

Bill No. CS for SB 874

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Campbell moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 35, after line 31,		
15			
16	insert:		
17	Section 24. <u>Health Care Consumer Bill of Rights and</u>		
18	<u>Responsibilities.--</u>		
19	(1) <u>INFORMATION DISCLOSURE.--Consumers have the right</u>		
20	<u>to receive accurate, easily understood information, and some</u>		
21	<u>require assistance in making informed health care decisions</u>		
22	<u>about their health plans, professionals, and facilities. For</u>		
23	<u>purposes of this section, the term "health plans" refers</u>		
24	<u>broadly to indemnity insurers and managed care organizations,</u>		
25	<u>including, but not limited to, health maintenance</u>		
26	<u>organizations and preferred provider organizations.</u>		
27	(2) <u>CHOICE OF PROVIDERS AND PLANS.--Consumers have the</u>		
28	<u>right to a choice of health care providers which is sufficient</u>		
29	<u>to ensure access to appropriate high-quality health care.</u>		
30	(3) <u>ACCESS TO EMERGENCY SERVICES.--Consumers have the</u>		
31	<u>right to access emergency health care services when and where</u>		

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1 the need arises. Health plans should provide payment when a  
2 consumer presents to an emergency department with acute  
3 symptoms of sufficient severity--including severe pain--such  
4 that a prudent layperson could reasonably expect the absence  
5 of medical attention to result in placing that consumer's  
6 health in serious jeopardy, serious impairment to bodily  
7 functions, or serious dysfunction of any bodily organ or part.

8 (4) PARTICIPATION IN TREATMENT DECISIONS.--Consumers  
9 have the right and responsibility to fully participate in all  
10 decisions related to their health care. Consumers who are  
11 unable to fully participate in treatment decisions have the  
12 right to be represented by parents, guardians, family members,  
13 or other conservators.

14 (5) RESPECT AND NONDISCRIMINATION.--

15 (a) Consumers have the right to considerate,  
16 respectful care from all members of the health care system at  
17 all times and under all circumstances. An environment of  
18 mutual respect is essential to maintain a quality health care  
19 system.

20 (b) Consumers must not be discriminated against in the  
21 delivery of health care services consistent with the benefits  
22 covered in their policy or as required by law based on race,  
23 ethnicity, national origin, religion, sex, age, mental or  
24 physical disability, sexual orientation, genetic information,  
25 or source of payment.

26 (c) Consumers who are eligible for coverage under the  
27 terms and conditions of a health plan or program or as  
28 required by law must not be discriminated against in marketing  
29 and enrollment practices based on race, ethnicity, national  
30 origin, religion, sex, age, mental or physical disability,  
31 sexual orientation, genetic information, or source of payment.

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1           (6) CONFIDENTIALITY OF HEALTH INFORMATION.--Consumers  
2 have the right to communicate with health care providers in  
3 confidence and to have the confidentiality of their  
4 individually identifiable health care information protected.  
5 Consumers also have the right to review and copy their own  
6 medical records and request amendments to their records.

7           (7) COMPLAINTS AND APPEALS.--All consumers have the  
8 right to a fair and efficient process for resolving  
9 differences with their health plans, health care providers,  
10 and the institutions that serve them, including a rigorous  
11 system of internal review and an independent system of  
12 external review.

13           (8) CONSUMER RESPONSIBILITIES.--In a health care  
14 system that protects consumers' rights, it is reasonable to  
15 expect and encourage consumers to assume reasonable  
16 responsibilities. Greater individual involvement by consumers  
17 in their care increases the likelihood of achieving the best  
18 outcomes and helps support a quality improvement,  
19 cost-conscious environment.

20           (9) CIVIL ENFORCEMENT.--Any person damaged by the acts  
21 of a person in violation of this section may bring a civil  
22 action against the person committing the violation in the  
23 circuit court of the county in which the alleged violator  
24 resides or has a principal place of business or in the county  
25 wherein the alleged violation occurred. Upon an adverse  
26 adjudication, the defendant is liable for damages, together  
27 with court costs and reasonable attorney's fees incurred by  
28 the plaintiff. When so awarded, court costs and attorney's  
29 fees must be included in the judgment or decree rendered in  
30 the case.

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 5, line 4, after the semicolon;

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8 insert:

9 providing for a health care consumer's bill of

10 rights and responsibilities; providing for

11 enforcement;

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