

By Representative Negrón

1 A bill to be entitled
2 An act relating to consent to medical care or
3 treatment of a minor; amending s. 743.0645,
4 F.S.; providing that a power of attorney to
5 provide such consent includes the power to
6 consent to surgical and general anesthesia
7 services; providing an 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. Paragraph (b) of subsection (1) and
12 paragraph (a) of subsection (2) of section 743.0645, Florida
13 Statutes, are amended to read:

14 743.0645 Other persons who may consent to medical care
15 or treatment of a minor.--

16 (1) As used in this section, the term:

17 (b) "Medical care and treatment" includes ordinary and
18 necessary medical and dental examination and treatment,
19 including blood testing, preventive care including ordinary
20 immunizations, tuberculin testing, and well-child care, but
21 does not include surgery, general anesthesia, provision of
22 psychotropic medications, or other extraordinary procedures
23 for which a separate court order, power of attorney, or
24 informed consent as provided by law is required.

25 (2) Any of the following persons, in order of priority
26 listed, may consent to the medical care or treatment of a
27 minor who is not committed to the Department of Children and
28 Family Services or the Department of Juvenile Justice or in
29 their custody under chapter 39, chapter 984, or chapter 985
30 when, after a reasonable attempt, a person who has the power
31 to consent as otherwise provided by law cannot be contacted by

1 the treatment provider and actual notice to the contrary has
2 not been given to the provider by that person:

3 (a) A person who possesses a power of attorney to
4 provide medical consent for the minor. A power of attorney to
5 provide medical consent for a minor includes the power to
6 consent to necessary surgical and general anesthesia services
7 for the minor.

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9 There shall be maintained in the treatment provider's records
10 of the minor documentation that a reasonable attempt was made
11 to contact the person who has the power to consent.

12 Section 2. This act shall take effect July 1, 2001.

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15 SENATE SUMMARY

16 Provides that a power of attorney to provide medical
17 consent for a minor includes the power to consent to
18 necessary surgical and general anesthesia services for
19 the minor.

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