

By Senator Latvala

19-219-01

1                                   A bill to be entitled  
2           An act relating to medical treatment; creating  
3           the "Access to Medical Treatment Act";  
4           authorizing a licensed physician to treat an  
5           individual for a life-threatening illness or  
6           condition by means of an investigational  
7           medical treatment authorized by the individual  
8           or the individual's legal representative;  
9           specifying acts and disclosures that are  
10          required before a physician may provide such  
11          treatment; providing that investigational  
12          medical treatment provided in compliance with  
13          the act does not constitute unprofessional  
14          conduct; providing an effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Access to Medical Treatment Act.--

19           (1) This section may be cited as the "Access to  
20 Medical Treatment Act."

21           (2) Notwithstanding any other law, a physician  
22 licensed under chapter 458 or chapter 459, Florida Statutes,  
23 may treat an individual for any life-threatening illness,  
24 disease, or condition by means of any investigational medical  
25 treatment authorized by the individual or the individual's  
26 legal representative if:

27           (a) The physician personally examines the individual;

28           (b) There is no reasonable basis on which to conclude  
29 that the treatment itself, when used as directed, poses an  
30 unreasonable and significant risk of danger to the individual;

31 and

1           (c) The physician provides to the individual an oral  
2 explanation and a written statement, acknowledged by the  
3 individual's signature or the signature of the individual's  
4 legal representative, which discloses:

5           1. The facts regarding the nature of the treatment;

6           2. That the treatment offered is experimental and is  
7 not approved by the United States Food and Drug Administration  
8 for such indication;

9           3. Any available alternative treatments; and

10           4. The material risks of the side effects of the  
11 treatment which are generally recognized by reasonably prudent  
12 physicians.

13           (3) Medical treatment rendered by a physician licensed  
14 under chapter 458 or chapter 459, Florida Statutes, which  
15 complies with this section does not, by itself, constitute  
16 unprofessional conduct.

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

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20           SENATE SUMMARY

21           Creates the "Access to Medical Treatment Act." Authorizes  
22 a licensed physician to treat an individual for a  
23 life-threatening illness or condition by means of an  
24 investigational medical treatment. Requires that the  
25 individual or the individual's legal representative  
26 authorize such treatment. Requires that the physician  
personally examine the individual and make certain  
disclosures regarding the treatment. Specifies that an  
investigational medical treatment provided in compliance  
with the act does not, by itself, constitute  
unprofessional conduct on the part of the physician.