

Committee Substitute for Senate Bill No. 1868

An act relating to health care; amending s. 395.003, F.S.; extending by 1 year the moratorium on approving additional emergency departments located off the premises of a licensed hospital; amending s. 395.1027, F.S.; requiring that the regional poison control centers be certified; requiring a health care facility or practitioner to release a patient's medical records upon request of a regional poison control center under certain circumstances; amending ss. 395.3025 and 456.057, F.S.; authorizing a regional poison control center to disclose a patient's medical records for purposes of treatment and case management, and to comply with data-collection requirements of the state and the poison control organization that certifies poison control centers in accordance with federal law; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) and paragraph (e) of subsection (2) of section 395.003, Florida Statutes, are amended to read:

395.003 Licensure; issuance, renewal, denial, modification, suspension, and revocation.—

(1)

(b)1. It is unlawful for a person to use or advertise to the public, in any way or by any medium whatsoever, any facility as a "hospital," "ambulatory surgical center," or "mobile surgical facility" unless such facility has first secured a license under the provisions of this part.

2. This part does not apply to veterinary hospitals or to commercial business establishments using the word "hospital," "ambulatory surgical center," or "mobile surgical facility" as a part of a trade name if no treatment of human beings is performed on the premises of such establishments.

3. ~~By December 31, 2004, the agency shall submit a report to the President of the Senate and the Speaker of the House of Representatives recommending whether it is in the public interest to allow a hospital to license or operate an emergency department located off the premises of the hospital. If the agency finds it to be in the public interest, the report shall also recommend licensure criteria for such medical facilities, including criteria related to quality of care and, if deemed necessary, the elimination of the possibility of confusion related to the service capabilities of such facility in comparison to the service capabilities of an emergency department located on the premises of the hospital. Until July 1, 2006~~ 2005, additional emergency departments located off the premises of licensed hospitals may not be authorized by the agency.

Section 2. Subsections (1) and (3) of section 395.1027, Florida Statutes, are amended to read:

395.1027 Regional poison control centers.—

(1) There shall be created three certified accredited regional poison control centers, one each in the north, central, and southern regions of the state. Each regional poison control center shall be affiliated with and physically located in a certified Level I trauma center. Each regional poison control center shall be affiliated with an accredited medical school or college of pharmacy. The regional poison control centers shall be coordinated under the aegis of the Division of Children's Medical Services Prevention and Intervention in the department.

(3) Upon request, a licensed facility or health care practitioner shall release to a regional poison control center any patient information that is relevant to the episode under evaluation for purposes of treatment or that is necessary for case management of poison cases and other patient information that is necessary to comply with the data-collection and reporting requirements of this section and the professional organization that certifies poison control centers in accordance with federal law.

Section 3. Paragraph (m) is added to subsection (4) of section 395.3025, Florida Statutes, to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(m) A regional poison control center for purposes of treating a poison episode under evaluation, case management of poison cases, or compliance with data-collection and reporting requirements of s. 395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

Section 4. Paragraph (a) of subsection (5) 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.—

(5)(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 care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization under the following circumstances:

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

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

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

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

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

Section 5. This act shall take effect upon becoming a law.

Approved by the Governor June 17, 2005.

Filed in Office Secretary of State June 17, 2005.