

Bill No. CS for SB 874

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Silver moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 36, before line 1,		
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 any</u>		
21	<u>required assistance in making informed health care decisions</u>		
22	<u>about their health plans, health care professionals, and</u>		
23	<u>facilities. As used in this section, the term "health plans"</u>		
24	<u>refers broadly to indemnity insurers and managed care</u>		
25	<u>organizations, including, but not limited to, health</u>		
26	<u>maintenance organizations and preferred provider</u>		
27	<u>organizations.</u>		
28	(2) <u>CHOICE OF PROVIDERS AND PLANS.--Consumers have the</u>		
29	<u>right to a choice of health care provides which is sufficient</u>		
30	<u>to ensure access to appropriate, high-quality health care.</u>		
31	(3) <u>ACCESS TO EMERGENCY SERVICES.--Consumers have the</u>		

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

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

15 (5) RESPECT AND NONDISCRIMINATION.--

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

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

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

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1 sexual orientation, genetic information, or source of payment.

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

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

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

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

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 5, line 4, after the semicolon,

insert:

providing a Health Care Consumer Bill of Rights  
and Responsibilities; providing for  
enforcement; providing for attorney's fees and  
costs;