

By Representative Geller

1 A bill to be entitled
2 An act relating to public records; creating s.
3 400.835, F.S.; providing an exemption from
4 public records requirements for patient
5 information received by a home medical
6 equipment supplier or the Agency for Health
7 Care Administration; amending s. 400.843, F.S.;
8 providing an exemption from public records
9 requirements for certain information obtained
10 by the Agency for Health Care Administration
11 through its screening of home medical equipment
12 supplier personnel; providing for future review
13 and repeal; providing a finding of public
14 necessity; providing a contingent effective
15 date.

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

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19 Section 1. Section 400.835, Florida Statutes, is
20 created to read;
21 400.835 Information about patients
22 confidential.--Information about patients received by persons
23 employed by, or providing services to, a home medical
24 equipment supplier or received by the agency through reports
25 or inspection of a home medical equipment supplier shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 and s. 24(a), Art. I of the State Constitution, and shall not
28 be disclosed to any person other than the patient without the
29 written consent of that patient or the patient's guardian.
30 This section is subject to the Open Government Sunset Review
31 Act of 1995 in accordance with s. 119.15, and shall stand

1 repealed on October 2, 2002, unless reviewed and saved from
2 repeal by reenactment of the Legislature.

3 Section 2. Subsection (8) is added to section 400.843,
4 Florida Statutes, to read:

5 400.843 Background screening of home medical equipment
6 supplier personnel--The agency shall require employment
7 screening as provided in chapter 435, using the level 1
8 standards for screening set forth in that chapter, for home
9 medical equipment supplier personnel.

10 (8) The criminal records, juvenile records, or central
11 abuse hotline information obtained by the agency or a home
12 medical equipment supplier for determining the moral character
13 of personnel of a home medical equipment supplier are
14 confidential and exempt from the provisions of s. 119.07(1)
15 and s. 24(a), Art. I of the State Constitution. This section
16 is subject to the Open Government Sunset Review Act of 1995 in
17 accordance with s. 119.15, and shall stand repealed on October
18 2, 2002, unless reviewed and saved from repeal by reenactment
19 of the Legislature.

20 Section 3. The Legislature finds that the exemptions
21 provided for in sections 1 and 2 of this act are a public
22 necessity.

23 Section 4. This act shall take effect on the same date
24 as House Bill or similar legislation takes effect, if such
25 legislation is adopted in the same legislative session or an
26 extension thereof.

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HOUSE SUMMARY

Provides a public records exemption for patient information received by employees of a home medical equipment supplier or by the Agency for Health Care Administration through the reports or inspections of such suppliers. Provides a public records exemption for criminal or juvenile records or central abuse hotline information obtained by the agency through its screening of personnel of such suppliers. Provides for future repeal of the exemptions.