

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

26 receiving a request for such records; creating s.
27 408.833, F.S.; providing a definition; requiring a
28 provider to furnish and provide access to records
29 within a specified timeframe after receiving a request
30 from a client or the client's legal representative;
31 requiring that certain providers furnish such records
32 in the manner chosen by the requester; authorizing a
33 provider to impose reasonable terms necessary to
34 preserve such records; authorizing a provider to
35 charge a reasonable cost associated with reproducing
36 such records; providing applicability; amending s.
37 456.057, F.S.; requiring certain licensed health care
38 practitioners to furnish and provide access to copies
39 of reports and records within a specified timeframe
40 after receiving a request from a patient or the
41 patient's legal representative; requiring that certain
42 licensed health care practitioners furnish such
43 reports and records in the manner chosen by the
44 requester; providing a definition; authorizing such
45 licensed health care practitioners to impose
46 reasonable terms necessary to preserve such reports
47 and records; authorizing such licensed health care
48 practitioners to charge a reasonable cost associated
49 with reproducing such reports and records; amending
50 ss. 316.1932, 316.1933, 395.4025, and 440.185, F.S.;

51 conforming cross-references; providing an effective
 52 date.

53
 54 Be It Enacted by the Legislature of the State of Florida:

55
 56 Section 1. Subsections (3) through (11) of section
 57 394.4615, Florida Statutes, are renumbered as subsections (5)
 58 through (13), respectively, and new subsections (3) and (4) are
 59 added to that section, to read:

60 394.4615 Clinical records; confidentiality.—

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

71 (4) A service provider may charge a requester no more than
 72 the reasonable costs of reproducing the clinical records,
 73 including reasonable staff time.

74 (a) The reasonable costs of reproducing paper copies of
 75 written or typed documents or reports may not exceed \$1 per page

76 for the first 25 pages and 25 cents per page for all pages
77 thereafter.

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

83 (c) The reasonable costs of producing electronic copies of
84 records or providing electronic access to records may not exceed
85 \$2.

86
87 The charges shall apply to all records furnished, whether
88 directly from a service provider or from a copy service
89 providing such services on behalf of a service provider.
90 However, a patient whose records are copied or searched for the
91 purpose of continuing to receive care is not required to pay a
92 charge for copying or for the search.

93 Section 2. Subsections (4) through (11) of section
94 395.3025, Florida Statutes, are renumbered as subsections (1)
95 through (8), respectively, and subsections (1), (2), and (3),
96 paragraph (e) of present subsection (4), present subsection (5),
97 paragraph (a) of present subsection (7), and present subsection
98 (8) of that section, are amended to read:

99 395.3025 Patient and personnel records; copies;
100 examination.-

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

126 | ~~damaged, destroyed, or altered.~~

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

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

135 | (1)~~(4)~~ Patient records are confidential and must not be
 136 | disclosed without the consent of the patient or his or her legal
 137 | representative, but appropriate disclosure may be made without
 138 | such consent to:

139 | (e) The Department of Health ~~agency~~ upon subpoena issued
 140 | pursuant to s. 456.071, but the records obtained thereby must be
 141 | used solely for the purpose of the department ~~agency~~ and the
 142 | appropriate professional board in its investigation,
 143 | prosecution, and appeal of disciplinary proceedings. If the
 144 | department ~~agency~~ requests copies of the records, the facility
 145 | shall charge no more than its actual copying costs, including
 146 | reasonable staff time. The records must be sealed and must not
 147 | be available to the public pursuant to s. 119.07(1) or any other
 148 | statute providing access to records, nor may they be available
 149 | to the public as part of the record of investigation for and
 150 | prosecution in disciplinary proceedings made available to the

151 public by the department ~~agency~~ or the appropriate regulatory
152 board. However, the department ~~agency~~ must make available, upon
153 written request by a practitioner against whom probable cause
154 has been found, any such records that form the basis of the
155 determination of probable cause.

156 (2)~~(5)~~ The Department of Health may examine patient
157 records of a licensed facility, whether held by the facility or
158 the Agency for Health Care Administration, for the purpose of
159 epidemiological investigations. The unauthorized release of
160 information by agents of the department which would identify an
161 individual patient is a misdemeanor of the first degree,
162 punishable as provided in s. 775.082 or s. 775.083.

163 (4)~~(7)~~(a) If the content of any record of patient
164 treatment is provided under this section, the recipient, ~~if~~
165 ~~other than the patient or the patient's representative,~~ may use
166 such information only for the purpose provided and may not
167 further disclose any information to any other person or entity,
168 unless expressly permitted by the written consent of the
169 patient. A general authorization for the release of medical
170 information is not sufficient for this purpose. The content of
171 such patient treatment record is confidential and exempt from
172 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
173 Constitution.

174 (5)~~(8)~~ Patient records at hospitals and ambulatory
175 surgical centers are exempt from disclosure under s. 119.07(1),

176 except as provided by subsections (1) and (2) ~~(1)–(5)~~.

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

181 397.501 Rights of individuals.—Individuals receiving
182 substance abuse services from any service provider are
183 guaranteed protection of the rights specified in this section,
184 unless otherwise expressly provided, and service providers must
185 ensure the protection of such rights.

186 (7) RIGHT TO ACCESS AND CONFIDENTIALITY OF INDIVIDUAL
187 RECORDS.—

188 (a) Within 14 working days after receiving a written
189 request from an individual or an individual's legal
190 representative, a service provider shall furnish a true and
191 correct copy of all records in the possession of the service
192 provider. A service provider may furnish the requested records
193 in paper form or, upon request, in an electronic format. A
194 service provider who maintains an electronic health record
195 system shall furnish the requested records in the manner chosen
196 by the requester, which must include electronic format, access
197 through a web-based patient portal, or submission through a
198 patient's electronic personal health record. For the purpose of
199 this section, the term "legal representative" has the same
200 meaning as provided in s. 408.833.

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

208 (c) A service provider may charge the individual or the
209 individual's legal representative no more than the reasonable
210 costs of reproducing the records, including reasonable staff
211 time.

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

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

221 3. The reasonable costs of producing electronic copies of
222 records or providing electronic access to records may not exceed
223 \$2.

224
225 The charges shall apply to all records furnished, whether

226 directly from a service provider or from a copy service
227 providing such services on behalf of the service provider.
228 However, an individual whose records are copied or searched for
229 the purpose of continuing to receive care is not required to pay
230 a charge for copying or for the search.

231 Section 4. Subsection (1) of section 400.145, Florida
232 Statutes, is amended to read:

233 400.145 Copies of records of care and treatment of
234 resident.—

235 (1) Upon receipt of a written request that complies with
236 the federal Health Insurance Portability and Accountability Act
237 of 1996 (HIPAA) and this section, a nursing home facility shall
238 furnish to a competent resident, or to a representative of that
239 resident who is authorized to make requests for the resident's
240 records under HIPAA or subsection (2), copies of the resident's
241 paper and electronic records that are in possession of the
242 facility. Such records must include any medical records and
243 records concerning the care and treatment of the resident
244 performed by the facility, except for progress notes and
245 consultation report sections of a psychiatric nature. The
246 facility shall provide a resident with access to the requested
247 records within 24 hours after receipt of a request, excluding
248 weekends and holidays, and provide copies of the requested
249 records within 2 ~~14~~ working days after receipt of a request
250 relating to a current resident or within 30 working days after

251 ~~receipt of a request relating to a former resident.~~

252 Section 5. Section 408.833, Florida Statutes, is created
253 to read:

254 408.833 Client access to medical records.-

255 (1) For the purpose of this section, the term "legal
256 representative" means a client's attorney who has been
257 designated by the client to receive copies of the client's
258 medical, care and treatment, or interdisciplinary records; a
259 legally recognized guardian of the client; a court-appointed
260 representative of the client; or a person designated by the
261 client or by a court of competent jurisdiction to receive copies
262 of the client's medical, care and treatment, or
263 interdisciplinary records.

264 (2) Within 14 working days after receiving a written
265 request from a client or the client's legal representative, a
266 provider shall furnish a true and correct copy of all records,
267 including medical, care and treatment, and interdisciplinary
268 records, as applicable, in the possession of the provider. A
269 provider may furnish the requested records in paper form or,
270 upon request, in an electronic format. A provider who maintains
271 an electronic health record system shall furnish the requested
272 records in the manner chosen by the requester, which must
273 include electronic format, access through a web-based patient
274 portal, or submission through a patient's electronic personal
275 health record.

276 (3) Within 10 working days after receiving such a request
277 by a client or the client's legal representative, a provider
278 shall provide access to examine the original records in its
279 possession, or microforms or other suitable reproductions of the
280 records. A provider may impose any reasonable terms necessary to
281 ensure that the records will not be damaged, destroyed, or
282 altered.

283 (4) A provider may charge the requester no more than the
284 reasonable costs of reproducing the records, including
285 reasonable staff time.

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

290 (b) The reasonable costs of reproducing X-rays and other
291 forms of images shall be the actual costs. Actual costs shall be
292 the cost of the material and supplies used to duplicate the
293 records and the labor and overhead costs associated with the
294 duplication.

295 (c) The reasonable costs of producing electronic copies of
296 records or providing electronic access to records may not exceed
297 \$2.

298
299 The charges shall apply to all records furnished, whether
300 directly from a provider or from a copy service providing such

301 services on behalf of the provider. However, a patient or
 302 resident whose records are copied or searched for the purpose of
 303 continuing to receive medical care is not required to pay a
 304 charge for copying or for the search.

305 (5) This section does not apply to:

306 (a) Records maintained at any licensed facility, as
 307 defined in s. 395.002, the primary function of which is to
 308 provide psychiatric care to its patients, or to records of
 309 treatment for any mental or emotional condition at any other
 310 licensed facility which are governed by s. 394.4615;

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

313 (c) Requests for records of a resident of a nursing home
 314 facility.

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

317 456.057 Ownership and control of patient records; report
 318 or copies of records to be furnished; disclosure of
 319 information.—

320 (6)(a) Any health care practitioner licensed by the
 321 department or a board within the department who makes a physical
 322 or mental examination of, or administers treatment or dispenses
 323 legend drugs to, any person shall, upon request of such person
 324 or the person's legal representative, furnish, within 14 working
 325 days after such request in a timely manner, without delays for

326 ~~legal review~~, copies of all reports and records relating to such
327 examination or treatment, including X-rays ~~X-rays~~ and insurance
328 information. A health care practitioner may furnish the
329 requested reports and records in paper form or, upon request, in
330 an electronic format. A health care practitioner who maintains
331 an electronic health record system shall furnish the requested
332 reports and records in the manner chosen by the requester, which
333 must include electronic format, access through a web-based
334 patient portal, or submission through a patient's electronic
335 personal health record. For the purpose of this section, the
336 term "legal representative" means a patient's attorney who has
337 been designated by the patient to receive copies of the
338 patient's medical records, a legally recognized guardian of the
339 patient, a court-appointed representative of the patient, or any
340 other person designated by the patient or by a court of
341 competent jurisdiction to receive copies of the patient's
342 medical records.

343 (b) Within 10 working days after receiving a written
344 request by a patient or a patient's legal representative, a
345 healthcare practitioner must provide access to examine the
346 original reports and records, or microforms or other suitable
347 reproductions of the reports and records in the healthcare
348 practitioner's possession. The healthcare practitioner may
349 impose any reasonable terms necessary to ensure that the reports
350 and records will not be damaged, destroyed, or altered.

351 (c) ~~However,~~ When a patient's psychiatric, chapter 490
352 psychological, or chapter 491 psychotherapeutic records are
353 requested by the patient or the patient's legal representative,
354 the health care practitioner may provide a report of examination
355 and treatment in lieu of copies of records. Upon a patient's
356 written request, complete copies of the patient's psychiatric
357 records shall be provided directly to a subsequent treating
358 psychiatrist. The furnishing of such report or copies may ~~shall~~
359 not be conditioned upon payment of a fee for services rendered.

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

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

367 (b) The reasonable costs of reproducing X-rays and such
368 other kinds of records shall be the actual costs. Actual costs
369 shall be the cost of the material and supplies used to duplicate
370 the record and the labor and overhead costs associated with the
371 duplication.

372 (c) The reasonable costs of producing electronic copies of
373 reports and records or providing electronic access to reports
374 and records may not exceed \$2.
375

376 The charges shall apply to all reports and records furnished,
 377 whether directly from a healthcare practitioner or from a copy
 378 service providing such services on behalf of the healthcare
 379 practitioner. However, a patient whose reports and records are
 380 copied or searched for the purpose of continuing to receive
 381 medical care is not required to pay a charge for copying or for
 382 the search ~~A health care practitioner or records owner~~
 383 ~~furnishing copies of reports or records or making the reports or~~
 384 ~~records available for digital scanning pursuant to this section~~
 385 ~~shall charge no more than the actual cost of copying, including~~
 386 ~~reasonable staff time, or the amount specified in administrative~~
 387 ~~rule by the appropriate board, or the department when there is~~
 388 ~~no board.~~

389 Section 7. Paragraph (f) of subsection (1) of section
 390 316.1932, Florida Statutes, is amended to read:

391 316.1932 Tests for alcohol, chemical substances, or
 392 controlled substances; implied consent; refusal.-

393 (1)

394 (f)1. The tests determining the weight of alcohol in the
 395 defendant's blood or breath shall be administered at the request
 396 of a law enforcement officer substantially in accordance with
 397 rules of the Department of Law Enforcement. Such rules must
 398 specify precisely the test or tests that are approved by the
 399 Department of Law Enforcement for reliability of result and ease
 400 of administration, and must provide an approved method of

401 administration which must be followed in all such tests given
402 under this section. However, the failure of a law enforcement
403 officer to request the withdrawal of blood does not affect the
404 admissibility of a test of blood withdrawn for medical purposes.

405 2.a. Only a physician, certified paramedic, registered
406 nurse, licensed practical nurse, other personnel authorized by a
407 hospital to draw blood, or duly licensed clinical laboratory
408 director, supervisor, technologist, or technician, acting at the
409 request of a law enforcement officer, may withdraw blood for the
410 purpose of determining its alcoholic content or the presence of
411 chemical substances or controlled substances therein. However,
412 the failure of a law enforcement officer to request the
413 withdrawal of blood does not affect the admissibility of a test
414 of blood withdrawn for medical purposes.

415 b. Notwithstanding any provision of law pertaining to the
416 confidentiality of hospital records or other medical records, if
417 a health care provider, who is providing medical care in a
418 health care facility to a person injured in a motor vehicle
419 crash, becomes aware, as a result of any blood test performed in
420 the course of that medical treatment, that the person's blood-
421 alcohol level meets or exceeds the blood-alcohol level specified
422 in s. 316.193(1)(b), the health care provider may notify any law
423 enforcement officer or law enforcement agency. Any such notice
424 must be given within a reasonable time after the health care
425 provider receives the test result. Any such notice shall be used

426 only for the purpose of providing the law enforcement officer
427 with reasonable cause to request the withdrawal of a blood
428 sample pursuant to this section.

429 c. The notice shall consist only of the name of the person
430 being treated, the name of the person who drew the blood, the
431 blood-alcohol level indicated by the test, and the date and time
432 of the administration of the test.

433 d. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.
434 456.057, or any applicable practice act affects the authority to
435 provide notice under this section, and the health care provider
436 is not considered to have breached any duty owed to the person
437 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any
438 applicable practice act by providing notice or failing to
439 provide notice. It shall not be a breach of any ethical, moral,
440 or legal duty for a health care provider to provide notice or
441 fail to provide notice.

442 e. A civil, criminal, or administrative action may not be
443 brought against any person or health care provider participating
444 in good faith in the provision of notice or failure to provide
445 notice as provided in this section. Any person or health care
446 provider participating in the provision of notice or failure to
447 provide notice as provided in this section shall be immune from
448 any civil or criminal liability and from any professional
449 disciplinary action with respect to the provision of notice or
450 failure to provide notice under this section. Any such

451 participant has the same immunity with respect to participating
452 in any judicial proceedings resulting from the notice or failure
453 to provide notice.

454 3. The person tested may, at his or her own expense, have
455 a physician, registered nurse, other personnel authorized by a
456 hospital to draw blood, or duly licensed clinical laboratory
457 director, supervisor, technologist, or technician, or other
458 person of his or her own choosing administer an independent test
459 in addition to the test administered at the direction of the law
460 enforcement officer for the purpose of determining the amount of
461 alcohol in the person's blood or breath or the presence of
462 chemical substances or controlled substances at the time
463 alleged, as shown by chemical analysis of his or her blood or
464 urine, or by chemical or physical test of his or her breath. The
465 failure or inability to obtain an independent test by a person
466 does not preclude the admissibility in evidence of the test
467 taken at the direction of the law enforcement officer. The law
468 enforcement officer shall not interfere with the person's
469 opportunity to obtain the independent test and shall provide the
470 person with timely telephone access to secure the test, but the
471 burden is on the person to arrange and secure the test at the
472 person's own expense.

473 4. Upon the request of the person tested, full information
474 concerning the results of the test taken at the direction of the
475 law enforcement officer shall be made available to the person or

476 his or her attorney. Full information is limited to the
477 following:

478 a. The type of test administered and the procedures
479 followed.

480 b. The time of the collection of the blood or breath
481 sample analyzed.

482 c. The numerical results of the test indicating the
483 alcohol content of the blood and breath.

484 d. The type and status of any permit issued by the
485 Department of Law Enforcement which was held by the person who
486 performed the test.

487 e. If the test was administered by means of a breath
488 testing instrument, the date of performance of the most recent
489 required inspection of such instrument.

490

491 Full information does not include manuals, schematics, or
492 software of the instrument used to test the person or any other
493 material that is not in the actual possession of the state.
494 Additionally, full information does not include information in
495 the possession of the manufacturer of the test instrument.

496 5. A hospital, clinical laboratory, medical clinic, or
497 similar medical institution or physician, certified paramedic,
498 registered nurse, licensed practical nurse, other personnel
499 authorized by a hospital to draw blood, or duly licensed
500 clinical laboratory director, supervisor, technologist, or

501 technician, or other person assisting a law enforcement officer
502 does not incur any civil or criminal liability as a result of
503 the withdrawal or analysis of a blood or urine specimen, or the
504 chemical or physical test of a person's breath pursuant to
505 accepted medical standards when requested by a law enforcement
506 officer, regardless of whether or not the subject resisted
507 administration of the test.

508 Section 8. Paragraph (a) of subsection (2) of section
509 316.1933, Florida Statutes, is amended to read:

510 316.1933 Blood test for impairment or intoxication in
511 cases of death or serious bodily injury; right to use reasonable
512 force.—

513 (2) (a) Only a physician, certified paramedic, registered
514 nurse, licensed practical nurse, other personnel authorized by a
515 hospital to draw blood, or duly licensed clinical laboratory
516 director, supervisor, technologist, or technician, acting at the
517 request of a law enforcement officer, may withdraw blood for the
518 purpose of determining the alcoholic content thereof or the
519 presence of chemical substances or controlled substances
520 therein. However, the failure of a law enforcement officer to
521 request the withdrawal of blood shall not affect the
522 admissibility of a test of blood withdrawn for medical purposes.

523 1. Notwithstanding any provision of law pertaining to the
524 confidentiality of hospital records or other medical records, if
525 a health care provider, who is providing medical care in a

526 health care facility to a person injured in a motor vehicle
527 crash, becomes aware, as a result of any blood test performed in
528 the course of that medical treatment, that the person's blood-
529 alcohol level meets or exceeds the blood-alcohol level specified
530 in s. 316.193(1)(b), the health care provider may notify any law
531 enforcement officer or law enforcement agency. Any such notice
532 must be given within a reasonable time after the health care
533 provider receives the test result. Any such notice shall be used
534 only for the purpose of providing the law enforcement officer
535 with reasonable cause to request the withdrawal of a blood
536 sample pursuant to this section.

537 2. The notice shall consist only of the name of the person
538 being treated, the name of the person who drew the blood, the
539 blood-alcohol level indicated by the test, and the date and time
540 of the administration of the test.

541 3. Nothing contained in s. 395.3025(1) ~~s. 395.3025(4)~~, s.
542 456.057, or any applicable practice act affects the authority to
543 provide notice under this section, and the health care provider
544 is not considered to have breached any duty owed to the person
545 under s. 395.3025(1) ~~s. 395.3025(4)~~, s. 456.057, or any
546 applicable practice act by providing notice or failing to
547 provide notice. It shall not be a breach of any ethical, moral,
548 or legal duty for a health care provider to provide notice or
549 fail to provide notice.

550 4. A civil, criminal, or administrative action may not be

551 brought against any person or health care provider participating
 552 in good faith in the provision of notice or failure to provide
 553 notice as provided in this section. Any person or health care
 554 provider participating in the provision of notice or failure to
 555 provide notice as provided in this section shall be immune from
 556 any civil or criminal liability and from any professional
 557 disciplinary action with respect to the provision of notice or
 558 failure to provide notice under this section. Any such
 559 participant has the same immunity with respect to participating
 560 in any judicial proceedings resulting from the notice or failure
 561 to provide notice.

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

564 395.4025 Trauma centers; selection; quality assurance;
 565 records.—

566 (13) Patient care, transport, or treatment records or
 567 reports, or patient care quality assurance proceedings, records,
 568 or reports obtained or made pursuant to this section, s.
 569 395.3025(1)(f) ~~s. 395.3025(4)(f)~~, s. 395.401, s. 395.4015, s.
 570 395.402, s. 395.403, s. 395.404, s. 395.4045, s. 395.405, s.
 571 395.50, or s. 395.51 must be held confidential by the department
 572 or its agent and are exempt from the provisions of s. 119.07(1).
 573 Patient care quality assurance proceedings, records, or reports
 574 obtained or made pursuant to these sections are not subject to
 575 discovery or introduction into evidence in any civil or

576 | administrative action.

577 | Section 10. Subsection (4) of section 440.185, Florida
578 | Statutes, is amended to read:

579 | 440.185 Notice of injury or death; reports; penalties for
580 | violations.—

581 | (4) Additional reports with respect to such injury and of
582 | the condition of such employee, including copies of medical
583 | reports, funeral expenses, and wage statements, shall be filed
584 | by the employer or carrier to the department at such times and
585 | in such manner as the department may prescribe by rule. In
586 | carrying out its responsibilities under this chapter, the
587 | department or agency may by rule provide for the obtaining of
588 | any medical records relating to medical treatment provided
589 | pursuant to this chapter, notwithstanding the provisions of ss.
590 | 90.503 and 395.3025(1) ~~395.3025(4)~~.

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