Florida Senate - 2002

By Senator Brown-Waite

10-36-02 A bill to be entitled 1 2 An act relating to public records and meetings; 3 amending s. 400.119, F.S.; revising the repeal 4 date for an exemption from the public-records 5 law for certain records relating to internal б risk-management programs in nursing homes and 7 assisted living facilities and an exemption 8 from the public-meetings law for meetings of 9 internal risk-management and quality-assurance committees in nursing homes and assisted living 10 11 facilities; providing an effective date. 12 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Section 400.119, Florida Statutes, is 16 amended to read: 17 400.119 Confidentiality of records and meetings of 18 risk management and quality assurance committees .--19 (1) Records of meetings of the risk management and 20 quality assurance committee of a long-term care facility licensed under this part or part III of this chapter, as well 21 22 as incident reports filed with the facility's risk manager and 23 administrator, notifications of the occurrence of an adverse incident, and adverse incident reports from the facility are 24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I 25 of the State Constitution. However, if the Agency for Health 26 27 Care Administration has a reasonable belief that conduct by a 28 staff member or employee of a facility is criminal activity or 29 grounds for disciplinary action by a regulatory board, the agency may disclose such records to the appropriate law 30 enforcement agency or regulatory board. 31

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1	(2) Records that are confidential and exempt under
2	subsection (1) and that are obtained by a regulatory board are
3	not available to the public as part of the record of
4	investigation and prosecution in a disciplinary proceeding
5	made available to the public by the agency or the appropriate
6	regulatory board. However, the agency or the appropriate
7	regulatory board shall make available, upon request by a
8	health care professional against whom probable cause has been
9	found, any such records that form the basis of the
10	determination of probable cause.
11	(3) Records disclosed to a law enforcement agency
12	pursuant to subsection (1) remain confidential and exempt
13	until criminal charges are filed.
14	(4) The meetings of an internal risk management and
15	quality assurance committee of a long-term care facility
16	licensed under this part or part III of this chapter are
17	exempt from s. 286.011 and s. 24(b), Art. I of the State
18	Constitution and are not open to the public.
19	(5) This section is subject to the Open Government
20	Sunset Review Act of 1995 in accordance with s. 119.15, and
21	shall stand repealed on October $2 \pm$, 2006, unless reviewed and
22	saved from repeal through reenactment by the Legislature.
23	Section 2. This act shall take effect upon becoming a
24	law.
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27	SENATE SUMMARY
28	Postpones by 1 day the repeal date for an exemption from the public-records law and public-meetings law relating
29	to internal risk-management programs in nursing homes and assisted living facilities.
30	assisted invitig factifites.
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