

By Representative Bloom

1 A bill to be entitled
2 An act relating to public records; providing
3 that information obtained for the purpose of
4 creating practitioner profiles is exempt from
5 public records disclosure; providing for
6 disclosure of certain information when a
7 profile is made public; providing for future
8 review and repeal; providing findings of public
9 necessity; providing an effective date.

10

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

12

13 Section 1. Any patient name or other information that
14 identifies a patient which is in a record obtained by the
15 Department of Health or its agent for the purpose of compiling
16 a practitioner profile is confidential and exempt from the
17 provisions of chapter 119, Florida Statutes, and s. 24(a),
18 Art. I of the State Constitution. Other data received by the
19 department or its agent as a result of its duty to compile and
20 promulgate practitioner profiles are confidential and exempt
21 from the provisions of chapter 119, Florida Statutes, and s.
22 24(a), Art. I of the State Constitution until the profile into
23 which the data are incorporated or with respect to which the
24 data are submitted is made public. Any information or record
25 that the Department of Health obtains from the Agency for
26 Health Care Administration or any other governmental entity
27 for the purpose of compiling a practitioner profile or
28 substantiating other information or records submitted for that
29 purpose and that was exempt from the provisions of chapter
30 119, Florida Statutes, and s. 24(a), Art. I of the State
31 Constitution does not lose that character by coming into the

1 possession of the Department of Health, and such information
2 or record continues to be exempt from the provisions of
3 chapter 119, Florida Statutes, and s. 24(a), Art. I of the
4 State Constitution. This section is subject to the Open
5 Government Sunset Review Act of 1995 in accordance with s.
6 119.15, Florida Statutes, and shall stand repealed on October
7 2, 2002, unless reviewed and saved from repeal through
8 reenactment by the Legislature.

9 Section 2. The Legislature finds that public release
10 of a patient's name or any other information that identifies a
11 patient in a record obtained by the Department of Health or
12 its agent for purposes of compiling a practitioner profile may
13 adversely affect the integrity and trust of the
14 physician-patient relationship and may deter affected parties
15 from seeking needed health care services; therefore, it is a
16 matter of public necessity to protect the confidentiality of
17 such information. The Legislature further finds that, because
18 of the nature of the data submitted to the Department of
19 Health or its agent for purposes of constructing practitioner
20 profiles, the necessity of ensuring the accuracy of those
21 data, the need to refrain from unnecessarily affecting the
22 livelihood of persons who are the subject of practitioner
23 profiles, and the need to maintain the integrity and trust of
24 the physician-patient relationship without unwarranted
25 aspersions on the professional competence and ability of these
26 persons, it is a matter of public necessity to protect the
27 confidentiality of the data during the period of their
28 verification. The Legislature further finds that the need to
29 learn or verify information about health care practitioners,
30 though furthering a state interest, does not override the
31 public policy determinations made to exempt certain

1 information from public disclosure and that records so
2 exempted should retain that status when obtained and used by
3 another governmental entity.

4 Section 3. This act shall take effect upon becoming a
5 law.

6
7 *****

8 HOUSE SUMMARY

9
10 Provides that patient records or other information that
11 identifies a patient which is obtained by the Department
12 of Health or its agent for the purpose of constructing a
13 practitioner profile for certain medical practitioners is
14 exempt from public records disclosure. Provides that
15 information or records obtained from another governmental
16 entity to construct, or verify information submitted for
17 constructing, a practitioner profile which is already
18 exempt from public records disclosure remains so.
19 Provides that other data obtained by the department or
20 its agent for that purpose are exempt from public records
21 disclosure until the profile constructed from such data
22 is made available to the public.
23
24
25
26
27
28
29
30
31