

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Harrell offered the following:

Amendment (with title amendment)

Remove line(s) 1010-1015, and insert:

Section 25. Subsections (2), (3), and (4) of section 766.106, Florida Statutes, are amended, and subsection (13) is added to said section, to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.--

(2) After completion of presuit investigation pursuant to s. 766.203 and prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. Notwithstanding any other provision of law, the notification shall include a list of each health care provider seen by the claimant subsequent to the alleged act of

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28 malpractice for the injuries complained of and those known
 29 health care providers seen by the claimant for related
 30 conditions during the 5-year period prior to the alleged act of
 31 malpractice, together with a medical release form signed by the
 32 claimant granting each prospective defendant or legal
 33 representative access to the claimant's medical records from
 34 each of the physicians listed in the notification. Such release
 35 form shall also permit each physician or legal representative
 36 listed in the notification to interview each of the prospective
 37 defendants. Following the initiation of a suit alleging medical
 38 malpractice with a court of competent jurisdiction, and service
 39 of the complaint upon a defendant, the claimant shall provide a
 40 copy of the complaint to the Department of Health. The
 41 requirement of providing the complaint to the Department of
 42 Health does not impair the claimant's legal rights or ability to
 43 seek relief for his or her claim. The Department of Health shall
 44 review each incident and determine whether it involved conduct
 45 by a licensee which is potentially subject to disciplinary
 46 action, in which case the provisions of s. 456.073 apply.

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

50 Remove line(s) 66, and insert:
 51 enforcement; amending s. 766.106, F.S.; providing
 52 additional requirements for notification of intent to
 53 initiate litigation for medical malpractice; extending the
 54 time