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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Health Regulation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1145 and 1146  
insert:

Section 29. Section 400.145, Florida Statutes, is repealed.

Section 30. Subsection (1) of section 400.0234, Florida Statutes, is amended to read:

400.0234 Availability of facility records for investigation of resident's rights violations and defenses; penalty.—

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the



782692

13 facility constitutes ~~in accordance with s. 400.145 shall~~  
14 ~~constitute~~ evidence of failure of that party to comply with good  
15 faith discovery requirements and waives ~~shall waive~~ the good  
16 faith certificate and presuit notice requirements under this  
17 part by the requesting party.

18 Section 31. Subsection (1) of section 429.294, Florida  
19 Statutes, is amended to read:

20 429.294 Availability of facility records for investigation  
21 of resident's rights violations and defenses; penalty.—

22 (1) Failure to provide complete copies of a resident's  
23 records, including, but not limited to, all medical records and  
24 the resident's chart, within the control or possession of the  
25 facility within 10 days, constitutes ~~in accordance with the~~  
26 ~~provisions of s. 400.145, shall constitute~~ evidence of failure  
27 of that party to comply with good faith discovery requirements  
28 and waives ~~shall waive~~ the good faith certificate and presuit  
29 notice requirements under this part by the requesting party.

30  
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 90

34 and insert:

35 repealing s. 400.145, F.S., relating requirements for  
36 furnishing the records of residents in a licensed  
37 nursing home to certain specified parties; amending  
38 ss. 400.0234 and 429.294, F.S.; conforming provisions  
39 to changes made by the act; amending s. 400.147, F.S.;  
40 revising reporting