

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

Committee/Subcommittee hearing bill: Civil Justice Subcommittee
Representative Gaetz offered the following:

Amendment

Remove lines 37-53 and insert:

Section 1. Paragraph (a) of subsection (7) and subsection
(8) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or
copies of records to be furnished.—

(7) (a) Except as otherwise provided in this section and in
s. 440.13(4) (c), such records may not be furnished to, ~~and the~~
~~medical condition of a patient may not be discussed with,~~ any
person other than the patient, ~~or~~ the patient's legal
representative, or other health care practitioners and providers
involved in the patient's care or treatment ~~of the patient,~~
except upon written authorization from ~~of~~ the patient. However,
such records may be furnished without written authorization
under the following circumstances:

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19 1. To any person, firm, or corporation that has procured or
20 furnished such care ~~examination~~ or treatment with the patient's
21 consent.

22 2. When compulsory physical examination is made pursuant to
23 Rule 1.360, Florida Rules of Civil Procedure, in which case
24 copies of the medical records shall be furnished to both the
25 defendant and the plaintiff.

26 3. In any civil or criminal action, unless otherwise
27 prohibited by law, upon the issuance of a subpoena from a court
28 of competent jurisdiction and proper notice to the patient or
29 the patient's legal representative by the party seeking such
30 records.

31 4. For statistical and scientific research, provided the
32 information is abstracted in such a way as to protect the
33 identity of the patient or provided written permission is
34 received from the patient or the patient's legal representative.

35 5. To a regional poison control center for purposes of
36 treating a poison episode under evaluation, case management of
37 poison cases, or compliance with data collection and reporting
38 requirements of s. 395.1027 and the professional organization
39 that certifies poison control centers in accordance with federal
40 law.

41 6. To an attorney for the health care practitioner or
42 provider, or to the attorney's staff, for the purpose of
43 obtaining legal services, whether the attorney is hired directly
44 by the practitioner or provider or by his or her insurer.

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45 (8) Information disclosed to a health care practitioner or
46 provider by a patient in the course of the care and treatment of
47 such patient is confidential and may be disclosed only:

48 (a) When limited to the proper release of records as
49 provided under subsection (7);

50 (b) To other health care practitioners and providers
51 involved in the care or treatment of the patient;

52 (c) Pursuant to s. 766.105(6)(b)5.;

53 (d) As provided for in the Authorization For Release of
54 Protected Health Information signed by a patient pursuant to s.
55 766.1065;

56 (e) If permitted by written authorization from the patient;

57 (f) If compelled by subpoena at a deposition, evidentiary
58 hearing, or trial for which proper notice has been given;

59 (g) To an attorney for the health care practitioner or
60 provider, or to the attorney's staff, whether the attorney is
61 hired directly by the practitioner or provider or by his or her
62 insurer; or

63 (h) In the context of a medical negligence action or
64 administrative proceeding, if the health care practitioner or
65 provider is, or reasonably expects to be, named as a defendant

66 ~~Except~~

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