

By Senator Brown-Waite

10-36-02

1                                   A bill to be entitled  
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  
6           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  
10          committees in nursing homes and assisted living  
11          facilities; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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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  
21 licensed under this part or part III of this chapter, as well  
22 as incident reports filed with the facility's risk manager and  
23 administrator, notifications of the occurrence of an adverse  
24 incident, and adverse incident reports from the facility are  
25 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
26 of the State Constitution. However, if the Agency for Health  
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  
30 agency may disclose such records to the appropriate law  
31 enforcement agency or regulatory board.

