

1                                   A bill to be entitled  
 2           An act relating to public records; amending s. 383.32,  
 3           F.S.; providing an exemption from public records  
 4           requirements for clinical records held by an advanced  
 5           birth center; amending s. 383.325, F.S.; providing an  
 6           exemption from public records requirements for  
 7           inspection reports held by an advanced birth center;  
 8           providing a statement of public necessity; providing a  
 9           contingent effective date.

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

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 13           Section 1.   Section 383.32, Florida Statutes, is amended to  
 14   read:

15           383.32   Birth Center and advanced birth center clinical  
 16   records.—

17           (1)   Clinical records shall contain information prescribed  
 18   by rule, including, but not limited to:

- 19           (a)   Identifying information.
- 20           (b)   Risk assessments.
- 21           (c)   Information relating to prenatal visits.
- 22           (d)   Information relating to the course of labor and
- 23   intrapartum care.
- 24           (e)   Information relating to consultation, referral, and
- 25   transport to a hospital.

26 (f) Newborn assessment, APGAR score, treatments as  
 27 required, and followup.

28 (g) Postpartum followup.

29 (2) Clinical records shall be immediately available at the  
 30 birth center:

31 (a) At the time of admission.

32 (b) When transfer of care is necessary.

33 (c) For audit by licensure personnel.

34 (3) Clinical records shall be kept confidential in  
 35 accordance with s. 456.057 and exempt from the provisions of s.  
 36 119.07(1). A client's clinical records shall be open to  
 37 inspection only under the following conditions:

38 (a) A consent to release information has been signed by  
 39 the client; or

40 (b) The review is made by the agency for a licensure  
 41 survey or complaint investigation.

42 (4)(a) Clinical records shall be audited periodically, but  
 43 no less frequently than every 3 months, to evaluate the process  
 44 and outcome of care.

45 (b) Statistics on maternal and perinatal morbidity and  
 46 mortality, maternal risk, consultant referrals, and transfers of  
 47 care shall be analyzed at least semiannually.

48 (c) The governing body shall examine the results of the  
 49 record audits and statistical analyses and shall make such  
 50 reports available for inspection by the public and licensing

51 authorities.

52 Section 2. Section 383.325, Florida Statutes, is amended  
53 to read:

54 383.325 Inspection reports.—

55 (1) Each licensed birth center and advanced birth center  
56 ~~facility~~ shall maintain as public information, available upon  
57 request, records of all inspection reports pertaining to that  
58 facility which have been filed with, or issued by, any  
59 governmental agency. Copies of such reports shall be retained in  
60 the records of the facility for no less than 5 years from the  
61 date the reports are filed and issued.

62 (2) Any record, report, or document which, by state or  
63 federal law or regulation, is deemed confidential shall be  
64 exempt from the provisions of s. 119.07(1) and may ~~shall~~ not be  
65 distributed or made available for purposes of compliance with  
66 this section unless or until such confidential status expires,  
67 except as described in s. 383.32(2)(c).

68 (3) A licensed birth center or an advanced birth center  
69 ~~facility~~ shall, upon the request of any person who has completed  
70 a written application with intent to be admitted to such center  
71 ~~facility~~ or any person who is a patient of such center ~~facility~~,  
72 or any relative, spouse, or guardian of any such person, furnish  
73 to the requester a copy of the last inspection report issued by  
74 the agency or an accrediting organization, whichever is most  
75 recent, pertaining to the licensed birth center or advanced

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76 | birth center ~~facility~~, as provided in subsection (1), provided  
77 | the person requesting such report agrees to pay a reasonable  
78 | charge to cover copying costs.

79 |       Section 3. The Legislature finds that it is a public  
80 | necessity that information for clinical records and inspection  
81 | reports held by an advanced birth center which is confidential  
82 | or exempt pursuant to the laws of that state, be made exempt  
83 | from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
84 | the State Constitution.

85 |       Section 4. This act shall take effect on the same date  
86 | that HB 1099 or similar legislation takes effect, if such  
87 | legislation is adopted in the same legislative session or an  
88 | extension thereof and becomes a law.