

Bill No. SB 692

Amendment No. Barcode 811934

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 18 and 19,

insert:

Section 4. (1) Notification of adverse incident;
public records exemption.--Information contained in the
notification of an adverse incident which identifies a
patient, pharmacist, pharmacy, office, or entity by name,
location, or other identifier, which is provided to the
department is confidential and exempt from section 119.07(1),
Florida Statutes, and s. 24(a), Art. I of the State
Constitution, until 10 days after probable cause is found that
a violation of law occurred. Such information may only be used
by the department or the appropriate regulatory board in a
disciplinary proceeding brought against the pharmacist or by
the department in a study of adverse incidents without
identifying the patient, pharmacist, pharmacy, office, or
entity by name, location, or other identifier. This section is
subject to the Open Government Sunset Review Act of 1995 in

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1 accordance with s. 119.15 and shall stand repealed October 2,
2 2006, unless reviewed and saved from repeal through
3 reenactment by the Legislature.

4 (2) The Legislature finds that the exemption from
5 public records requirements provided in this section is a
6 public necessity, and that it would be an invasion of a
7 patient's privacy for personal, sensitive information
8 contained in the notification of an adverse incident to be
9 publicly available. Furthermore, the Legislature finds that
10 failure to protect the confidentiality of any information
11 submitted to or collected by the Department of Health pursuant
12 to this section regarding an adverse incident, including the
13 identity of the patient, pharmacist, pharmacy, entity, or
14 office and the fact that an investigation is being conducted,
15 would deter the collection and reporting of this information
16 to the department. This would prevent the department and the
17 appropriate regulatory boards from effectively carrying out
18 their responsibility to enforce safe patient care and take
19 necessary disciplinary action for practice violations. Release
20 of such personal information prior to the completion of the
21 investigation and prior to a finding of probable cause would
22 deter pharmacists licensed in this state from reporting
23 adverse incidents. This could lead to the deterioration of
24 services and care rendered, all to the detriment of the health
25 of those served. These exemptions apply the same exemption
26 accorded under sections 395.0198 and 395.0193, Florida
27 Statutes, relating to the reporting of adverse incidents by
28 facilities licensed under chapter 395, Florida Statutes. The
29 Legislature has thus consistently and repeatedly acknowledged
30 the public necessity of these types of exemptions.

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1 (Redesignate subsequent sections.)

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

5 And the title is amended as follows:

6 On page 1, line 9, after the first semicolon

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8 insert:

9 providing exemptions from public records

10 requirements for information contained in

11 reports made regarding adverse incidents

12 occurring in pharmacies; providing for future

13 review and repeal; providing findings of public

14 necessity;

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