

Bill No. CS for SJR 1918, 1st Eng.

Barcode 342424

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senators Webster and Campbell moved the following amendment:

Senate Amendment

On page 122, line 22, through
page 124, line 19, delete those lines

and insert:

SECTION 21 25. Patients' right to know about adverse
medical incidents.--

(a) In addition to any other similar rights provided
herein or by general law, patients have a right to have access
to any records made or received in the course of business by a
health care facility or provider relating to any adverse
medical incident.

(b) In providing such access, the identity of patients
involved in the incidents shall not be disclosed, and any
privacy restrictions imposed by federal law shall be
maintained.

(c) For purposes of this section, the following terms
have the following meanings:

(1) The phrases "health care facility" and "health

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1 care provider" have the meaning given in general law related
2 to a patient's rights and responsibilities.

3 (2) The term "patient" means an individual who has
4 sought, is seeking, is undergoing, or has undergone care or
5 treatment in a health care facility or by a health care
6 provider.

7 (3) The phrase "adverse medical incident" means
8 medical negligence, intentional misconduct, and any other act,
9 neglect, or default of a health care facility or health care
10 provider that caused or could have caused injury to or death
11 of a patient, including, but not limited to, those incidents
12 that are required by state or federal law to be reported to
13 any governmental agency or body, and incidents that are
14 reported to or reviewed by any health care facility peer
15 review, risk management, quality assurance, credentials, or
16 similar committee, or any representative of any such
17 committees.

18 (4) The phrase "have access to any records" means, in
19 addition to any other procedure for producing such records
20 provided by general law, making the records available for
21 inspection and copying upon formal or informal request by the
22 patient or a representative of the patient, provided that
23 current records which have been made publicly available by
24 publication or on the Internet may be "provided" by reference
25 to the location at which the records are publicly available.

26 SECTION 22 ~~26~~. Prohibition of medical license after
27 repeated medical malpractice.--

28 (a) No person who has been found to have committed
29 three or more incidents of medical malpractice shall be
30 licensed or continue to be licensed by the State of Florida to
31 provide health care services as a medical doctor.

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1 (b) For purposes of this section, the following terms
2 have the following meanings:

3 (1) The phrase "medical malpractice" means both the
4 failure to practice medicine in Florida with that level of
5 care, skill, and treatment recognized in general law related
6 to health care providers' licensure, and any similar wrongful
7 act, neglect, or default in other states or countries which,
8 if committed in Florida, would have been considered medical
9 malpractice.

10 (2) The phrase "found to have committed" means that
11 the malpractice has been found in a final judgment of a court
12 of law, final administrative agency decision, or decision of
13 binding arbitration.

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