

By Representative Ogles

1                                   A bill to be entitled  
2           An act relating to life-prolonging techniques;  
3           amending s. 401.45, F.S., providing additional  
4           grounds for withholding or withdrawing  
5           life-prolonging techniques from a patient by a  
6           medical technician or paramedic; providing an  
7           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. Section 401.45, Florida Statutes, is  
12   amended to read:

13           401.45 Denial of emergency treatment; civil  
14   liability.--

15           (1)(a) Except as provided in subsection (3), a person  
16   may not be denied needed prehospital treatment or transport  
17   from any licensee for an emergency medical condition.

18           (b) A person may not be denied treatment for any  
19   emergency medical condition that will deteriorate from a  
20   failure to provide such treatment at any general hospital  
21   licensed under chapter 395 or at any specialty hospital that  
22   has an emergency room.

23           (2) A hospital or its employees or any physician or  
24   dentist responding to an apparent need for emergency treatment  
25   under this section is not liable in any action arising out of  
26   a refusal to render emergency treatment or care if reasonable  
27   care is exercised in determining the condition of the person  
28   and in determining the appropriateness of the facilities and  
29   the qualifications and availability of personnel to render  
30   such treatment.

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1           (3)(a) Resuscitation or life-prolonging techniques may  
2 be withheld or withdrawn from a patient by an emergency  
3 medical technician or paramedic if:

4           1. Evidence of an order not to resuscitate by the  
5 patient's physician is presented to the emergency medical  
6 technician or paramedic in a manner provided by rule of the  
7 department;

8           2. Evidence of a living will expressing the patient's  
9 wish not to receive life-prolonging procedures as provided in  
10 s. 765.304 is presented to the emergency medical technician or  
11 paramedic; or

12           3. Evidence of the patient's wish not to receive  
13 life-prolonging procedures as expressed by a designated  
14 healthcare surrogate as provided in s. 765.305 is presented to  
15 the emergency medical technician or paramedic.

16           (b) Any licensee, physician, medical director, or  
17 emergency medical technician or paramedic who acts under the  
18 direction of a medical director is not subject to criminal  
19 prosecution or civil liability, and has not engaged in  
20 negligent or unprofessional conduct, as a result of the  
21 withholding or withdrawal of resuscitation or life-prolonging  
22 techniques from a patient pursuant to this subsection and  
23 rules adopted by the department.

24           (4) Any licensee or emergency medical technician or  
25 paramedic who in good faith provides emergency medical care or  
26 treatment within the scope of their employment and pursuant to  
27 oral or written instructions of a medical director shall be  
28 deemed to be providing emergency medical care or treatment for  
29 the purposes of s. 768.13(2)(b).

30           Section 2. This act shall take effect July 1, 1998.

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SENATE SUMMARY

Provides that life-prolonging techniques may be withheld or withdrawn from a patient by an emergency medical technician or paramedic if evidence of a living will expressing the patient's wish not to receive life-prolonging procedures or evidence of such wish as expressed by a designated health care surrogate is presented to the emergency medical technician or paramedic.