Florida Senate - 2006

By the Committee on Health Care

587-454-06

1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act; amending s.
4	400.119, F.S.; reorganizing and clarifying
5	exemptions to the public meetings and public
б	records laws for reports to the risk manager
7	and administrator of certain long-term care
8	facilities and for meetings, and records
9	pertaining thereto, of internal risk management
10	and quality assurance committees of such
11	facilities; abrogating the repeal of that
12	section; providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Section 400.119, Florida Statutes, is
17	amended to read:
18	400.119 Confidentiality of records and meetings of
19	risk management and quality assurance committees
20	(1) Records of meetings of the risk management and
21	quality assurance committee of a long term care facility
22	licensed under this part or part III of this chapter, as well
23	as Incident reports filed with the facility's risk manager and
24	administrator of a long-term care facility licensed under this
25	part or under part III, notifications of the occurrence of an
26	adverse incident, and adverse incident reports from the
27	facility are confidential and exempt from s. $119.07(1)$ and s.
28	24(a), Art. I of the State Constitution.
29	(2)(a) The meetings of an internal risk management and
30	quality assurance committee of a long-term care facility
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1 licensed under this part or under part III are exempt from s. 2 286.011 and s. 24(b), Art. I of the State Constitution. 3 (b) Records of meetings of an internal risk management 4 and quality assurance committee of a long-term care facility 5 licensed under this part or under part III are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. 6 7 (3)(a) However, If the Agency for Health Care 8 Administration has a reasonable belief that conduct by a staff member or employee of a facility is criminal activity or 9 10 grounds for disciplinary action by a regulatory board, the agency may disclose such records made confidential and exempt 11 12 under this section to the appropriate law enforcement agency 13 or regulatory board. (b) Records disclosed to a law enforcement agency 14 remain confidential and exempt until criminal charges are 15 16 filed. 17 (4)(2) Records made that are confidential and exempt 18 under this section which subsection (1) and that are obtained by a regulatory board are not available to the public as part 19 of the record of investigation and prosecution in a 20 21 disciplinary proceeding made available to the public by the 22 agency or the appropriate regulatory board. However, the 23 agency or the appropriate regulatory board shall make available, upon request by a health care professional against 2.4 whom probable cause has been found, any such records that form 25 the basis of the determination of probable cause. 26 27 (3) Records disclosed to a law enforcement agency 2.8 pursuant to subsection (1) remain confidential and exempt 29 until criminal charges are filed. 30 (4) The meetings of an internal risk management and quality assurance committee of a long term care facility 31

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1	licensed under this part or part III of this chapter are
2	exempt from s. 286.011 and s. 24(b), Art. I of the State
3	Constitution and are not open to the public.
4	(5) This section is subject to the Open Government
5	Sunset Review Act of 1995 in accordance with s. 119.15, and
б	shall stand repealed on October 2, 2006, unless reviewed and
7	saved from repeal through reenactment by the Legislature.
8	Section 2. This act shall take effect October 1, 2006.
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11	SENATE SUMMARY
12	Abrogates the scheduled expiration of exemptions under the Open Government Sunset Review Act for meetings of the
13	risk management and quality assurance committee of a long-term care facility and for records pertaining
14	thereto.
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SB 510

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