

1 A bill to be entitled
2 An act relating to patient access to records; amending
3 s. 394.4615, F.S.; requiring a service provider to
4 furnish and provide access to clinical records within
5 a specified timeframe after receiving a request for
6 such records; requiring that such records be furnished
7 in the manner chosen by the requester; authorizing the
8 service provider to charge a reasonable cost
9 associated with reproducing such records; amending s.
10 395.3025, F.S.; removing provisions requiring a
11 licensed facility to furnish patient records only
12 after discharge to conform to changes made by the act;
13 revising provisions relating to the appropriate
14 disclosure of patient records without consent;
15 amending s. 397.501, F.S.; requiring a service
16 provider to furnish and provide access to records
17 within a specified timeframe after receiving a request
18 from an individual or an individual's legal
19 representative; requiring that such records be
20 furnished in the manner chosen by the requester;
21 authorizing the service provider to charge a
22 reasonable cost associated with reproducing such
23 records; amending s. 400.145, F.S.; revising
24 provisions relating to the records of a resident held
25 by a nursing home facility to conform to changes made

26 | by the act; requiring that a nursing home facility
27 | furnish such records within a specified timeframe
28 | after receiving a request from a representative of a
29 | deceased resident; creating s. 408.833, F.S.;
30 | providing a definition; requiring a provider to
31 | furnish and provide access to records within a
32 | specified timeframe after receiving a request from a
33 | former or current client or a client's legal
34 | representative; requiring that such records be
35 | furnished in the manner chosen by the requester;
36 | authorizing a provider to impose reasonable terms
37 | necessary to preserve such records; authorizing a
38 | provider to charge a reasonable cost associated with
39 | reproducing such records; authorizing a provider to
40 | refuse to furnish such records directly to a client
41 | under certain circumstances; providing limitations on
42 | the frequency of furnishing copies of records of a
43 | client of a nursing home facility; providing
44 | applicability; amending s. 456.057, F.S.; requiring
45 | certain licensed health care practitioners to furnish
46 | and provide access to copies of reports and records
47 | within a specified timeframe after receiving a request
48 | from a patient or a patient's legal representative;
49 | authorizing such licensed health care practitioners to
50 | impose reasonable terms necessary to preserve such

51 reports and records; authorizing such licensed health
52 care practitioners to charge a reasonable cost
53 associated with reproducing such reports and records;
54 amending ss. 316.1932, 316.1933, 395.4025, and
55 440.185, F.S.; conforming cross-references; providing
56 an effective date.

57
58 Be It Enacted by the Legislature of the State of Florida:

59
60 Section 1. Subsections (3) through (11) of section
61 394.4615, Florida Statutes, are renumbered as subsections (5)
62 through (13), respectively, and new subsections (3) and (4) are
63 added to that section, to read:

64 394.4615 Clinical records; confidentiality.—

65 (3) Within 14 working days after receiving a request made
66 in accordance with paragraphs (2) (a)-(c), a service provider
67 must furnish clinical records in its possession. A service
68 provider may furnish the requested clinical records in paper
69 form or, upon request, in an electronic format. A service
70 provider shall furnish the requested records in the manner
71 chosen by the requester which must include paper documents,
72 electronic format, access through a web-based patient portal, or
73 submission through a patient's electronic personal health
74 record.

75 (4) The service provider may charge a requester no more

76 than the reasonable costs of reproducing the clinical records,
77 including reasonable staff time.

78 (a) The reasonable costs of reproducing paper copies of
79 written or typed documents or reports may not exceed \$1 per page
80 for the first 25 pages and 25 cents per page for all pages
81 thereafter.

82 (b) The reasonable costs of reproducing X-rays and other
83 forms of images shall be the actual costs. Actual costs shall be
84 the cost of the material and supplies used to duplicate the
85 record and the labor and overhead costs associated with the
86 duplication.

87 (c) The reasonable costs of producing electronic copies of
88 records or electronic access to records may not exceed \$2. A
89 service provider may charge up to \$1 for each year of records
90 requested.

91
92 The charges shall apply to all records furnished, whether
93 directly from a service provider or from a copy service
94 providing such services on behalf of a service provider.
95 However, a patient whose records are copied or searched for the
96 purpose of continuing to receive care is not required to pay a
97 charge for copying or for the search.

98 Section 2. Subsections (4) through (11) of section
99 395.3025, Florida Statutes, are renumbered as subsections (1)
100 through (8), respectively, and subsections (1), (2), and (3),

101 paragraph (e) of present subsection (4), present subsection (5),
102 paragraph (a) of present subsection (7), and present subsection
103 (8) of that section, are amended to read:

104 395.3025 Patient and personnel records; copies;
105 examination.-

106 ~~(1) Any licensed facility shall, upon written request, and~~
107 ~~only after discharge of the patient, furnish, in a timely~~
108 ~~manner, without delays for legal review, to any person admitted~~
109 ~~therein for care and treatment or treated thereat, or to any~~
110 ~~such person's guardian, curator, or personal representative, or~~
111 ~~in the absence of one of those persons, to the next of kin of a~~
112 ~~decedent or the parent of a minor, or to anyone designated by~~
113 ~~such person in writing, a true and correct copy of all patient~~
114 ~~records, including X rays, and insurance information concerning~~
115 ~~such person, which records are in the possession of the licensed~~
116 ~~facility, provided the person requesting such records agrees to~~
117 ~~pay a charge. The exclusive charge for copies of patient records~~
118 ~~may include sales tax and actual postage, and, except for~~
119 ~~nonpaper records that are subject to a charge not to exceed \$2,~~
120 ~~may not exceed \$1 per page. A fee of up to \$1 may be charged for~~
121 ~~each year of records requested. These charges shall apply to all~~
122 ~~records furnished, whether directly from the facility or from a~~
123 ~~copy service providing these services on behalf of the facility.~~
124 ~~However, a patient whose records are copied or searched for the~~
125 ~~purpose of continuing to receive medical care is not required to~~

126 | ~~pay a charge for copying or for the search. The licensed~~
127 | ~~facility shall further allow any such person to examine the~~
128 | ~~original records in its possession, or microforms or other~~
129 | ~~suitable reproductions of the records, upon such reasonable~~
130 | ~~terms as shall be imposed to assure that the records will not be~~
131 | ~~damaged, destroyed, or altered.~~

132 | ~~(2) This section does not apply to records maintained at~~
133 | ~~any licensed facility the primary function of which is to~~
134 | ~~provide psychiatric care to its patients, or to records of~~
135 | ~~treatment for any mental or emotional condition at any other~~
136 | ~~licensed facility which are governed by the provisions of s.~~
137 | ~~394.4615.~~

138 | ~~(3) This section does not apply to records of substance~~
139 | ~~abuse impaired persons, which are governed by s. 397.501.~~

140 | (1)~~(4)~~ Patient records are confidential and must not be
141 | disclosed without the consent of the patient or his or her legal
142 | representative, but appropriate disclosure may be made without
143 | such consent to:

144 | (e) The Department of Health ~~agency~~ upon subpoena issued
145 | pursuant to s. 456.071, but the records obtained thereby must be
146 | used solely for the purpose of the department ~~agency~~ and the
147 | appropriate professional board in its investigation,
148 | prosecution, and appeal of disciplinary proceedings. If the
149 | department ~~agency~~ requests copies of the records, the facility
150 | shall charge no more than its actual copying costs, including

151 reasonable staff time. The records must be sealed and must not
152 be available to the public pursuant to s. 119.07(1) or any other
153 statute providing access to records, nor may they be available
154 to the public as part of the record of investigation for and
155 prosecution in disciplinary proceedings made available to the
156 public by the department ~~agency~~ or the appropriate regulatory
157 board. However, the department ~~agency~~ must make available, upon
158 written request by a practitioner against whom probable cause
159 has been found, any such records that form the basis of the
160 determination of probable cause.

161 (2) ~~(5)~~ The Department of Health may examine patient
162 records of a licensed facility, whether held by the facility or
163 the Agency for Health Care Administration, for the purpose of
164 epidemiological investigations. The unauthorized release of
165 information by agents of the department which would identify an
166 individual patient is a misdemeanor of the first degree,
167 punishable as provided in s. 775.082 or s. 775.083.

168 (4) ~~(7)~~ (a) If the content of any record of patient
169 treatment is provided under this section, the recipient, ~~if~~
170 ~~other than the patient or the patient's representative,~~ may use
171 such information only for the purpose provided and may not
172 further disclose any information to any other person or entity,
173 unless expressly permitted by the written consent of the
174 patient. A general authorization for the release of medical
175 information is not sufficient for this purpose. The content of

176 such patient treatment record is confidential and exempt from
177 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
178 Constitution.

179 ~~(5)-(8)~~ Patient records at hospitals and ambulatory
180 surgical centers are exempt from disclosure under s. 119.07(1),
181 except as provided by subsections (1) and (2) ~~(1)-(5)~~.

182 Section 3. Paragraphs (a) through (j) of subsection (7) of
183 section 397.501, Florida Statutes, are redesignated as
184 paragraphs (d) through (m), respectively, and new paragraphs
185 (a), (b), and (c) are added to that subsection, to read:

186 397.501 Rights of individuals.—Individuals receiving
187 substance abuse services from any service provider are
188 guaranteed protection of the rights specified in this section,
189 unless otherwise expressly provided, and service providers must
190 ensure the protection of such rights.

191 (7) RIGHT TO ACCESS AND CONFIDENTIALITY OF INDIVIDUAL
192 RECORDS.—

193 (a) Within 14 working days after receiving a written
194 request from an individual or an individual's legal
195 representative, a service provider shall furnish a true and
196 correct copy of all records in the possession of the service
197 provider. A service provider shall furnish the requested records
198 in the manner chosen by the requester, which must include paper
199 documents, electronic format, access through a web-based patient
200 portal, or submission through an individual's electronic

201 personal health record. For the purpose of this section, the
202 term "legal representative" has the same meaning as provided in
203 s. 408.833.

204 (b) Within 10 working days after receiving such a request
205 from an individual or an individual's legal representative, a
206 service provider shall provide access to examine the original
207 records in its possession, or microforms or other suitable
208 reproductions of the records. A service provider may impose any
209 reasonable terms necessary to ensure that the records will not
210 be damaged, destroyed, or altered.

211 (c) A service provider may charge the requester no more
212 than the reasonable costs of reproducing the records, including
213 reasonable staff time.

214 1. The reasonable costs of reproducing paper copies of
215 written or typed documents or reports may not exceed \$1 per page
216 for the first 25 pages and 25 cents per page for all pages
217 thereafter.

218 2. The reasonable costs of reproducing X-rays and such
219 other kinds of records shall be the actual costs. Actual costs
220 shall be the cost of the material and supplies used to duplicate
221 the records and the labor and overhead costs associated with the
222 duplication.

223 3. The reasonable costs of producing electronic copies of
224 records or electronic access to records may not exceed \$2. A
225 service provider may charge up to \$1 for each year of records

226 requested.

227

228 The charges shall apply to all records furnished, whether
229 directly from a service provider or from a copy service
230 providing such services on behalf of the service provider.

231 However, an individual whose records are copied or searched for
232 the purpose of continuing to receive care is not required to pay
233 a charge for copying or for the search.

234 Section 4. Subsections (6), (8), and (9) of section
235 400.145, Florida Statutes, are renumbered as subsections (5),
236 (6), and (7), respectively, and subsections (1), (4), (5), and
237 (7) of that section are amended, to read:

238 400.145 Copies of records of care and treatment of
239 deceased resident.—

240 (1) Upon receipt of a written request that complies with
241 the federal Health Insurance Portability and Accountability Act
242 of 1996 (HIPAA) and this section, a nursing home facility shall
243 furnish ~~to a competent resident, or to a representative of a~~
244 deceased ~~that~~ resident who is authorized to make requests for
245 the resident's records under HIPAA or subsection (2), copies of
246 the resident's paper and electronic records that are in
247 possession of the facility. Such records must include any
248 medical records and records concerning the care and treatment of
249 the resident performed by the facility, except for progress
250 notes and consultation report sections of a psychiatric nature.

251 The facility shall provide the requested records ~~within 14~~
252 ~~working days after receipt of a request relating to a current~~
253 ~~resident or~~ within 30 working days after receipt of a request
254 relating to a deceased ~~former~~ resident.

255 (4) A nursing home facility may charge a reasonable fee
256 for the copying of resident records. Such fee may not exceed \$1
257 per page for the first 25 pages and 25 cents per page for each
258 additional page for reproducing paper copies of reports or
259 records. The reasonable costs of producing electronic copies of
260 records or electronic access to records may not exceed \$2. The
261 facility may charge up to \$1 for each year of records requested.
262 The facility shall allow a person who is authorized to act on
263 behalf of the resident to examine the original records,
264 microfilms, or other suitable reproductions of the records in
265 its possession upon any reasonable terms imposed by the facility
266 to ensure that the records are not damaged, destroyed, or
267 altered.

268 ~~(5) If a nursing home facility determines that disclosure~~
269 ~~of the records to the resident would be detrimental to the~~
270 ~~physical or mental health of the resident, the facility may~~
271 ~~refuse to furnish the record directly to the resident; however,~~
272 ~~upon such refusal, the resident's records shall, upon written~~
273 ~~request by the resident, be furnished to any other medical~~
274 ~~provider designated by the resident.~~

275 ~~(7) A nursing home facility is not required to provide~~

276 ~~copies of a resident's records requested pursuant to this~~
277 ~~section more than once per month, except that copies of~~
278 ~~physician reports in the resident's records must be provided as~~
279 ~~often as necessary to allow the effective monitoring of the~~
280 ~~resident's condition.~~

281 Section 5. Section 408.833, Florida Statutes, is created
282 to read:

283 408.833 Client access to medical records.-

284 (1) For the purpose of this section, the term "legal
285 representative" means a client's attorney who has been
286 designated by a former or current client to receive copies of
287 the client's medical, care and treatment, or interdisciplinary
288 records; a legally recognized guardian of the client; a court-
289 appointed representative of the client; or a person designated
290 by the client or by a court of competent jurisdiction to receive
291 copies of the client's medical, care and treatment, or
292 interdisciplinary records.

293 (2) Within 14 working days after receiving a written
294 request from a former or current client or a client's legal
295 representative, a provider shall furnish a true and correct copy
296 of all records, including medical, care and treatment, and
297 interdisciplinary records, as applicable, in the possession of
298 the provider. A provider shall furnish the requested records in
299 the manner chosen by the requester, which must include paper
300 documents, electronic format, access through a web-based patient

301 portal, or submission through a client's electronic personal
302 health record.

303 (3) Within 10 working days after receiving such a request
304 by a former or current client or a client's legal
305 representative, a provider shall provide access to examine the
306 original records in its possession, or microforms or other
307 suitable reproductions of the records. A provider may impose any
308 reasonable terms necessary to ensure that the records will not
309 be damaged, destroyed, or altered.

310 (4) A provider may charge the requester no more than the
311 reasonable costs of reproducing the records, including
312 reasonable staff time.

313 (a) The reasonable costs of reproducing paper copies of
314 written or typed documents or reports may not exceed \$1 per page
315 for the first 25 pages and 25 cents per page for all pages
316 thereafter.

317 (b) The reasonable costs of reproducing X-rays and other
318 forms of images shall be the actual costs. Actual costs shall be
319 the cost of the material and supplies used to duplicate the
320 records and the labor and overhead costs associated with the
321 duplication.

322 (c) The reasonable costs of producing electronic copies of
323 records or electronic access to records may not exceed \$2. A
324 provider may charge up to \$1 for each year of records requested.
325

326 The charges shall apply to all records furnished, whether
327 directly from a provider or from a copy service providing such
328 services on behalf of the provider. However, a client whose
329 records are copied or searched for the purpose of continuing to
330 receive medical care is not required to pay a charge for copying
331 or for the search.

332 (5) A provider may refuse to furnish records directly to a
333 client if the provider determines that disclosure of the records
334 to the client would be detrimental to the physical or mental
335 health of the client; however, upon such refusal, the client's
336 records shall, upon written request by the client, be furnished
337 to any other medical provider designated by the client.

338 (6) A provider may refuse a request under this section if
339 a client of a nursing home facility is not competent.
340 Additionally, a provider is not required to provide copies of a
341 nursing home facility client's records requested pursuant to
342 this section more than once per month, except that copies of
343 physician reports in the client's records must be provided as
344 often as necessary to allow the effective monitoring of the
345 client's condition.

346 (7) This section does not apply to:

347 (a) Records maintained at any licensed facility, as
348 defined in s. 395.002, the primary function of which is to
349 provide psychiatric care to its patients, or to records of
350 treatment for any mental or emotional condition at any other

351 licensed facility which are governed by s. 394.4615;

352 (b) Records of substance abuse impaired persons which are
 353 governed by s. 397.501; or

354 (c) Requests for records of a deceased resident of a
 355 nursing home facility.

356 Section 6. Subsections (6) and (17) of section 456.057,
 357 Florida Statutes, are amended to read:

358 456.057 Ownership and control of patient records; report
 359 or copies of records to be furnished; disclosure of
 360 information.—

361 (6) (a) Any health care practitioner licensed by the
 362 department or a board within the department who makes a physical
 363 or mental examination of, or administers treatment or dispenses
 364 legend drugs to, any person shall, upon written request of such
 365 person or the person's legal representative, furnish, within 14
 366 working days after such request ~~in a timely manner, without~~
 367 ~~delays for legal review,~~ copies of all reports and records
 368 relating to such examination or treatment, including X-rays ~~×~~
 369 ~~rays~~ and insurance information. A health care practitioner may
 370 furnish the requested reports and records in paper form or, upon
 371 request, in an electronic format. A health care practitioner
 372 shall furnish the requested records in the manner chosen by the
 373 requester, which must include paper documents, electronic
 374 format, access through a web-based patient portal, or submission
 375 through a patient's electronic personal health record.

376 (b) Within 10 working days after receiving a written
377 request by a patient or a patient's legal representative, a
378 healthcare practitioner must provide access to examine the
379 original reports and records, or microforms or other suitable
380 reproductions of the reports and records in the healthcare
381 practitioner's possession. The healthcare practitioner may
382 impose any reasonable terms necessary to ensure that the reports
383 and records will not be damaged, destroyed, or altered.

384 (c) ~~However,~~ When a patient's psychiatric, chapter 490
385 psychological, or chapter 491 psychotherapeutic records are
386 requested by the patient or the patient's legal representative,
387 the health care practitioner may provide a report of examination
388 and treatment in lieu of copies of records. Upon a patient's
389 written request, complete copies of the patient's psychiatric
390 records shall be provided directly to a subsequent treating
391 psychiatrist. The furnishing of such report or copies may ~~shall~~
392 not be conditioned upon payment of a fee for services rendered.

393 (17) A licensed healthcare practitioner may charge the
394 requester no more than the reasonable costs of reproducing the
395 reports and records, including reasonable staff time.

396 (a) The reasonable costs of reproducing paper copies of
397 written or typed documents or reports may not exceed \$1 per page
398 for the first 25 pages and 25 cents per page for all pages
399 thereafter.

400 (b) The reasonable costs of reproducing X-rays and such

401 other kinds of records shall be the actual costs. Actual costs
402 shall be the cost of the material and supplies used to duplicate
403 the record and the labor and overhead costs associated with the
404 duplication.

405 (c) The reasonable costs of producing electronic copies of
406 reports and records or electronic access to reports and records
407 may not exceed \$2. A licensed healthcare practitioner may charge
408 up to \$1 for each year of records requested.

409
410 The charges shall apply to all reports and records furnished,
411 whether directly from a healthcare practitioner or from a copy
412 service providing such services on behalf of the healthcare
413 practitioner. However, a patient whose reports and records are
414 copied or searched for the purpose of continuing to receive
415 medical care is not required to pay a charge for copying or for
416 the search ~~A health care practitioner or records owner~~
417 ~~furnishing copies of reports or records or making the reports or~~
418 ~~records available for digital scanning pursuant to this section~~
419 ~~shall charge no more than the actual cost of copying, including~~
420 ~~reasonable staff time, or the amount specified in administrative~~
421 ~~rule by the appropriate board, or the department when there is~~
422 ~~no board.~~

423 Section 7. Paragraph (f) of subsection (1) of section
424 316.1932, Florida Statutes, is amended to read:

425 316.1932 Tests for alcohol, chemical substances, or

426 | controlled substances; implied consent; refusal.-

427 | (1)

428 | (f)1. The tests determining the weight of alcohol in the
429 | defendant's blood or breath shall be administered at the request
430 | of a law enforcement officer substantially in accordance with
431 | rules of the Department of Law Enforcement. Such rules must
432 | specify precisely the test or tests that are approved by the
433 | Department of Law Enforcement for reliability of result and ease
434 | of administration, and must provide an approved method of
435 | administration which must be followed in all such tests given
436 | under this section. However, the failure of a law enforcement
437 | officer to request the withdrawal of blood does not affect the
438 | admissibility of a test of blood withdrawn for medical purposes.

439 | 2.a. Only a physician, certified paramedic, registered
440 | nurse, licensed practical nurse, other personnel authorized by a
441 | hospital to draw blood, or duly licensed clinical laboratory
442 | director, supervisor, technologist, or technician, acting at the
443 | request of a law enforcement officer, may withdraw blood for the
444 | purpose of determining its alcoholic content or the presence of
445 | chemical substances or controlled substances therein. However,
446 | the failure of a law enforcement officer to request the
447 | withdrawal of blood does not affect the admissibility of a test
448 | of blood withdrawn for medical purposes.

449 | b. Notwithstanding any provision of law pertaining to the
450 | confidentiality of hospital records or other medical records, if

451 a health care provider, who is providing medical care in a
452 health care facility to a person injured in a motor vehicle
453 crash, becomes aware, as a result of any blood test performed in
454 the course of that medical treatment, that the person's blood-
455 alcohol level meets or exceeds the blood-alcohol level specified
456 in s. 316.193(1)(b), the health care provider may notify any law
457 enforcement officer or law enforcement agency. Any such notice
458 must be given within a reasonable time after the health care
459 provider receives the test result. Any such notice shall be used
460 only for the purpose of providing the law enforcement officer
461 with reasonable cause to request the withdrawal of a blood
462 sample pursuant to this section.

463 c. The notice shall consist only of the name of the person
464 being treated, the name of the person who drew the blood, the
465 blood-alcohol level indicated by the test, and the date and time
466 of the administration of the test.

467 d. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.
468 456.057, or any applicable practice act affects the authority to
469 provide notice under this section, and the health care provider
470 is not considered to have breached any duty owed to the person
471 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any
472 applicable practice act by providing notice or failing to
473 provide notice. It shall not be a breach of any ethical, moral,
474 or legal duty for a health care provider to provide notice or
475 fail to provide notice.

476 e. A civil, criminal, or administrative action may not be
477 brought against any person or health care provider participating
478 in good faith in the provision of notice or failure to provide
479 notice as provided in this section. Any person or health care
480 provider participating in the provision of notice or failure to
481 provide notice as provided in this section shall be immune from
482 any civil or criminal liability and from any professional
483 disciplinary action with respect to the provision of notice or
484 failure to provide notice under this section. Any such
485 participant has the same immunity with respect to participating
486 in any judicial proceedings resulting from the notice or failure
487 to provide notice.

488 3. The person tested may, at his or her own expense, have
489 a physician, registered nurse, other personnel authorized by a
490 hospital to draw blood, or duly licensed clinical laboratory
491 director, supervisor, technologist, or technician, or other
492 person of his or her own choosing administer an independent test
493 in addition to the test administered at the direction of the law
494 enforcement officer for the purpose of determining the amount of
495 alcohol in the person's blood or breath or the presence of
496 chemical substances or controlled substances at the time
497 alleged, as shown by chemical analysis of his or her blood or
498 urine, or by chemical or physical test of his or her breath. The
499 failure or inability to obtain an independent test by a person
500 does not preclude the admissibility in evidence of the test

501 taken at the direction of the law enforcement officer. The law
502 enforcement officer shall not interfere with the person's
503 opportunity to obtain the independent test and shall provide the
504 person with timely telephone access to secure the test, but the
505 burden is on the person to arrange and secure the test at the
506 person's own expense.

507 4. Upon the request of the person tested, full information
508 concerning the results of the test taken at the direction of the
509 law enforcement officer shall be made available to the person or
510 his or her attorney. Full information is limited to the
511 following:

512 a. The type of test administered and the procedures
513 followed.

514 b. The time of the collection of the blood or breath
515 sample analyzed.

516 c. The numerical results of the test indicating the
517 alcohol content of the blood and breath.

518 d. The type and status of any permit issued by the
519 Department of Law Enforcement which was held by the person who
520 performed the test.

521 e. If the test was administered by means of a breath
522 testing instrument, the date of performance of the most recent
523 required inspection of such instrument.

524

525 Full information does not include manuals, schematics, or

526 software of the instrument used to test the person or any other
527 material that is not in the actual possession of the state.
528 Additionally, full information does not include information in
529 the possession of the manufacturer of the test instrument.

530 5. A hospital, clinical laboratory, medical clinic, or
531 similar medical institution or physician, certified paramedic,
532 registered nurse, licensed practical nurse, other personnel
533 authorized by a hospital to draw blood, or duly licensed
534 clinical laboratory director, supervisor, technologist, or
535 technician, or other person assisting a law enforcement officer
536 does not incur any civil or criminal liability as a result of
537 the withdrawal or analysis of a blood or urine specimen, or the
538 chemical or physical test of a person's breath pursuant to
539 accepted medical standards when requested by a law enforcement
540 officer, regardless of whether or not the subject resisted
541 administration of the test.

542 Section 8. Paragraph (a) of subsection (2) of section
543 316.1933, Florida Statutes, is amended to read:

544 316.1933 Blood test for impairment or intoxication in
545 cases of death or serious bodily injury; right to use reasonable
546 force.—

547 (2) (a) Only a physician, certified paramedic, registered
548 nurse, licensed practical nurse, other personnel authorized by a
549 hospital to draw blood, or duly licensed clinical laboratory
550 director, supervisor, technologist, or technician, acting at the

551 request of a law enforcement officer, may withdraw blood for the
552 purpose of determining the alcoholic content thereof or the
553 presence of chemical substances or controlled substances
554 therein. However, the failure of a law enforcement officer to
555 request the withdrawal of blood shall not affect the
556 admissibility of a test of blood withdrawn for medical purposes.

557 1. Notwithstanding any provision of law pertaining to the
558 confidentiality of hospital records or other medical records, if
559 a health care provider, who is providing medical care in a
560 health care facility to a person injured in a motor vehicle
561 crash, becomes aware, as a result of any blood test performed in
562 the course of that medical treatment, that the person's blood-
563 alcohol level meets or exceeds the blood-alcohol level specified
564 in s. 316.193(1)(b), the health care provider may notify any law
565 enforcement officer or law enforcement agency. Any such notice
566 must be given within a reasonable time after the health care
567 provider receives the test result. Any such notice shall be used
568 only for the purpose of providing the law enforcement officer
569 with reasonable cause to request the withdrawal of a blood
570 sample pursuant to this section.

571 2. The notice shall consist only of the name of the person
572 being treated, the name of the person who drew the blood, the
573 blood-alcohol level indicated by the test, and the date and time
574 of the administration of the test.

575 3. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.

576 456.057, or any applicable practice act affects the authority to
 577 provide notice under this section, and the health care provider
 578 is not considered to have breached any duty owed to the person
 579 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any
 580 applicable practice act by providing notice or failing to
 581 provide notice. It shall not be a breach of any ethical, moral,
 582 or legal duty for a health care provider to provide notice or
 583 fail to provide notice.

584 4. A civil, criminal, or administrative action may not be
 585 brought against any person or health care provider participating
 586 in good faith in the provision of notice or failure to provide
 587 notice as provided in this section. Any person or health care
 588 provider participating in the provision of notice or failure to
 589 provide notice as provided in this section shall be immune from
 590 any civil or criminal liability and from any professional
 591 disciplinary action with respect to the provision of notice or
 592 failure to provide notice under this section. Any such
 593 participant has the same immunity with respect to participating
 594 in any judicial proceedings resulting from the notice or failure
 595 to provide notice.

596 Section 9. Subsection (13) of section 395.4025, Florida
 597 Statutes, is amended to read:

598 395.4025 Trauma centers; selection; quality assurance;
 599 records.—

600 (13) Patient care, transport, or treatment records or

601 reports, or patient care quality assurance proceedings, records,
 602 or reports obtained or made pursuant to this section, s.
 603 395.3025(1)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s.
 604 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s.
 605 395.50, or s. 395.51 must be held confidential by the department
 606 or its agent and are exempt from the provisions of s. 119.07(1).
 607 Patient care quality assurance proceedings, records, or reports
 608 obtained or made pursuant to these sections are not subject to
 609 discovery or introduction into evidence in any civil or
 610 administrative action.

611 Section 10. Subsection (4) of section 440.185, Florida
 612 Statutes, is amended to read:

613 440.185 Notice of injury or death; reports; penalties for
 614 violations.—

615 (4) Additional reports with respect to such injury and of
 616 the condition of such employee, including copies of medical
 617 reports, funeral expenses, and wage statements, shall be filed
 618 by the employer or carrier to the department at such times and
 619 in such manner as the department may prescribe by rule. In
 620 carrying out its responsibilities under this chapter, the
 621 department or agency may by rule provide for the obtaining of
 622 any medical records relating to medical treatment provided
 623 pursuant to this chapter, notwithstanding the provisions of ss.
 624 90.503 and 395.3025(1) ~~395.3025(4)~~.

625 Section 11. This act shall take effect July 1, 2019.