

ENROLLED  
 HB 7027

2006 Legislature

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding long-term care facilities;  
 4           amending s. 400.119, F.S., which provides exemptions from  
 5           public records requirements for specified reports and  
 6           notifications with respect to long-term care facilities  
 7           licensed under pt. II or pt. III of ch. 400, F.S., and  
 8           which provides an exemption from public meeting  
 9           requirements for the meetings of an internal risk  
 10          management and quality assurance committee of a long-term  
 11          care facility and an exemption from public records  
 12          requirements for the records of such meetings;  
 13          reorganizing provisions and making editorial changes;  
 14          removing the scheduled repeal of the exemptions under the  
 15          Open Government Sunset Review Act; providing an effective  
 16          date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:

19  
 20           Section 1. Section 400.119, Florida Statutes, is amended  
 21           to read:

22           400.119 Confidentiality of records and meetings of risk  
 23           management and quality assurance committees.--

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

ENROLLED  
HB 7027

2006 Legislature

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.