

By Senator Atwater

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A bill to be entitled

An act relating to poison control centers;
amending s. 395.1027, F.S.; requiring a health
care facility or practitioner to release a
patient's medical records upon request of a
regional poison control center under certain
circumstances; amending ss. 395.3025 and
456.057, F.S.; authorizing a regional poison
control center to disclose a patient's medical
records for purposes of treatment, case
management, and to comply with state and
federal data-collection requirements; providing
an effective date.

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

Section 1. Subsection (3) of section 395.1027, Florida
Statutes, is amended to read:

395.1027 Regional poison control centers.--

(3) Upon request, a licensed facility or health care
practitioner shall release to a regional poison control center
any patient information that is relevant to the episode under
evaluation for purposes of treatment or that is necessary for
case management of poison cases and other patient information
that is necessary to comply with the data-collection and
reporting requirements of state and federal law.

Section 2. Paragraph (m) is added to subsection (4) of
section 395.3025, Florida Statutes, to read:

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

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

5 (m) A regional poison control center for purposes of
6 treating a poison episode under evaluation, case management of
7 poison cases, or compliance with data-collection and reporting
8 requirements of state and federal law.

9 Section 3. Paragraph (a) of subsection (5) of section
10 456.057, Florida Statutes, is amended to read:

11 456.057 Ownership and control of patient records;
12 report or copies of records to be furnished.--

13 (5)(a) Except as otherwise provided in this section
14 and in s. 440.13(4)(c), such records may not be furnished to,
15 and the medical condition of a patient may not be discussed
16 with, any person other than the patient or the patient's legal
17 representative or other health care practitioners and
18 providers involved in the care or treatment of the patient,
19 except upon written authorization of the patient. However,
20 such records may be furnished without written authorization
21 under the following circumstances:

22 1. To any person, firm, or corporation that has
23 procured or furnished such examination or treatment with the
24 patient's consent.

25 2. When compulsory physical examination is made
26 pursuant to Rule 1.360, Florida Rules of Civil Procedure, in
27 which case copies of the medical records shall be furnished to
28 both the defendant and the plaintiff.

29 3. In any civil or criminal action, unless otherwise
30 prohibited by law, upon the issuance of a subpoena from a
31 court of competent jurisdiction and proper notice to the

1 patient or the patient's legal representative by the party
2 seeking such records.

3 4. For statistical and scientific research, provided
4 the information is abstracted in such a way as to protect the
5 identity of the patient or provided written permission is
6 received from the patient or the patient's legal
7 representative.

8 5. To a regional poison control center for purposes of
9 treating a poison episode under evaluation, case management of
10 poison cases, or compliance with data-collection and reporting
11 requirements of state and federal law.

12 Section 4. This act shall take effect upon becoming a
13 law.

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15 SENATE SUMMARY

16 Requires a health care facility or practitioner to
17 release a patient's medical records upon request of a
18 regional poison control center under certain
19 circumstances. Provides for a regional poison control
20 center to disclose a patient's medical records under
21 certain circumstances.