

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Farkas offered the following:

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3 **Amendment**

4 Remove lines 37-110 and insert:

5 (c) Information that identifies a health care practitioner
6 or health care facility held by the Florida Patient Safety
7 Corporation and its subsidiaries, advisory committees, or
8 contractors pursuant to s. 381.0271 is confidential and exempt
9 from s. 119.07(1) and s. 24(a), Art. I of the State
10 Constitution.

11 (d) Identifying information made confidential and exempt
12 pursuant to paragraphs (a), (b), and (c) may be disclosed only:

13 1. With the express written consent of the patient or the
14 patient's legally authorized representative in compliance with
15 any federal or state law, and such consent only authorizes the
16 release of information regarding that patient;

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17 2. With the express written consent of the person or
18 entity reporting the patient safety data to the Florida Patient
19 Safety Corporation, and such consent only authorizes the release
20 of information regarding that person or entity;

21 3. With the express written consent of the health care
22 practitioner or health care facility, and such consent only
23 authorizes the release of information regarding that
24 practitioner or facility;

25 4. By court order upon a showing of good cause; or

26 5. To a health research entity if the entity seeks such
27 confidential and exempt information pursuant to a research
28 protocol approved by the Florida Patient Safety Corporation,
29 maintains such confidential and exempt information in accordance
30 with the approved protocol, and enters into a purchase and data-
31 use agreement with the corporation the fee provisions of which
32 are consistent with s. 119.07(1)(a). The corporation may deny a
33 request for such confidential and exempt information if the
34 protocol provides for intrusive follow-back contacts, has not
35 been approved by a human studies institutional review board,
36 does not plan for the destruction of such confidential and
37 exempt information after the research is concluded, or does not
38 have scientific merit. The agreement must prohibit the release
39 of such confidential and exempt information, must limit the use
40 of such confidential and exempt information in conformance with
41 the approved research protocol, and must prohibit any other use
42 of such confidential and exempt information. Copies of such
43 confidential and exempt information issued pursuant to this
44 subparagraph remain the property of the corporation.

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45 (2)(a) Any portion of a meeting held by the Florida
46 Patient Safety Corporation or its subsidiaries, advisory
47 committees, and contractors during which information made
48 confidential and exempt pursuant to subsection (1) is discussed
49 is exempt from s. 286.011 and s. 24(b), Art. I of the State
50 Constitution.

51 (b) Minutes of those portions of meetings made exempt
52 pursuant to this subsection are confidential and exempt from s.
53 119.07(1) and s. 24(a), Art. I of the State Constitution.

54 (3) This section is subject to the Open Government Sunset
55 Review Act of 1995 in accordance with s. 119.15 and shall stand
56 repealed on October 2, 2009, unless reviewed and saved from
57 repeal through reenactment by the Legislature.

58 Section 2. The Legislature finds that it is a public
59 necessity that patient identifying information held by the
60 Florida Patient Safety Corporation or its subsidiaries, advisory
61 committees, and contractors be made confidential and exempt from
62 public disclosure. Such information is of a sensitive and
63 personal nature, and the release of such information could be
64 defamatory to the patient or could cause unwarranted damage to
65 the name or reputation of the patient. If patient identifying
66 information is not made confidential and exempt, any person
67 could inspect and copy records held by the corporation and its
68 subsidiaries, advisory committees, and contractors, thus being
69 made aware of the medical status of a patient. The availability
70 of such information to the public would result in the invasion
71 of the patient's privacy. If the identity of the patient could
72 be correlated with his or her medical information, it would be

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73 possible for the public to become aware of the diseases or other
74 medical concerns for which a patient is being treated. This
75 knowledge could be used to embarrass or humiliate a patient or
76 to discriminate against him or her. The Legislature further
77 finds that it is a public necessity that information that
78 identifies the person or entity reporting patient safety data to
79 the Florida Patient Safety Corporation or its subsidiaries,
80 advisory committees, and contractors be made confidential and
81 exempt from public disclosure. Release of such information could
82 discourage health care practitioners and health care facilities
83 from voluntarily reporting incidents occurring at such
84 facilities and could discourage such practitioners and
85 facilities from voluntarily submitting patient safety data to
86 the corporation and its subsidiaries, advisory committees, and
87 contractors. As such, the effective and efficient administration
88 of a governmental program would be hindered. The Legislature
89 further finds that it is a public necessity that information
90 that identifies the health care practitioner or health care
91 facility identified in patient safety data reported to the
92 Florida Patient Safety Corporation or its subsidiaries, advisory
93 committees, and contractors be made confidential and exempt from
94 public disclosure. Release of such information could discourage
95 health care practitioners and health care facilities from
96 voluntarily reporting incidents occurring at such facilities and
97 could discourage such practitioners and facilities from
98 voluntarily submitting patient safety data to the corporation
99 and its subsidiaries, advisory committees, and contractors. As

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100 | such, the effective and efficient administration of a
101 | governmental program would be hindered. The Legislature