

By Senator Brown-Waite

10-173-98

1 A bill to be entitled
 2 An act relating to public records and meetings;
 3 amending s. 408.7056, F.S.; providing an
 4 exemption from public records requirements for
 5 certain personal information in documents,
 6 reports, or records prepared or reviewed by a
 7 provider and subscriber assistance panel or
 8 obtained by the Agency for Health Care
 9 Administration; providing an exemption for
 10 portions of meetings of such panels when such
 11 information or trade secret or internal risk
 12 management program information is discussed;
 13 requiring recording of closed meetings;
 14 providing for future review and repeal;
 15 providing a finding of public necessity;
 16 providing an effective date.

17
 18 Be It Enacted by the Legislature of the State of Florida:

19
 20 Section 1. Subsection (6) is added to section
 21 408.7056, Florida Statutes, to read:

22 408.7056 Statewide Provider and Subscriber Assistance
 23 Program.--

24 (6)(a) Any information that would identify a
 25 subscriber or the spouse, relative, or guardian of a
 26 subscriber and that is contained in a document, report, or
 27 record prepared or reviewed by the panel or obtained by the
 28 agency under this section is confidential and exempt from the
 29 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 30 Constitution.

31

1 (b) Meetings of the panel must be open to the public
2 unless the provider or subscriber whose grievance will be
3 heard requests a closed meeting and the agency or the
4 Department of Insurance determines that information of a
5 sensitive personal nature which discloses the subscriber's
6 medical treatment or history, information that constitutes a
7 trade secret as defined by s. 812.081, or information relating
8 to internal risk management programs as defined in s.
9 641.55(5)(c), (6), and (8) may be revealed at the panel
10 meeting, in which case that portion of the meeting during
11 which the sensitive personal information, trade secret
12 information, or internal risk management program information
13 is discussed is exempt from the provisions of s. 286.011 and
14 s. 24(b), Art. I of the State Constitution. All closed
15 meetings shall be recorded by a certified court reporter.

16
17 This subsection is subject to the Open Government Sunset
18 Review Act of 1995 in accordance with s. 119.15, and shall
19 stand repealed on October 2, 2003, unless reviewed and saved
20 from repeal through reenactment by the Legislature.

21 Section 2. The Legislature finds that it is a public
22 necessity that information of a sensitive personal nature
23 concerning individuals be protected when the release of the
24 information would be defamatory to the individuals or cause
25 unwarranted damage to the good name or reputation of the
26 individuals. In addition, the Legislature finds that it is a
27 public necessity that records be protected and meetings be
28 closed to the public when administration of a governmental
29 program otherwise would be significantly impaired. The
30 documents and reports prepared and reviewed by the provider
31 and subscriber assistance panel will include medical records

1 and other information of a sensitive personal nature relating
2 to subscribers and their families. The release of the
3 information would be defamatory to the individuals or may
4 cause unwarranted damage to the name or reputation of the
5 individuals. It is also a public necessity that portions of a
6 meeting of the panel be closed when sensitive personal
7 information is discussed, or when information relating to
8 trade secrets or internal risk management programs is
9 discussed. If the meetings were not closed, information would
10 be released which would be defamatory to individuals or cause
11 unwarranted damage to their names or reputations; would reveal
12 a trade secret, thus negatively impacting the business
13 interests of those providing the information in the
14 marketplace and causing competitors to gain an unfair
15 advantage; or reveal details regarding an internal risk
16 management program, thus undermining the medical quality
17 assurance process and inhibiting the peer review process.
18 Further, such internal risk management program information is
19 otherwise exempt from public disclosure. It is clear that the
20 willingness of a subscriber or provider to bring an unresolved
21 grievance before the panel may be impeded unless, when
22 requested by the provider or subscriber, those portions of
23 panel meetings during which the information is discussed are
24 closed to the public to avoid disclosure of the information.
25 The unwillingness of subscribers and providers to bring
26 unresolved grievances before the panel would interfere with
27 the administration of the Statewide Provider and Subscriber
28 Assistance Program by the Agency for Health Care
29 Administration and reduce the effectiveness of the provider
30 and subscriber assistance panels.

31

1 Section 3. This act shall take effect upon becoming a
2 law.

3
4 *****

5 LEGISLATIVE SUMMARY

6 Provides an exemption from public records requirements
7 for information that would identify a subscriber or
8 certain other persons in a grievance proceeding before a
9 managed care provider and subscriber assistance panel.
10 Provides an exemption from public meetings requirements,
11 upon request, for a meeting of the panel when a managed
12 care provider's or subscriber's grievance is heard.
13 Provides for future review and repeal. Provides a finding
14 of public necessity.
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31