

Bill No. CS for SB 1848

Amendment No. Barcode 120594

<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. The information contained in any report of liability claims against nursing homes and assisted living facilities provided to the Agency for Health Care Administration as required under sections 400.147(9) and 400.423(5), Florida Statutes, is confidential and exempt from section 119.07(1), Florida Statutes, and Section 24(a) of Article I of the State Constitution. This exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to protect the identity of claimants, nursing homes and assisted living facilities in the monthly reporting of claims to the Agency for Health Care Administration. The

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1 monthly reports detail the names of claimants and facilities,
2 the alleged type of injury or violation and dates of
3 occurrence. Such claims are preliminary allegations that may
4 result in a finding of liability or fault on the part of the
5 facility. Consequently, release of such information to the
6 public may unnecessarily and unfairly impact the business
7 operation of the facility. The Legislature finds that it is
8 not in the best interests of the claimants and facilities to
9 make such sensitive information publicly available. Claimants
10 will be forced to choose between either filing a claim
11 regarding a facility to protect their rights, or
12 alternatively, maintain their privacy regarding long-term care
13 provided to themselves or a relative. The Legislature finds
14 that the public will have the benefit of aggregated facility
15 claims data by access to the agency's annual reports on
16 long-term care claims to the Legislature, presented on a
17 by-county basis. The Legislature also finds that those claims
18 with sufficient merit to result in a formal legal complaint
19 filed in a court of law, will as well be public information.
20 Accordingly, the Legislature finds that the harm to facility
21 residents and facilities due to the release of preliminary
22 claims substantially outweighs any minimal public benefit
23 derived therefrom.

24 Section 3. This act shall take effect on the date
25 Committee Substitute for Committee Substitute for Committee
26 Substitute for Senate Bill 1202, relating to long-term care,
27 or similar legislation becomes a law, and shall not take
28 effect if such legislation does not become a law.

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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 Delete everything before the enacting clause

4

5 and insert:

6 An act relating to public records; providing an
7 exemption from the public-records law for
8 reports of liability claims involving nursing
9 homes and assisted living facilities that are
10 provided to the Agency for Health Care
11 Administration as required by law; providing a
12 finding of public necessity; providing a
13 contingent effective date.

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