

Bill No. SB 1980

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

Section 1. Section 400.1185, Florida Statutes, is created to read:

400.1185 Access to records of nursing home quality-of-care monitors; confidentiality.--The information contained in any agency record of a quality-of-care monitoring visit to a nursing home facility as required under s. 400.118(2), except for specific exclusions provided in s. 400.118(2)(b) and (c) pertaining to the reporting by a quality-of-care monitor of conditions which threaten the health or safety of a resident, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

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1 Section 2. The Legislature finds that the health and
2 safety of persons residing in nursing home facilities
3 necessitates that agency quality-of-care monitors have access
4 to all areas of resident care and that residents, staff, and
5 licenseholders of such facilities be assured that information
6 they provide is secure and will be held in confidence. Such
7 assurance will benefit the public because persons who are
8 interviewed by, or who provide information by other means to,
9 the quality-of-care monitors will be encouraged to provide
10 essential, accurate information. In particular, family
11 members, guardians, guests of residents, facility volunteers,
12 other regulatory staff, and representatives of the long-term
13 care ombudsman councils and human rights advocacy committees
14 may be encouraged to share information that otherwise they may
15 withhold for fear that their relative, friend, or
16 acquaintance, who is a resident in the monitored facility, may
17 experience intimidation, retaliation, or retribution if it
18 were readily known that they were the source of information on
19 which a quality-of-care monitor based an adverse finding or
20 recommendation. The Legislature further finds that the
21 exemption from the public records law provided for in section
22 1 is a public necessity because failure to protect the
23 confidentiality of information collected by the agency
24 pursuant to s. 400.118, Florida Statutes, would deter the
25 collection and reporting of this information to the agency.
26 The public disclosure of sensitive information concerning
27 residents of nursing facilities and their care would lead to a
28 reluctance on the part of residents and staff of nursing
29 facilities, as well as others, to provide accurate information
30 which may serve as a basis for identifying and improving
31 quality-of-care concerns before they develop into health or

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1 safety violations.

2 Section 3. This act shall take effect on the same date
3 that House Bill 1971 or similar legislation creating s.
4 400.118, Florida Statutes, relating to the nursing home
5 quality-of-care monitoring program, takes effect, if such
6 legislation is adopted in the same legislative session, or an
7 extension thereof.

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10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 Delete everything before the enacting clause

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14 and insert:

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 A bill to be entitled

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 An act relating to public records; creating s.

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 400.1185, F.S.; providing an exemption from

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 public records requirements for information

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 contained in records of nursing home

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 quality-of-care monitors; providing for review

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 and repeal; providing a statement of public

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 necessity; providing a contingent effective

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 date.

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