

A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act regarding long-term care facilities; amending s. 400.119, F.S., which provides exemptions from public records requirements for specified reports and notifications with respect to long-term care facilities licensed under pt. II or pt. III of ch. 400, F.S., and which provides an exemption from public meeting requirements for the meetings of an internal risk management and quality assurance committee of a long-term care facility and an exemption from public records requirements for the records of such meetings; reorganizing provisions and making editorial changes; removing the scheduled repeal of the exemptions under the Open Government Sunset Review Act; providing an effective date.

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

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

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

(1) ~~Records of meetings of the risk management and quality assurance committee of a long term care facility licensed under this part or part III of this chapter, as well as Incident reports filed with the facility's risk manager and administrator of a long-term care facility licensed under this part or part~~

29 III of this chapter, notifications of the occurrence of an
 30 adverse incident, and adverse incident reports from the facility
 31 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 32 I of the State Constitution.

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

37 (b) Records of those meetings are confidential and exempt
 38 from s. 119.07(1) and s. 24(a), Art. I of the State
 39 Constitution.

40 (3) (a) However, If the Agency for Health Care
 41 Administration has a reasonable belief that conduct by a staff
 42 member or employee of a facility is criminal activity or grounds
 43 for disciplinary action by a regulatory board, the agency may
 44 disclose ~~such~~ records made confidential and exempt pursuant to
 45 this section to the appropriate law enforcement agency or
 46 regulatory board.

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

49 (4) (2) Records made ~~that are~~ confidential and exempt under
 50 this section ~~subsection (1)~~ and that are obtained by a
 51 regulatory board are not available to the public as part of the
 52 record of investigation and prosecution in a disciplinary
 53 proceeding made available to the public by the agency or the
 54 appropriate regulatory board. However, the agency or the
 55 appropriate regulatory board shall make available, upon request
 56 by a health care professional against whom probable cause has

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57 | been found, any such records that form the basis of the
58 | determination of probable cause.

59 | ~~(3) Records disclosed to a law enforcement agency pursuant~~
60 | ~~to subsection (1) remain confidential and exempt until criminal~~
61 | ~~charges are filed.~~

62 | ~~(4) The meetings of an internal risk management and~~
63 | ~~quality assurance committee of a long-term care facility~~
64 | ~~licensed under this part or part III of this chapter are exempt~~
65 | ~~from s. 286.011 and s. 24(b), Art. I of the State Constitution~~
66 | ~~and are not open to the public.~~

67 | ~~(5) This section is subject to the Open Government Sunset~~
68 | ~~Review Act of 1995 in accordance with s. 119.15, and shall stand~~
69 | ~~repealed on October 2, 2006, unless reviewed and saved from~~
70 | ~~repeal through reenactment by the Legislature.~~

71 | Section 2. This act shall take effect October 1, 2006.