

By Representative Saunders

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public records requirements for  
4           information contained in a notification of an  
5           adverse incident provided to the Agency for  
6           Health Care Administration by a facility  
7           licensed under ch. 395, F.S.; providing that  
8           such information is not discoverable or  
9           admissible in a civil action or administrative  
10          proceeding unless such action or proceeding is  
11          a disciplinary proceeding conducted by the  
12          agency or a regulatory board; providing for  
13          future review and repeal; providing a finding  
14          of public necessity; providing a contingent  
15          effective date.

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

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19           Section 1. The information contained in the  
20 notification of an adverse incident, which is required under  
21 section 395.0197, Florida Statutes, and provided to the Agency  
22 for Health Care Administration by a facility licensed under  
23 chapter 395, Florida Statutes, is confidential and exempt from  
24 section 119.07(1), Florida Statutes, and Section 24(a),  
25 Article I of the State Constitution. In addition, the  
26 information is not discoverable or admissible in a civil or  
27 administrative action, unless the action is a disciplinary  
28 proceeding by the Agency for Health Care Administration or the  
29 appropriate regulatory board. The information may not be made  
30 available to the public as part of the record of investigation  
31 or prosecution in a disciplinary proceeding which is made

1 available by the Agency for Health Care Administration or a  
2 regulatory board. This exemption is subject to the Open  
3 Government Sunset Review Act of 1995 in accordance with  
4 section 119.15, Florida Statutes, and shall stand repealed on  
5 October 2, 2003, unless reviewed and saved from repeal through  
6 reenactment by the Legislature.

7 Section 2. The Legislature finds that the exemption  
8 from the public records law provided in section 1 of this act  
9 is a public necessity, and that it would be an invasion of a  
10 patient's privacy for information contained in the  
11 notification of an adverse incident to be publicly available.  
12 Furthermore, the Legislature finds that such information is of  
13 a sensitive nature and must be kept confidential so that the  
14 Agency for Health Care Administration can effectively carry  
15 out its responsibilities.

16 Section 3. This act shall take effect on the date  
17 Senate Bill \_\_\_\_\_, relating to the regulation of health care  
18 facilities, or similar legislation becomes a law, and shall  
19 not take effect if such legislation does not become a law.

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22 SENATE SUMMARY

23 Provides an exemption from public records requirements  
24 for information contained in reports of adverse incidents  
25 provided to the Agency for Health Care Administration by  
26 certain health care facilities. Provides for future  
27 review and repeal of the exemption.  
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