

By the Committee on Health Care; and Senator Atwater

587-1854-05

1   A bill to be entitled  
2           An act relating to health care; amending s.  
3           395.003, F.S.; extending by 1 year the  
4           moratorium on approving additional emergency  
5           departments located off the premises of a  
6           licensed hospital; amending s. 395.1027, F.S.;  
7           requiring that the regional poison control  
8           centers be certified; requiring a health care  
9           facility or practitioner to release a patient's  
10          medical records upon request of a regional  
11          poison control center under certain  
12          circumstances; amending ss. 395.3025 and  
13          456.057, F.S.; authorizing a regional poison  
14          control center to disclose a patient's medical  
15          records for purposes of treatment and case  
16          management, and to comply with data-collection  
17          requirements of the state and the poison  
18          control organization that certifies poison  
19          control centers in accordance with federal law;  
20          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) and  
25           paragraph (e) of subsection (2) of section 395.003, Florida  
26           Statutes, are amended to read:

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

29           (1)

30           (b)1. It is unlawful for a person to use or advertise  
31           to the public, in any way or by any medium whatsoever, any

1 facility as a "hospital," "ambulatory surgical center," or  
2 "mobile surgical facility" unless such facility has first  
3 secured a license under the provisions of this part.

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

9         3. ~~By December 31, 2004, the agency shall submit a~~  
10 ~~report to the President of the Senate and the Speaker of the~~  
11 ~~House of Representatives recommending whether it is in the~~  
12 ~~public interest to allow a hospital to license or operate an~~  
13 ~~emergency department located off the premises of the hospital.~~  
14 ~~If the agency finds it to be in the public interest, the~~  
15 ~~report shall also recommend licensure criteria for such~~  
16 ~~medical facilities, including criteria related to quality of~~  
17 ~~care and, if deemed necessary, the elimination of the~~  
18 ~~possibility of confusion related to the service capabilities~~  
19 ~~of such facility in comparison to the service capabilities of~~  
20 ~~an emergency department located on the premises of the~~  
21 ~~hospital.~~ Until July 1, 2006 ~~2005~~, additional emergency  
22 departments located off the premises of licensed hospitals may  
23 not be authorized by the agency.

24         Section 2. Subsections (1) and (3) of section  
25 395.1027, Florida Statutes, are amended to read:

26             395.1027 Regional poison control centers.--

27             (1) There shall be created three certified ~~accredited~~  
28 regional poison control centers, one each in the north,  
29 central, and southern regions of the state. Each regional  
30 poison control center shall be affiliated with and physically  
31 located in a certified Level I trauma center. Each regional

1 | poison control center shall be affiliated with an accredited  
2 | medical school or college of pharmacy. The regional poison  
3 | control centers shall be coordinated under the aegis of the  
4 | Division of Children's Medical Services Prevention and  
5 | Intervention in the department.

6 |         (3) Upon request, a licensed facility or health care  
7 | practitioner shall release to a regional poison control center  
8 | any patient information that is relevant to the episode under  
9 | evaluation for purposes of treatment or that is necessary for  
10 | case management of poison cases and other patient information  
11 | that is necessary to comply with the data-collection and  
12 | reporting requirements of this section and the professional  
13 | organization that certifies poison control centers in  
14 | accordance with federal law.

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

17 |         395.3025 Patient and personnel records; copies;  
18 | examination.--

19 |         (4) Patient records are confidential and must not be  
20 | disclosed without the consent of the person to whom they  
21 | pertain, but appropriate disclosure may be made without such  
22 | consent to:

23 |         (m) A regional poison control center for purposes of  
24 | treating a poison episode under evaluation, case management of  
25 | poison cases, or compliance with data-collection and reporting  
26 | requirements of s. 395.1027 and the professional organization  
27 | that certifies poison control centers in accordance with  
28 | federal law.

29 |         Section 4. Paragraph (a) of subsection (5) of section  
30 | 456.057, Florida Statutes, is amended to read:

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1           456.057 Ownership and control of patient records;  
2 report or copies of records to be furnished.--

3           (5)(a) Except as otherwise provided in this section  
4 and in s. 440.13(4)(c), such records may not be furnished to,  
5 and the medical condition of a patient may not be discussed  
6 with, any person other than the patient or the patient's legal  
7 representative or other health care practitioners and  
8 providers involved in the care or treatment of the patient,  
9 except upon written authorization of the patient. However,  
10 such records may be furnished without written authorization  
11 under the following circumstances:

12           1. To any person, firm, or corporation that has  
13 procured or furnished such examination or treatment with the  
14 patient's consent.

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

19           3. In any civil or criminal action, unless otherwise  
20 prohibited by law, upon the issuance of a subpoena from a  
21 court of competent jurisdiction and proper notice to the  
22 patient or the patient's legal representative by the party  
23 seeking such records.

24           4. For statistical and scientific research, provided  
25 the information is abstracted in such a way as to protect the  
26 identity of the patient or provided written permission is  
27 received from the patient or the patient's legal  
28 representative.

29           5. To a regional poison control center for purposes of  
30 treating a poison episode under evaluation, case management of  
31 poison cases, or compliance with data-collection and reporting

1 requirements of s. 395.1027 and the professional organization  
2 that certifies poison control centers in accordance with  
3 federal law.

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

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7                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8                   COMMITTEE SUBSTITUTE FOR  
9                   Senate Bill 1868

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10 The committee substitute extends the moratorium on the  
11 authorization of hospital off-site emergency departments to  
12 July 1, 2006. The bill requires the three regional poison  
13 control centers to be "certified" rather than "accredited."  
14 The bill requires disclosure to regional poison control  
15 centers of certain patient information needed to comply with  
16 the data-collection and reporting requirements of s. 395.1027,  
17 F.S., and the professional organization that certifies poison  
18 control centers in accordance with federal law.

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