$\ensuremath{\mathbf{By}}$ the Committees on Governmental Oversight and Productivity; and Health Care

585-2340-06

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
6	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 those meetings are confidential and
4	exempt from s. 119.07(1) and s. 24(a), Art. I of the State
5	Constitution.
6	(3)(a) However, If the Agency for Health Care
7	Administration has a reasonable belief that conduct by a staff
8	member or employee of a facility is criminal activity or
9	grounds for disciplinary action by a regulatory board, the
10	agency may disclose such records made confidential and exempt
11	under this section to the appropriate law enforcement agency
12	or regulatory board.
13	(b) Records disclosed to a law enforcement agency
14	remain confidential and exempt until criminal charges are
15	filed.
16	(4) (2) Records made that are confidential and exempt
17	under this section which subsection (1) and that are obtained
18	by a regulatory board are not available to the public as part
19	of the record of investigation and prosecution in a
20	disciplinary proceeding made available to the public by the
21	agency or the appropriate regulatory board. However, the
22	agency or the appropriate regulatory board shall make
23	available, upon request by a health care professional against

(4) The meetings of an internal risk management and quality assurance committee of a long term care facility licensed under this part or part III of this chapter are

pursuant to subsection (1) remain confidential and exempt

whom probable cause has been found, any such records that form

(3) Records disclosed to a law enforcement agency

the basis of the determination of probable cause.

until criminal charges are filed.

1	exempt from s. 286.011 and s. 24(b), Art. I of the State
2	Constitution and are not open to the public.
3	(5) This section is subject to the Open Government
4	Sunset Review Act of 1995 in accordance with s. 119.15, and
5	shall stand repealed on October 2, 2006, unless reviewed and
6	saved from repeal through reenactment by the Legislature.
7	Section 2. This act shall take effect October 1, 2006.
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9 10	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR <u>Senate Bill 510</u>
11	Senate Biii 510
12	Makes grammatical changes.
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