

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to health care; amending s. 395.003, F.S.;
7 extending by 1 year the moratorium on approving additional
8 emergency departments located off the premises of a
9 licensed hospital; amending s. 395.1027, F.S.; requiring
10 that the regional poison control centers be certified;
11 requiring a health care facility or practitioner to
12 release a patient's medical records upon request of a
13 regional poison control center under certain
14 circumstances; amending ss. 395.3025 and 456.057, F.S.;
15 authorizing a regional poison control center to disclose a
16 patient's medical records for purposes of treatment and
17 case management and to comply with data-collection
18 requirements of the state and the poison control
19 organization that certifies poison control centers in
20 accordance with federal law; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Paragraph (b) of subsection (1) of section
25 395.003, Florida Statutes, is amended to read:

26 395.003 Licensure; issuance, renewal, denial,
27 modification, suspension, and revocation.--

28 (1)

29 (b)1. It is unlawful for a person to use or advertise to
30 the public, in any way or by any medium whatsoever, any facility
31 as a "hospital," "ambulatory surgical center," or "mobile
32 surgical facility" unless such facility has first secured a
33 license under the provisions of this part.

34 2. This part does not apply to veterinary hospitals or to
35 commercial business establishments using the word "hospital,"
36 "ambulatory surgical center," or "mobile surgical facility" as a
37 part of a trade name if no treatment of human beings is
38 performed on the premises of such establishments.

39 ~~3. By December 31, 2004, the agency shall submit a report~~
40 ~~to the President of the Senate and the Speaker of the House of~~
41 ~~Representatives recommending whether it is in the public~~
42 ~~interest to allow a hospital to license or operate an emergency~~
43 ~~department located off the premises of the hospital. If the~~
44 ~~agency finds it to be in the public interest, the report shall~~
45 ~~also recommend licensure criteria for such medical facilities,~~
46 ~~including criteria related to quality of care and, if deemed~~
47 ~~necessary, the elimination of the possibility of confusion~~
48 ~~related to the service capabilities of such facility in~~
49 ~~comparison to the service capabilities of an emergency~~
50 ~~department located on the premises of the hospital. Until July~~
51 ~~1, 2006 2005, additional emergency departments located off the~~

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52 premises of licensed hospitals may not be authorized by the
53 agency.

54 Section 2. Subsections (1) and (3) of section 395.1027,
55 Florida Statutes, are amended to read:

56 395.1027 Regional poison control centers.--

57 (1) There shall be created three certified ~~accredited~~
58 regional poison control centers, one each in the north, central,
59 and southern regions of the state. Each regional poison control
60 center shall be affiliated with and physically located in a
61 certified Level I trauma center. Each regional poison control
62 center shall be affiliated with an accredited medical school or
63 college of pharmacy. The regional poison control centers shall
64 be coordinated under the aegis of the Division of Children's
65 Medical Services Prevention and Intervention in the department.

66 (3) Upon request, a licensed facility or health care
67 practitioner shall release to a regional poison control center
68 any patient information that is relevant to the episode under
69 evaluation for purposes of treatment or that is necessary for
70 case management of poison cases and other patient information
71 that is necessary to comply with the data collection and
72 reporting requirements of this section and the professional
73 organization that certifies poison control centers in accordance
74 with federal law.

75 Section 3. Paragraph (m) is added to subsection (4) of
76 section 395.3025, Florida Statutes, to read:

77 395.3025 Patient and personnel records; copies;
78 examination.--

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79 (4) Patient records are confidential and must not be
80 disclosed without the consent of the person to whom they
81 pertain, but appropriate disclosure may be made without such
82 consent to:

83 (m) A regional poison control center for purposes of
84 treating a poison episode under evaluation, case management of
85 poison cases, or compliance with data-collection and reporting
86 requirements of s. 395.1027 and the professional organization
87 that certifies poison control centers in accordance with federal
88 law.

89 Section 4. Paragraph (a) of subsection (5) of section
90 456.057, Florida Statutes, is amended to read:

91 456.057 Ownership and control of patient records; report
92 or copies of records to be furnished.--

93 (5)(a) Except as otherwise provided in this section and in
94 s. 440.13(4)(c), such records may not be furnished to, and the
95 medical condition of a patient may not be discussed with, any
96 person other than the patient or the patient's legal
97 representative or other health care practitioners and providers
98 involved in the care or treatment of the patient, except upon
99 written authorization of the patient. However, such records may
100 be furnished without written authorization under the following
101 circumstances:

102 1. To any person, firm, or corporation that has procured
103 or furnished such examination or treatment with the patient's
104 consent.

105 2. When compulsory physical examination is made pursuant
106 to Rule 1.360, Florida Rules of Civil Procedure, in which case

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107 | copies of the medical records shall be furnished to both the
108 | defendant and the plaintiff.

109 | 3. In any civil or criminal action, unless otherwise
110 | prohibited by law, upon the issuance of a subpoena from a court
111 | of competent jurisdiction and proper notice to the patient or
112 | the patient's legal representative by the party seeking such
113 | records.

114 | 4. For statistical and scientific research, provided the
115 | information is abstracted in such a way as to protect the
116 | identity of the patient or provided written permission is
117 | received from the patient or the patient's legal representative.

118 | 5. To a regional poison control center for purposes of
119 | treating a poison episode under evaluation, case management of
120 | poison cases, or compliance with data-collection and reporting
121 | requirements of s. 395.1027 and the professional organization
122 | that certifies poison control centers in accordance with federal
123 | law.

124 | Section 5. This act shall take effect upon becoming a law.