

By Representative Rayson

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 patient records and other identifying
5 information concerning a complainant involved
6 in a complaint to the statewide or a district
7 managed care ombudsman committee; providing for
8 future review and repeal; providing a finding
9 of public necessity; providing a contingent
10 effective date.

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

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14 Section 1. The following information is confidential
15 and exempt from the provisions of s. 119.07(1), Florida
16 Statutes, and s. 24(a), Art. I of the State Constitution:

17 (1) Patient records held by the statewide or a
18 district managed care ombudsman committee created under s.
19 641.60 or s. 641.65, Florida Statutes, 1996 Supplement.

20 (2) The names or identities of the complainants
21 involved in a complaint to the statewide or a district managed
22 care ombudsman committee, including any problem identified by
23 the ombudsman committee as a result of an investigation,
24 unless the complainants provide their written consent to have
25 their names released, or unless a court of competent
26 jurisdiction orders that the names or identities of
27 complainants be public record.

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29 This section is subject to the Open Government Sunset Review
30 Act of 1995 in accordance with s. 119.15, Florida Statutes,
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1 and shall stand repealed on October 2, 2002, unless reviewed
2 and saved from repeal by reenactment by the Legislature.

3 Section 2. The Legislature finds that it is a public
4 necessity that patient records and any other identifying
5 information concerning a complainant held by the statewide or
6 a district managed care ombudsman committee be held
7 confidential and exempt from the public records. The
8 Legislature finds that the citizens of Florida benefit from
9 the thorough investigation and prompt resolution of complaints
10 regarding the quality of care provided by managed care
11 programs. Investigation of complaints regarding quality of
12 care frequently involves careful review of a patient's medical
13 record. Such records, as well as other information contained
14 in the complaint itself, often concern matters of a personal
15 and private nature. Disclosure to the public of a patient's
16 medical record, the complainant's identity, and other personal
17 information would significantly discourage the filing of
18 complaints. Consequently, the quality of care provided to the
19 public would suffer. Therefore, the Legislature finds that
20 the harm to the individual and the public in disclosing
21 patient records and identifying information substantially
22 outweighs the public benefit in allowing such disclosure.

23 Section 3. This act shall take effect upon becoming a
24 law.

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27 HOUSE SUMMARY

28 Provides an exemption from public records requirements
29 for patient records and other identifying information
30 concerning a complainant involved in a complaint to the
31 statewide or a district managed care ombudsman committee.
 Provides for future review and repeal.