

Court Rules that Documents Ordered Produced Under “Patient’s Right to Know” Amendment (“Amendment 7”) are not Admissible at Trial

February 16, 2011

The Honorable Judge Jeffrey M. Fleming granted Osceola Regional Medical Center’s motion *in limine* for documents produced under Article X, section 25 of the Florida Constitution (“Amendment 7” or “Patient’s Right to Know” Amendment) in: *Grafal/Sinclair v. Osceola Regional Medical Center, et al.*, Case No. 09 CA 1526 (Fla. 9th Cir. Ct. February 9, 2011). In its order, the Court ruled that Amendment 7 does not affect the Florida statutes that prohibit the admissibility of peer review, risk management and quality assurance records. See §§ 395.0193(8), 395.0197(4), and 766.106(5), Fla. Stat. Thus, to the extent that Amendment 7 renders certain records of adverse medical incidents discoverable, the amendment does not permit these records to be admitted in a court of law. After the Court’s ruled on this issue, Plaintiffs filed an extensive motion for reconsideration, which was also denied. [Read the Court's Order here.](#)

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