20-152A-00

1   A bill to be entitled

2   An act relating to actions for medical

3   malpractice; amending s. 455.667, F.S.;

4   providing circumstances under which a defendant

5   health care provider's attorney may interview

6   other health care providers ex parte; providing

7   an effective date.

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

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11   Section 1. Subsection (19) is added to section

12   455.667, Florida Statutes, to read:

13   455.667 Ownership and control of patient records;

14   report or copies of records to be furnished.--

15   (19) Notwithstanding any other provision of law, when

16   an action is brought after July 1, 2000, for damages resulting

17   from personal injury or death caused by the negligence of a

18   health care provider as defined in s. 766.101, the defendant

19   health care provider or that health care provider's insurer or

20   legal representative may interview, ex parte, any other health

21   care provider involved in the patient's care. Such an

22   interview may occur only after notice is provided to the

23   plaintiff's attorney and must be limited to issues of

24   causation; if the action is for personal injury, the patient's

25   current physical condition; and the mental impressions of the

26   care and treatment rendered by the defendant health care

27   provider or any other health care provider alleged to be

28   responsible for the patient's injury or death. An interview

29   with another health care provider may occur only after the

30   plaintiff has given notice of intent to initiate a claim for

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1   medical malpractice and before the dismissal, settlement, or

2   other final resolution of the claim.

3   Section 2. This act shall take effect July 1, 2000.

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6   SENATE SUMMARY

7   Authorizes the defendant health care provider in a
    medical malpractice action, or the provider's insurer or
8   legal representative, to interview ex parte any other
    health care provider who treated the patient whose
9   treatment forms the basis for the action. Notice must be
    given to the plaintiff's attorney, and the subjects of
10 the interview are limited.

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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.