

Bill No. CS for SB 1752

Barcode 502154

CHAMBER ACTION

Senate

House

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Comm: FAV
03/29/2006 08:00 PM

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The Committee on Health Care (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

On page 5, between lines 14 and 15,

insert:

Section 4. Subsection (5) of section 456,057, Florida Statutes, is amended to read:

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

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

- 1. To any person, firm, or corporation that has

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1 procured or furnished such examination or treatment with the
2 patient's consent.

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

7 3. In any civil or criminal action, unless otherwise
8 prohibited by law, upon the issuance of a subpoena from a
9 court of competent jurisdiction and proper notice to the
10 patient or the patient's legal representative by the party
11 seeking such records.

12 4. For statistical and scientific research, provided
13 the information is abstracted in such a way as to protect the
14 identity of the patient or provided written permission is
15 received from the patient or the patient's legal
16 representative.

17 5. To a regional poison control center for purposes of
18 treating a poison episode under evaluation, case management of
19 poison cases, or compliance with data collection and reporting
20 requirements of s. 395.1027 and the professional organization
21 that certifies poison control centers in accordance with
22 federal law.

23 6. To the Department of Highway Safety and Motor
24 Vehicles for purposes of determining the qualifications of any
25 person with epilepsy, cataplexy, or narcolepsy to operate a
26 motor vehicle on the highways of this state.

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

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 23, after the semicolon,

7

8 insert:

9 amending s. 456.057, F.S.; authorizing the
10 release of certain medical records to the
11 Department of Highway Safety and Motor Vehicles
12 for specified purposes relating to a person's
13 ability to safely operate a vehicle;

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