

587-454-06

1 A bill to be entitled
2 An act relating to an Open Government Sunset
3 Review; amending s. 400.119, F.S.; reorganizing
4 and clarifying exemptions to the public
5 meetings and public records laws for reports to
6 the risk manager and administrator of certain
7 long-term care facilities and for meetings, and
8 records pertaining thereto, of internal risk
9 management and quality assurance committees of
10 such facilities; abrogating the repeal of that
11 section; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 400.119, Florida Statutes, is
16 amended to read:

17 400.119 Confidentiality of records and meetings of
18 risk management and quality assurance committees.--

19 ~~(1) Records of meetings of the risk management and~~
20 ~~quality assurance committee of a long term care facility~~
21 ~~licensed under this part or part III of this chapter, as well~~
22 ~~as~~ Incident reports filed with the ~~facility's~~ risk manager and
23 administrator of a long-term care facility licensed under this
24 part or under part III, notifications of the occurrence of an
25 adverse incident, and adverse incident reports from the
26 facility are confidential and exempt from s. 119.07(1) and s.
27 24(a), Art. I of the State Constitution.

28 (2)(a) The meetings of an internal risk management and
29 quality assurance committee of a long-term care facility
30 licensed under this part or under part III are exempt from s.
31 286.011 and s. 24(b), Art. I of the State Constitution.

1 (b) Records of meetings of an internal risk management
2 and quality assurance committee of a long-term care facility
3 licensed under this part or under part III are exempt from s.
4 119.07(1) and s. 24(a), Art. I of the State Constitution.

5 (3)(a) However, If the Agency for Health Care
6 Administration has a reasonable belief that conduct by a staff
7 member or employee of a facility is criminal activity or
8 grounds for disciplinary action by a regulatory board, the
9 agency may disclose ~~such~~ records made confidential and exempt
10 under this section to the appropriate law enforcement agency
11 or regulatory board.

12 (b) Records disclosed to a law enforcement agency
13 remain confidential and exempt until criminal charges are
14 filed.

15 ~~(4)(2)~~ Records made ~~that are~~ confidential and exempt
16 under this section which ~~subsection (1) and that~~ are obtained
17 by a regulatory board are not available to the public as part
18 of the record of investigation and prosecution in a
19 disciplinary proceeding made available to the public by the
20 agency or the appropriate regulatory board. However, the
21 agency or the appropriate regulatory board shall make
22 available, upon request by a health care professional against
23 whom probable cause has been found, any such records that form
24 the basis of the determination of probable cause.

25 ~~(3) Records disclosed to a law enforcement agency~~
26 ~~pursuant to subsection (1) remain confidential and exempt~~
27 ~~until criminal charges are filed.~~

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