

1 A bill to be entitled
 2 An act relating to medical malpractice review
 3 committees; amending s. 766.101, F.S.; revising the
 4 definition of the term "medical review committee";
 5 revising provisions related to discovery and evidence
 6 in civil and administrative actions to conform to
 7 changes made by the act; providing an effective date.
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9 Be It Enacted by the Legislature of the State of Florida:
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11 **Section 1. Paragraph (a) of subsection (1) and subsection**
 12 **(5) of section 766.101, Florida Statutes, are amended to read:**

13 766.101 Medical review committee, immunity from
 14 liability.—

15 (1) As used in this section:

16 (a) The term "medical review committee" or "committee"
 17 means:

18 1.a. A committee of a hospital or ambulatory surgical
 19 center licensed under chapter 395 or a health maintenance
 20 organization certificated under part I of chapter 641;

21 b. A committee of a physician-hospital organization, a
 22 provider-sponsored organization, or an integrated delivery
 23 system;

24 c. A committee of a state or local professional society of
 25 health care providers;

26 d. A committee of a medical staff of a licensed hospital
 27 or nursing home, provided the medical staff operates pursuant to
 28 written bylaws ~~that have been~~ approved by the governing board of
 29 the hospital or nursing home;

30 e. A committee of the Department of Corrections or the
 31 Correctional Medical Authority as created under s. 945.602, or
 32 employees, agents, or consultants of either the department or
 33 the authority or both;

34 f. A committee of a professional service corporation
 35 formed under chapter 621 or a corporation organized under part I
 36 of chapter 607 or chapter 617, which is formed and operated for
 37 the practice of medicine as defined in s. 458.305(3), and which
 38 has at least 25 health care providers who routinely provide
 39 health care services directly to patients;

40 g. A committee of the Department of Children and Families
 41 or a managing entity as defined in s. 394.9082(2), which may
 42 include ~~includes~~ employees or ~~of~~ agents of ~~or~~ consultants to the
 43 department or managing entity and any other persons the
 44 department or managing entity deems ~~as deemed~~ necessary to
 45 provide peer review, utilization review, or ~~and~~ mortality review
 46 of treatment services provided pursuant to chapters 394, 397,
 47 and 916;

48 h. A committee of a mental health treatment facility
 49 licensed under chapter 394 or a community mental health center
 50 as defined in s. 394.907, provided the quality assurance program

51 operates pursuant to the guidelines ~~that have been~~ approved by
52 the governing board of the agency;

53 i. A committee of a substance abuse treatment and
54 education prevention program licensed under chapter 397 provided
55 the quality assurance program operates pursuant to the
56 guidelines ~~that have been~~ approved by the governing board of the
57 agency;

58 j. A peer review or utilization review committee organized
59 under chapter 440;

60 k. A committee of the Department of Health, a county
61 health department, healthy start coalition, or certified rural
62 health network, when reviewing quality of care, or employees of
63 these entities when reviewing mortality records; or

64 1. A continuous quality improvement committee of a
65 pharmacy licensed pursuant to chapter 465,

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67 which committee is formed to evaluate and improve the quality of
68 health care rendered by providers of health service, to
69 determine whether ~~that~~ health services rendered were
70 professionally indicated or were performed in compliance with
71 the applicable standard of care, or whether ~~that~~ the cost of
72 health care rendered was considered reasonable by the providers
73 of professional health services in the area; or

74 2. A committee of an insurer, self-insurer, or joint
75 underwriting association of medical malpractice insurance, or

76 | other persons conducting review under s. 766.106.

77 | (5) The investigations, proceedings, and records of a
78 | committee as described in the preceding subsections are ~~shall~~
79 | not ~~be~~ subject to discovery or introduction into evidence in any
80 | civil or administrative action against a provider of
81 | professional health services or a managing entity arising out of
82 | the matters which are the subject of evaluation and review by
83 | such committee, and any ~~no~~ person who was in attendance at a
84 | meeting of such committee is not ~~shall be~~ permitted or required
85 | to testify in any such civil action as to any evidence or other
86 | matters produced or presented during the proceedings of such
87 | committee or as to any findings, recommendations, evaluations,
88 | opinions, or other actions of such committee or any members
89 | thereof. However, information, documents, or records otherwise
90 | available from original sources are not to be construed as
91 | immune from discovery or use in any such civil action merely
92 | because they were presented during proceedings of such
93 | committee, nor should any person who testifies before such
94 | committee or who is a member of such committee be prevented from
95 | testifying as to matters within his or her knowledge, but the
96 | said witness cannot be asked about his or her testimony before
97 | such a committee or opinions formed by him or her as a result of
98 | said committee hearings.

99 | **Section 2.** This act shall take effect July 1, 2025.