

Bill No. CS for SB 702

Amendment No. ____ Barcode 373908

CHAMBER ACTION

Senate

House

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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 3 and 4,

insert:

(3) Information that identifies a health care practitioner or health care facility and that is contained in patient safety data, as defined in s. 766.1016, or in other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, or contractors pursuant to s. 381.0271, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information that identifies a health care practitioner or health care facility and that is contained in patient safety data made confidential and exempt from disclosure by this subsection may be disclosed only:

(a) With the express written consent of the health care practitioner or health care facility that is identified in patient safety data reported to the corporation;

(b) By court order upon a showing of good cause; or

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1 (c) To a health research entity if the entity seeks
2 the records or data pursuant to a research protocol approved
3 by the corporation, maintains the records or data in
4 accordance with the approved protocol, and enters into a
5 purchase and data-use agreement with the corporation, the fee
6 provisions of which are consistent with s. 119.07(1)(a). The
7 corporation may deny a request for records or data that
8 identify the person or entity reporting patient safety data if
9 the protocol provides for intrusive follow-back contacts, has
10 not been approved by a human studies institutional review
11 board, does not plan for the destruction of confidential
12 records after the research is concluded, or does not have
13 scientific merit. The agreement must prohibit the release of
14 any information that would permit the identification of
15 persons or entities that report patient safety data, must
16 limit the use of records or data in conformance with the
17 approved research protocol, and must prohibit any other use of
18 the records or data. Copies of records or data issued under
19 this paragraph remain the property of the corporation.

20
21 (Renumber subsequent subsection.)

22
23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 8-9, delete those lines

27
28 and insert:

29 identifies a patient, which identifies the
30 person or entity reporting patient safety data,
31 or which identifies a health care practitioner

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or health care facility;