

House Bill No. 1033

An act relating to public records and public meetings exemptions for the Statewide Provider and Subscriber Assistance Program within the Agency for Health Care Administration; amending s. 408.7056, F.S., which provides exemptions from public records and public meetings requirements for information held by the Agency for Health Care Administration, the Department of Insurance, or the Statewide Provider and Subscriber Assistance Panel that identifies a subscriber to a managed health care entity and for portions of meetings of a provider and subscriber assistance panel during which information disclosing a subscriber's medical treatment or history or information relating to specified internal risk management programs may be revealed; narrowing the exemption; eliminating the exemption for identifying information of a subscriber's spouse, relative, or guardian; providing an exception to the exemption; adding clarifying language; making editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Section 1. Subsection (13) of section 408.7056, Florida Statutes, is amended, present subsection (14) is renumbered as subsection (13), and, notwithstanding the October 2, 2003, repeal of said subsection scheduled pursuant to the Open Government Sunset Review Act of 1995, subsection (15) of said section is renumbered as subsection (14) and amended, to read:

408.7056 Statewide Provider and Subscriber Assistance Program.—

~~(13) Any information which would identify a subscriber or the spouse, relative, or guardian of a subscriber and which is contained in a report obtained by the Department of Insurance pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

~~(13)~~(14) A proposed order issued by the agency or department which only requires the managed care entity to take a specific action under subsection (7) is subject to a summary hearing in accordance with s. 120.574, unless all of the parties agree otherwise. If the managed care entity does not prevail at the hearing, the managed care entity must pay reasonable costs and attorney's fees of the agency or the department incurred in that proceeding.

~~(14)~~(15)(a) Any information that identifies which would identify a subscriber ~~or the spouse, relative, or guardian of a subscriber~~ which is held contained in a document, report, or record prepared or reviewed by the panel, or obtained by the agency, or department pursuant to this section is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, at the request of a subscriber or managed care entity involved in a grievance procedure, the panel, agency,

or department shall release information identifying the subscriber involved in the grievance procedure to the requesting subscriber or managed care entity.

(b) Meetings of the panel shall be open to the public unless the provider or subscriber whose grievance will be heard requests a closed meeting or the agency or the ~~department~~ Department of Insurance determines that information of a ~~sensitive personal nature~~ which discloses the subscriber's medical treatment or history; ~~or information which constitutes a trade secret as defined by s. 812.081;~~ or information relating to internal risk management programs as defined in s. 641.55(5)(c), (6), and (8) may be revealed at the panel meeting, in which case that portion of the meeting during which a subscriber's medical treatment or history ~~such sensitive personal information, trade secret information,~~ or internal risk management program information is discussed shall be exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution. All closed meetings shall be recorded by a certified court reporter.

~~This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2003.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.