

## CHAPTER 97-175

### Senate Bill No. 884

An act relating to confidentiality of records relating to practitioner profiles; providing that information obtained for the purpose of creating such profiles is exempt from public-records disclosure; providing findings of public necessity; providing for future review and repeal; providing an effective date.

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

Section 1. Any patient name or other information that identifies a patient which is in a record obtained by the Department of Health or its agent for the purpose of compiling a practitioner profile is confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution. Other data received by the department or its agent as a result of its duty to compile and promulgate practitioner profiles are confidential and exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution until the profile into which the data are incorporated or with respect to which the data are submitted is made public. Any information or record that the Department of Health obtains from the Agency for Health Care Administration or any other governmental entity for the purpose of compiling a practitioner profile or substantiating other information or records submitted for that purpose and that was exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution does not lose that character by coming into the possession of the Department of Health, and such information or record continues to be exempt from the provisions of chapter 119, Florida Statutes, and Section 24(a), Article I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that public release of a patient's name or any other information that identifies a patient in a record obtained by the Department of Health or its agent for purposes of compiling a practitioner profile may adversely affect the integrity and trust of the physician-patient relationship and may deter affected parties from seeking needed health care services; therefore, it is a matter of public necessity to protect the confidentiality of such information. The Legislature further finds that, because of the nature of the data submitted to the Department of Health or its agent for purposes of constructing practitioner profiles, the necessity of ensuring the accuracy of those data, the need to refrain from unnecessarily affecting the livelihood of persons who are the subject of practitioner profiles, and the need to maintain the integrity and trust of the physician-patient relationship without unwarranted aspersions on the professional competence and ability of these persons, it is a matter of public necessity to protect the confidentiality of the data during the period of their verification. The Legislature further finds that the need to learn or verify information about health

care practitioners, though furthering a state interest, does not override the public policy determinations made to exempt certain information from public disclosure and that records so exempted should retain that status when obtained and used by another governmental entity.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.