

HB 1609

2005

1                   A bill to be entitled  
2       An act relating to patient records; amending s. 395.3025,  
3       F.S.; requiring disclosure by a licensed facility  
4       concerning individually identifiable health information  
5       transmitted to a site outside the United States; requiring  
6       notice to and consent of the patient; providing for  
7       renewal and revocation of consent; providing for a consent  
8       form and contents thereof; prohibiting discrimination  
9       based on refusal to grant consent; providing an effective  
10      date.

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12   Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Subsection (7) of section 395.3025, Florida  
15   Statutes, is amended to read:

16           395.3025 Patient and personnel records; copies;  
17   examination; transmission of records; consent.--

18           (7)(a) If the content of any record of patient treatment  
19   is provided under this section, the recipient, if other than the  
20   patient or the patient's representative, may use such  
21   information only for the purpose provided and may not further  
22   disclose any information to any other person or entity, unless  
23   expressly permitted by the written consent of the patient. A  
24   general authorization for the release of medical information is  
25   not sufficient for this purpose. The content of such patient  
26   treatment record is confidential and exempt from the provisions  
27   of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

28 (b) Absent a specific written release or authorization  
 29 permitting utilization of patient information for solicitation  
 30 or marketing the sale of goods or services, any use of that  
 31 information for those purposes is prohibited.

32 (c) A person or entity that has contracted or  
 33 subcontracted with a licensed facility as defined in s.  
 34 395.002(17) to receive individually identifiable health  
 35 information shall disclose to the licensed facility whether any  
 36 of the information will be transmitted to a site outside the  
 37 United States.

38 (d) A licensed facility, or person or entity that has  
 39 contracted or subcontracted with a licensed facility, shall not  
 40 transmit individually identifiable health information to a site  
 41 outside the United States unless all of the following apply:

42 1. The licensed facility discloses to the patient upon  
 43 admission or as soon as practicable after admission, that his or  
 44 her individually identifiable health information may be  
 45 transmitted to a site outside the United States.

46 2. The licensed facility obtains written consent from the  
 47 patient to transmit his or her individually identifiable health  
 48 information to a site outside the United States.

49 3. The consent of the patient has been granted or renewed  
 50 on an annual basis.

51 4. The patient may revoke consent in writing at any time.

52 (e) Except for a request for health care services  
 53 initiated by a person seeking diagnosis or treatment outside the  
 54 United States, a licensed facility shall utilize a form to  
 55 obtain consent to transmit individually identifiable health

56 information to a site outside the United States. The form shall  
57 meet the following criteria:

58 1. It shall be a separate document and shall not be  
59 attached to any other document.

60 2. It shall be dated and signed by the patient whose  
61 health care information is identifiable.

62 3. It shall clearly disclose all of the following:

63 a. By signing, the patient is consenting to the  
64 transmission of his or her individually identifiable health  
65 information to a site outside the United States where the  
66 information is not protected by United States confidentiality  
67 laws.

68 b. The consent of the patient must be renewed on an annual  
69 basis.

70 c. The patient may revoke consent at any time.

71 d. The procedure by which consent may be revoked.

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73 A licensed facility shall not discriminate against an individual  
74 or deny an individual health care service because the individual  
75 has not provided consent pursuant to this subsection.

76 Section 2. This act shall take effect July 1, 2005.