

STORAGE NAME: h0917c.cp

DATE: March 30, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIME AND PUNISHMENT
ANALYSIS**

BILL #: HB 917

RELATING TO: Medical treatment of certain wounds

SPONSOR(S): Representative Cantens

COMPANION BILL(S): SB 1182(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMITTEE ON HEALTH CARE LICENSING & REGULATION YEAS 10 NAYS 1
 - (2) CRIME AND PUNISHMENT YEAS 5 NAYS 0
 - (3) HEALTH CARE SERVICES
 - (4)
 - (5)
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I. SUMMARY:

Currently, s. 790.24, F.S., requires health care providers to report to the sheriff's department any gunshot wound or any wound indicating violence that they treat, regardless of the severity of the wound. HB 917 requires physicians, nurses, or their employees, and any employee of a hospital, sanitarium, clinic, or nursing home to report to the sheriff's department only gunshot wounds and other life-threatening injuries indicating an act of violence.

Failure to report such injuries to law enforcement is a first degree misdemeanor.

There is no fiscal impact on state or local government, or the private sector.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 790.24, F.S., requires physicians, nurses and their employees and any employee of a hospital, sanitarium, clinic or nursing home to report patients suffering from gunshot wounds or other wounds indicating violence to the sheriff's department in the county where the treatment or request for treatment was received. Any health care practitioner willfully failing to report such treatment is guilty of a first degree misdemeanor.

Section 415.111 provides that a person who knowingly and willfully fails to report a case of known or suspected abuse, neglect or exploitation of a disabled adult or an elderly person commits a first degree misdemeanor.

B. EFFECT OF PROPOSED CHANGES:

The bill amends section 790.24 to provide that a health care practitioner commits a first degree misdemeanor for failing to report a gunshot wound or a life-threatening injury indicating an act of violence. Thus, a health care practitioner would not commit a crime for failing to report an injury indicating violence (other than a gunshot wound) if the injury was not life-threatening.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

Not Applicable.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

This bill requires that health care practitioners and employees of health care facilities to report any request for treatment of a wound or treatment that indicates violence.

- (3) any entitlement to a government service or benefit?

Not Applicable.

b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not Applicable.

- (2) what is the cost of such responsibility at the new level/agency?

Not Applicable.

- (3) how is the new agency accountable to the people governed?

Not Applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?
Not Applicable.
- b. Does the bill require or authorize an increase in any fees?
Not Applicable.
- c. Does the bill reduce total taxes, both rates and revenues?
Not Applicable.
- d. Does the bill reduce total fees, both rates and revenues?
Not Applicable.
- e. Does the bill authorize any fee or tax increase by any local government?
Not Applicable.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
Not Applicable.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
Not Applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
No.
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?
No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:
 - (1) Who evaluates the family's needs?
Not Applicable.
 - (2) Who makes the decisions?
Not Applicable.

(3) Are private alternatives permitted?

Not Applicable.

(4) Are families required to participate in a program?

Not Applicable.

(5) Are families penalized for not participating in a program?

Not Applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not Applicable.

(2) service providers?

Not Applicable.

(3) government employees/agencies?

Not Applicable

D. STATUTE(S) AFFECTED:

Section 790.24, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends. s. 790.24, F.S., to require health care practitioners and employees of health care facilities to report any treatment or request for treatment of any gunshot wounds or life-threatening injuries to the sheriff's department of the county in which said treatment is administered.

Section 2. Provides an effective date of October 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

This bill would not have a fiscal impact on the Department of Corrections because the crime it amends is a misdemeanor. Further, the bill would limit, rather than expand the situations in which a health care professional could be prosecuted for failing to report an injury.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not required counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

The Florida Statutes do not contain a definition of the term "life-threatening injury".

The Domestic Violence Task Force on Fatality Prevention within the Department of Community Affairs reports:

A strict interpretation of the statute requires all wounds indicating violence to be reported creating a situation that may be more detrimental to a domestic violence victim who could be endangered if law enforcement receives a report. Also the victim may forego necessary medical treatment in order to avoid being reported. This bill will allow health care practitioners to report only those wounds that result from a gunshot or knife or other life-threatening injury indicating violence.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

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