislature finds that it is a public
24 necessity to make confidential and exempt from disclosure
25 information held in the Clearinghouse for Compassionate and
26 Palliative Care Plans which would identify a patient, his or her
27 terminal illness, or the patient's family members. Such personal
28 identifying information, if publicly available, could be used to
29 invade the personal privacy of the patient or his or her family.
30 The decisions made under a compassionate and palliative care
31 plan for a terminal condition are a private matter. Furthermore,
32 the public disclosure of such information could hinder the
33 effective and efficient administration of the clearinghouse.
34 Public access to such information could reduce participation in
35 and minimize the effectiveness of compassionate and palliative
36 care plans to meet the needs of individuals. Finally, access to
37 such information could be used to solicit, harass, stalk, or
38 intimidate terminally ill patients or their families. Therefore,
39 the Legislature finds that information held in the clearinghouse



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40 which would identify a patient who has a plan on file with the
41 clearinghouse or which contains or reflects the patient's
42 medical information should be confidential and exempt from
43 public records requirements.

44 Section 3. This act shall take effect on the same date that
45 SB 474 or similar legislation takes effect if such legislation
46 is adopted in the same legislative session or an extension
47 thereof and becomes a law.