

By the Committee on Health, Aging and Long-Term Care; and
Senator Latvala

317-1653-01

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 that the act does not modify
15 the scope of practice or the provisions of the
16 practice act of licensees; providing an
17 effective date.

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

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21 Section 1. Access to Medical Treatment Act.--
22 (1) This section may be cited as the "Access to
23 Medical Treatment Act."
24 (2) Notwithstanding any other law, a physician
25 licensed under chapter 458 or chapter 459, Florida Statutes,
26 may treat an individual for any life-threatening illness,
27 disease, or condition by means of any investigational medical
28 treatment authorized by the individual or the individual's
29 legal representative if:
30 (a) The physician personally examines the individual;
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1 (b) There is no reasonable basis on which to conclude
2 that the treatment itself, when used as directed, poses an
3 unreasonable and significant risk of danger to the individual;
4 and

5 (c) The physician provides to the individual an oral
6 explanation and a written statement, acknowledged by the
7 individual's signature or the signature of the individual's
8 legal representative, which discloses:

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

10 2. That the treatment offered is experimental and is
11 not approved by the United States Food and Drug Administration
12 for such indication;

13 3. Any available alternative treatments; and

14 4. The material risks of the side effects of the
15 treatment which are generally recognized by reasonably prudent
16 physicians.

17 (3) Medical treatment rendered by a physician licensed
18 under chapter 458 or chapter 459, Florida Statutes, which
19 complies with this section does not, by itself, constitute
20 unprofessional conduct.

21 (4) This section does not modify or change the scope
22 of practice of any licensees of the Department of Health, nor
23 does it alter in any way the provisions of the individual
24 practice acts for those licensees which require licensees to
25 practice within their respective standards of care or which
26 prohibit fraud and exploitation of patients.

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

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1128

The Committee Substitute provides that the bill does not modify or change the scope of practice of any licensees of the Department of Health or alter in any way the provisions of the individual practice acts for those licensees, which require licensees to practice within their respective standards of care and which prohibit fraud and exploitation.