

1 A bill to be entitled
2 An act relating to medical review committees; amending
3 s. 766.101, F.S.; revising the definition of the term
4 "medical review committee"; providing an effective
5 date.

6
7 Be It Enacted by the Legislature of the State of Florida:
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9 **Section 1. Paragraph (a) of subsection (1), subsection**
10 **(5), and paragraph (c) of subsection (7) of section 766.101,**
11 **Florida Statutes, are amended to read:**

12 766.101 Medical review committee, immunity from
13 liability.—

14 (1) As used in this section:

15 (a) The term "medical review committee" or "committee"
16 means:

17 1.a. A committee of a hospital or ambulatory surgical
18 center licensed under chapter 395 or a health maintenance
19 organization certificated under part I of chapter 641;

20 b. A committee of a physician-hospital organization, a
21 provider-sponsored organization, or an integrated delivery
22 system;

23 c. A committee of a state or local professional society of
24 health care providers;

25 d. A committee of a medical staff of a licensed hospital

26 or nursing home, provided the medical staff operates pursuant to
27 written bylaws ~~that have been~~ approved by the governing board of
28 the hospital or nursing home;

29 e. A committee of the Department of Corrections or the
30 Correctional Medical Authority as created under s. 945.602, or
31 employees, agents, or consultants of either the department or
32 the authority or both;

33 f. A committee of a professional service corporation
34 formed under chapter 621 or a corporation organized under part I
35 of chapter 607 or chapter 617, which is formed and operated for
36 the practice of medicine as defined in s. 458.305(3), and which
37 has at least 25 health care providers who routinely provide
38 health care services directly to patients;

39 g. A committee of the Department of Children and Families
40 or a managing entity as defined in s. 394.9082(2), which may
41 include ~~includes~~ employees or ~~of~~ agents or ~~of~~ or consultants to the
42 department or managing entity and any other persons the
43 department or managing entity deems ~~as deemed~~ necessary to
44 provide peer review, utilization review, or ~~and~~ mortality review
45 of treatment services provided pursuant to chapters 394, 397,
46 and 916;

47 h. A committee of a mental health treatment facility
48 licensed under chapter 394 or a community mental health center
49 as defined in s. 394.907, provided the quality assurance program
50 operates pursuant to the guidelines ~~that have been~~ approved by

51 the governing board of the agency;

52 i. A committee of a substance abuse treatment and
53 education prevention program licensed under chapter 397 provided
54 the quality assurance program operates pursuant to the
55 guidelines ~~that have been~~ approved by the governing board of the
56 agency;

57 j. A peer review or utilization review committee organized
58 under chapter 440;

59 k. A committee of the Department of Health, a county
60 health department, healthy start coalition, or certified rural
61 health network, when reviewing quality of care, or employees of
62 these entities when reviewing mortality records; or

63 l. A continuous quality improvement committee of a
64 pharmacy licensed pursuant to chapter 465,

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66 which committee is formed to evaluate and improve the quality of
67 health care rendered by providers of health service, to
68 determine whether ~~that~~ health services rendered were
69 professionally indicated or were performed in compliance with
70 the applicable standard of care, or whether ~~that~~ the cost of
71 health care rendered was considered reasonable by the providers
72 of professional health services in the area; or

73 2. A committee of an insurer, self-insurer, or joint
74 underwriting association of medical malpractice insurance, or
75 other persons conducting review under s. 766.106.

76 (5) The investigations, proceedings, and records of a
77 committee as described in the preceding subsections are ~~shall~~
78 not ~~be~~ subject to discovery or introduction into evidence in any
79 civil or administrative action against a provider of
80 professional health services or a managing entity arising out of
81 the matters which are the subject of evaluation and review by
82 such committee, and any ~~no~~ person who was in attendance at a
83 meeting of such committee is not ~~shall be~~ permitted or required
84 to testify in any such civil action as to any evidence or other
85 matters produced or presented during the proceedings of such
86 committee or as to any findings, recommendations, evaluations,
87 opinions, or other actions of such committee or any members
88 thereof. However, information, documents, or records otherwise
89 available from original sources are not to be construed as
90 immune from discovery or use in any such civil action merely
91 because they were presented during proceedings of such
92 committee, nor should any person who testifies before such
93 committee or who is a member of such committee be prevented from
94 testifying as to matters within his or her knowledge, but the
95 ~~said~~ witness cannot be asked about his or her testimony before
96 such a committee or opinions formed by him or her as a result of
97 such ~~said~~ committee hearings.

98 (7)

99 (c) So as not to inhibit the willing and voluntary service
100 of professional society members on medical review committees,

the department shall use advisory reports from medical committees as background information only and shall prepare its own case using independently prepared evidence and supporting expert opinion for submission to the probable cause panel of a regulatory board formed under chapter 458 or chapter 459. Proceedings of all medical review committees, as defined in s. 766.101(1)(a), are exempt from ~~the provisions of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution, and any advisory reports provided to the department by such committees are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, regardless of whether probable cause is found. The medical review committee advisory reports and any records created by the medical review committee are not subject to discovery or introduction into evidence in any disciplinary proceeding against a licensee. Further, no person who voluntarily serves on a medical review committee or who investigates a complaint for the committee may be permitted or required to testify in any such disciplinary proceeding as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof. However, nothing in this section shall be construed to mean that information, documents, or records otherwise available and obtained from original sources are immune from discovery or use

126 | in any such disciplinary proceeding merely because they were
127 | presented during proceedings of a peer review organization or
128 | committee. Members of medical review committees shall assist the
129 | department in identifying such original sources when possible.

130 | **Section 2.** This act shall take effect October 1, 2026.