

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Edwards and Peaden offered the following:

13 **Amendment (with title amendment)**

14 On page 2, line 24,

16 insert:

17 Section 1. Present subsections (6) through (10) of
18 section 394.4615, Florida Statutes, are redesignated as
19 subsections (7) through (11), respectively, and a new
20 subsection (6) is added to that section to read:

21 394.4615 Clinical records; confidentiality.--

22 (6) Clinical records relating to a Medicaid recipient
23 shall be furnished to the Medicaid Fraud Control Unit in the
24 Department of Legal Affairs, upon request.

25 Section 2. Paragraph (k) is added to subsection (5) of
26 section 395.3025, Florida Statutes, to read:

27 395.3025 Patient and personnel records; copies;
28 examination.--

29 (4) Patient records are confidential and must not be
30 disclosed without the consent of the person to whom they
31 pertain, but appropriate disclosure may be made without such

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1 consent to:

2 (k) The Medicaid Fraud Control Unit in the Department
3 of Legal Affairs pursuant to s. 409.920.

4 Section 3. Subsection (6) is added to section
5 400.0077, Florida Statutes, to read:

6 400.0077 Confidentiality.--

7 (6) This section does not limit the subpoena power of
8 the Attorney General pursuant to s. 409.920(8)(b).

9 Section 4. Section 400.494, Florida Statutes, is
10 amended to read:

11 400.494 Information about patients confidential.--

12 (1) Information about patients received by persons
13 employed by, or providing services to, a home health agency or
14 received by the licensing agency through reports or inspection
15 shall be confidential and exempt from the provisions of s.
16 119.07(1) and shall not be disclosed to any person other than
17 the patient without the written consent of that patient or the
18 patient's guardian.

19 (2) This section does not apply to information
20 lawfully requested by the Medicaid Fraud Control Unit of the
21 Department of Legal Affairs.

22 Section 5. Subsection (7) is added to section
23 409.9071, Florida Statutes, to read:

24 409.9071 Medicaid provider agreements for school
25 districts certifying state match.--

26 (7) The agency's and school districts' confidentiality
27 is waived. They shall provide any information or documents
28 relating to this section to the Medicaid Fraud Control Unit in
29 the Department of Legal Affairs, upon request pursuant to its
30 authority under s. 409.920.

31 Section 6. Paragraph (b) of subsection (8) of section

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1 409.920, Florida Statutes, is amended to read:

2 409.920 Medicaid provider fraud.--

3 (8) In carrying out the duties and responsibilities
4 under this subsection, the Attorney General may:

5 (b) Subpoena witnesses or materials, including medical
6 records relating to Medicaid recipients, within or outside the
7 state and, through any duly designated employee, administer
8 oaths and affirmations and collect evidence for possible use
9 in either civil or criminal judicial proceedings.

10 Section 7. Section 409.9205, Florida Statutes, is
11 amended to read:

12 409.9205 Medicaid Fraud Control Unit; law enforcement
13 officers.--All investigators employed by the Medicaid Fraud
14 Control Unit who have been certified under s. 943.1395 are law
15 enforcement officers of the state. Such investigators have
16 the authority to conduct criminal investigations, bear arms,
17 make arrests, and apply for, serve, and execute search
18 warrants, arrest warrants, ~~and~~ capias, and other process
19 throughout the state pertaining to Medicaid fraud as described
20 in this chapter. The Attorney General shall provide
21 reasonable notice of criminal investigations conducted by the
22 Medicaid Fraud Control Unit to, and coordinate those
23 investigations with, the sheriffs of the respective counties.
24 Investigators employed by the Medicaid Fraud Control Unit are
25 not eligible for membership in the Special Risk Class of the
26 Florida Retirement System under s. 121.0515.

27 Section 8. Section 430.608, Florida Statutes, is
28 amended to read:

29 430.608 Confidentiality of information.--Identifying
30 information about elderly persons who receive services under
31 ss. 430.601-430.606, which is received through files, reports,

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1 inspection, or otherwise by the department or by authorized
2 departmental employees, by persons who volunteer services, or
3 by persons who provide services to elderly persons under ss.
4 430.601-430.606 through contracts with the department, is
5 confidential and exempt from the provisions of s. 119.07(1)
6 and s. 24(a), Art. I of the State Constitution. Such
7 information may not be disclosed publicly in such a manner as
8 to identify an elderly person, unless that person or the
9 person's legal guardian provides written consent.

10 (2) This section does not, however, limit the subpoena
11 authority of the Medicaid Fraud Control Unit of the Department
12 of Legal Affairs pursuant to s. 409.920(8)(b).

13 Section 9. Subsection (8) of subsection 455.667,
14 Florida Statutes, is amended to read:

15 455.667 Ownership and control of patient records;
16 report or copies of records to be furnished.--

17 (8)(a) All patient records obtained by the department
18 and any other documents maintained by the department which
19 identify the patient by name are confidential and exempt from
20 s. 119.07(1) and shall be used solely for the purpose of the
21 department and the appropriate regulatory board in its
22 investigation, prosecution, and appeal of disciplinary
23 proceedings. The records shall not be available to the public
24 as part of the record of investigation for and prosecution in
25 disciplinary proceedings made available to the public by the
26 department or the appropriate board.

27 (b) Notwithstanding paragraph (a), all patient records
28 obtained by the department and any other documents maintained
29 by the department which relate to a current or former Medicaid
30 recipient shall be provided to the Medicaid Fraud Control Unit
31 in the Department of Legal Affairs, upon request.

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

2 And the title is amended as follows:

3 On page 1, line 2,

4

5 after the semicolon insert:

6 amending s. 394.4615, F.S.; requiring that
7 clinical records be furnished to the unit upon
8 request; amending s. 395.3025, F.S.; allowing
9 patient records to be furnished to the unit;
10 amending s. 400.0077, F.S.; providing that
11 certain confidentiality provisions do not limit
12 the subpoena power of the Attorney General;
13 amending s. 400.494, F.S.; providing that
14 certain confidentiality provisions relating to
15 home health agencies do not apply to
16 information requested by the unit; amending s.
17 409.9071, F.S.; waiving confidentiality and
18 requiring that certain information regarding
19 Medicaid provider agreements with school
20 districts be provided to the unit; amending s.
21 409.920, F.S.; clarifying the Attorney
22 General's power to subpoena medical records
23 relating to Medicaid recipients; amending s.
24 409.9205, F.S.; authorizing investigators
25 employed by the unit to serve process; amending
26 s. 430.608, F.S.; providing that certain
27 confidentiality provisions pertaining to the
28 Department of Elderly Affairs do not limit the
29 subpoena authority of the unit; amending s.
30 455.667, F.S.; providing that certain
31 confidential records held by the Department of

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Health must be provided to the unit;