

THE PSQIA/AMENDMENT 7 DEBATE IN PREPARATION FOR CHARLES

Continued from page 52

removes it from consideration as PSWP. However, those reports that are collected for review by a PSO, and not required to be reported externally, should not be excluded from the definition of PSWP simply because they also satisfy a licensure or regulatory requirement imposed on the provider. To do so would contravene the stated intent of the PSQIA and would effectively authorize state nullification of federal law simply because the state law regulates health care providers. As argued by the *Charles* petitioners and amici, the distinction between internal maintenance requirements and external reporting requirements best effectuates congressional intent. Only time will tell, however, whether the First District agrees. Stay tuned.

¹ Case No. 1D15-0109, First District Court of Appeal, State of Florida.

² This article assumes familiarity with the underlying legislative schemes. For a thorough and well-written discussion of the background of the

PSQIA and Amendment 7, please see the *Charles* Petition for Writ of Certiorari and the Brief of *Amici Curiae* filed in support of the petition.



Authors: Jacqueline R. A. Root and Edward J. Carbone - ROIG Lawyers

CRIMINAL LAW SECTION RECOGNIZES TY TISON

The HCBA Criminal Law Section would like to congratulate Ty Tison, who was this year's recipient of the Marcelino "Bubba" Huerta III Award for Professionalism and Pro Bono Service. Tison was honored at a luncheon on April 8.

Thank you to the luncheon's sponsor:

