

# Your Right to Know About Adverse Medical Incidents

If you were a patient under the care of a doctor, or in a hospital or other health care facility, would you want to know whether anything bad happened to you while you were being treated?

For years, health care providers in Florida could withhold from a patient records created as a direct result of an adverse medical incident that occurred during the patient's care. In 2004, Floridians amended the state constitution to end this practice, and to give patients the right of access to all records made or received as a result of an adverse medical incident. Amendment 7 of the Florida constitution reads in part:



"(a) In addition to any other similar rights provided herein or by general law, patients have a right to have access to any records made or received in the course of business by a health care facility or provider relating to any adverse medical incident.

(b) In providing such access, the identity of patients involved in the incidents shall not be disclosed, and any privacy restrictions imposed by federal law shall be maintained."

Records involving an "adverse medical incident" are any records pertaining to medical negligence, intentional misconduct, and any other act, neglect, or default of a health care facility or health care provider that caused or could have caused injury to or death of a patient.

Since the passage of Amendment 7, health care providers have filed numerous objections in attempts to prevent patient access to their records. Circuit

and appellate court decisions throughout the state were inconsistent in deciding on these objections. In January 2012, the Florida Supreme Court ruled in the case of *West Florida Regional Medical Center, Inc., et al., v. Lynda S. See, et al* (No. SC09-1997) and rejected all the objections and arguments presented by the hospital. The Court reaffirmed the unambiguous language and intent of Amendment 7.

Despite the ruling from the Supreme Court, health care facilities and providers will likely continue to withhold records from patients concerned with adverse medical incidents. If you or a loved one have been injured as a result of medical malpractice, it is important to contact an attorney who specializes in this field, and who will pursue your rights to have access to your records. ♦



(l-r:) Pamela McIver, Jack Scarola and Lord's Place CEO Diana Stanley.

## Jack Scarola recognized for his 30-year fight to help the homeless

Jack Scarola was recognized for his nearly 30-year fight against homelessness when he was honored with the annual Ending Homelessness Award presented by The Lord's Place, an organization that provides support for the most vulnerable and neglected homeless men, women, and children in Palm Beach County, Florida. The presentation was made during the 2011 Ending Homelessness Breakfast held at the Kravis Center in West Palm Beach. The Lord's Place CEO, Diana Stanley, described Mr. Scarola's early activism in 1983 when they were collecting coins to help the organization get started. Almost thirty years later, The Lord's Place is a large, nonprofit organization that just in 2010 alone supported nearly 500 homeless individuals. ♦

For more information on The Lord's Place, visit [www.thelordsplace.org](http://www.thelordsplace.org).

