

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Grant offered the following:

**Amendment to Substitute Amendment (325331)**

Remove lines 6-31 and insert:

5. Informal interviews of treating health care providers.-A prospective defendant or his or her legal representative may interview the claimant's treating health care providers in an informal setting and without the presence of the claimant or the claimant's legal representative, but only with the explicit consent of the claimant or the claimant's legal representative; however, this subparagraph does not require a claimant's treating health care provider to submit to a request for an interview by a prospective defendant or his or her legal representative. Before conducting an interview of a claimant's treating health care provider, the prospective defendant or his or her legal representative, at least 15 days before an

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17 interview, shall provide written notice of intent to conduct an  
18 interview to claimant's legal representative or to claimant if  
19 no legal representative is known of. Such notice shall include  
20 the date, time, location, the individuals performing the  
21 interview, and the individuals being interviewed. A claimant has  
22 the right to have a court reporter present for, and transcribing  
23 the entirety of, an interview as provided for in this  
24 subparagraph. The claimant or his or her legal representative is  
25 responsible for providing a court reporter, and this  
26 subparagraph does not obligate a prospective defendant or his or  
27 her legal representative to pay for or arrange for the services  
28 of a court reporter. Notwithstanding the provisions of this  
29 subparagraph and any authorization for release of protected  
30 health information:

31 a. If the injured claimant is a minor, a prospective  
32 defendant or his or her legal representative may not interview  
33 any of the child's treating health care providers without  
34 providing notice to and an opportunity for the claimant, the  
35 claimant's parent or legal guardian, or the claimant's legal  
36 representative to be present.

37 b. Unless notice to and an opportunity for the claimant or  
38 the claimant's legal representative to be present has been  
39 provided, a treating health care provider being interviewed ex  
40 parte shall not disclose any information relating to the  
41 claimant pertaining to:

42 (I) The lawful ownership, possession, purchase or storage  
43 of a firearm or ammunition by the claimant or a member of the  
44 claimant's family; the presence of a firearm in a private home,

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45 other domicile, vehicle, or business of the claimant or a member  
46 of the claimant's family; or any application for or possession  
47 of a concealed weapons or firearms license by the claimant or a  
48 member of the claimant's family;

49 (II) Any history of or treatment resulting from the  
50 claimant having been a victim of sexual abuse, including rape or  
51 incest;

52 (III) Any history of or treatment resulting from the  
53 claimant having been a victim of child abuse;

54 (IV) Any history of or treatment resulting from the  
55 claimant having been a victim of domestic abuse;

56 (V) The claimant's reproductive history and health,  
57 including any treatment for reproductive issues;

58 (VI) Any history of substance abuse intervention or  
59 treatment received by the claimant; or

60 (VII) The claimant's mental health, including any history  
61 of treatment for mental health issues.

62  
63 Before conducting an interview of a claimant's treating health  
64 care provider pursuant to this subparagraph, the prospective  
65 defendant or his or her legal representative shall provide to  
66 the health care provider written notice of the provisions of  
67 this subparagraph and shall provide to the claimant or the  
68 claimant's legal representative written documentation of the  
69 defendant's compliance with the notice provisions of this  
70 subparagraph. Any information obtained by the defendant in  
71 violation of this subparagraph shall be inadmissible by the  
72 defendant. A violation of the provisions of this subparagraph

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73 committed by a facility licensed under chapter 395 shall  
74 constitute a violation of part I of chapter 395. A violation  
75 committed by a health care practitioner shall constitute grounds  
76 for discipline under s. 456.072(2).