

By the Committee on Health, Aging, and Long-Term Care

317-268A-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 395.0198, F.S.; which provides an exemption
4 from public-records requirements for the
5 information contained in the notification of an
6 adverse incident provided to the Agency for
7 Health Care Administration by a facility
8 licensed under ch. 395, F.S.; specifying
9 information covered under the exemption;
10 authorizing the use of the information as part
11 of certain disciplinary proceedings; reenacting
12 the exemption and removing the repeal thereof
13 scheduled under the Open Government Sunset
14 Review Act of 1995; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Notwithstanding the repeal scheduled on
20 October 2, 2003, under the Open Government Sunset Review Act
21 of 1995, section 395.0198, Florida Statutes, is reenacted and
22 amended to read:

23 395.0198 Notification of adverse incident; public
24 records exemption.--

25 (1) The following information contained in the
26 notification of an adverse incident, which is required under
27 s. 395.0197(7) and provided to the Agency for Health Care
28 Administration by a facility licensed under this chapter, is
29 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
30 of the State Constitution; -

31

1 (a) Information that identifies the facility licensed
2 under this chapter involved in the incident.

3 (b) The name of or other information that identifies
4 the person reporting the incident on behalf of the facility.

5 (c) The name of or other information that identifies
6 the patient involved in the incident.

7 (d) The name of or other information that identifies
8 the health care practitioner involved in the incident.

9 (e) The name of or the contact number for the medical
10 examiner.

11 (f) Any description of the circumstances of the
12 incident.

13 (g) The actions taken to implement an investigation of
14 the incident.

15 (2) In addition, The information made confidential and
16 exempt by subsection (1) is not discoverable or admissible in
17 a civil or administrative action, unless the action is a
18 disciplinary proceeding by the Agency for Health Care
19 Administration, the Department of Health, or the appropriate
20 regulatory board. The information may not be made available to
21 the public as part of the record of investigation or
22 prosecution in a disciplinary proceeding which is made
23 available by the Agency for Health Care Administration or a
24 regulatory board. This exemption is subject to the Open
25 Government Sunset Review Act of 1995 in accordance with s.
26 119.15 and shall stand repealed on October 2, 2003, unless
27 reviewed and saved from repeal through reenactment by the
28 legislature.

29 Section 2. This act shall take effect October 1, 2003.

30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Reenacts an exemption from the public-records law which is provided for information contained in the notification of an adverse incident provided by hospitals and other licensed facilities to the Agency for Health Care Administration. Authorizes use of the information as part of a disciplinary proceeding by the Department of Health, in addition to other agencies. Removes the repeal of the exemption scheduled for October 2, 2003, under the Open Government Sunset Review Act of 1995.