

INITIATIVE FINANCIAL INFORMATION STATEMENT

Patients' Right to Know About Adverse Medical Incidents

SUMMARY OF INITIATIVE FINANCIAL INFORMATION STATEMENT

Information about most adverse medical incidents is currently collected by the Agency for Health Care Administration, Department of Health, and to some degree the Department of Insurance Regulation. Current Florida law restricts information available to patients related to investigations of adverse medical incidents, such as medical malpractice. This amendment would give patients the right to review, upon request, records of health care facilities' or providers' adverse medical incidents, including those which could cause injury or death. Patients' identities are precluded from being disclosed and any privacy restrictions imposed by federal law are required to be maintained.

Based on the information provided through public workshops, arguments before the Florida Supreme Court, and information collected through staff research, the Financial Impact Estimating Conference principals expect that the proposed amendment will have the following financial effects:

- The number of public information requests will significantly increase. The costs for public records will generally be recoverable from requestors.
- Administrative costs could increase if this amendment were applied retroactively. The fiscal impact is indeterminate, but would be funded from licensure fees.
- Increased availability of adverse incident reports may enhance the discovery process by giving potential litigants more data. A stronger basis for lawsuits and additional opportunities for class action litigation may be created. This may increase the general cost of health care and, therefore, public expenditures for Medicaid and government employee health insurance could increase. The fiscal impact is indeterminate.
- Making additional medical records public may cause the quality of peer reviews to decline and increase the risk of lower quality physician services. This may lead to more malpractice incidents and lawsuits thus increasing the general cost of health care. The fiscal impact is indeterminate.