

By Senator Peaden

1-1088-01

See HB

1                                   A bill to be entitled  
2           An act relating to health care; creating s.  
3           456.41, F.S.; authorizing provision of and  
4           access to complementary or alternative health  
5           care treatments; requiring patients to be  
6           provided with certain information regarding  
7           such treatments; requiring the keeping of  
8           certain records; providing effect on the  
9           practice acts; amending s. 381.026, F.S.;  
10          revising the Florida Patient's Bill of Rights  
11          and Responsibilities to include the right to  
12          access any mode of treatment the patient or the  
13          patient's health care practitioner believes is  
14          in the patient's best interests; providing an  
15          effective date.

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

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19           Section 1. Section 456.41, Florida Statutes, is  
20 created to read:

21           456.41 Complementary or alternative health care  
22 treatments.--

23           (1) LEGISLATIVE INTENT.--It is the intent of the  
24 Legislature that citizens be able to make informed choices for  
25 any type of health care they deem to be an effective option  
26 for treating human disease, pain, injury, deformity, or other  
27 physical or mental condition. It is the intent of the  
28 Legislature that citizens be able to choose from all health  
29 care options, including the prevailing or conventional  
30 treatment methods as well as other treatments designed to  
31 complement or substitute for the prevailing or conventional

1 treatment methods. It is the intent of the Legislature that  
2 health care practitioners be able to offer complementary or  
3 alternative health care treatments with the same requirements,  
4 provisions, and liabilities as those associated with the  
5 prevailing or conventional treatment methods.

6 (2) DEFINITIONS.--As used in this section, the term:

7 (a) "Complementary or alternative health care  
8 treatment" means any treatment that is designed to provide  
9 patients with an effective option to the prevailing or  
10 conventional treatment methods associated with the services  
11 provided by a health care practitioner. Such a treatment may  
12 be provided in addition to or in place of other treatment  
13 options.

14 (b) "Health care practitioner" means any health care  
15 practitioner as defined in s. 456.001(4).

16 (3) COMMUNICATION OF TREATMENT ALTERNATIVES.--A health  
17 care practitioner who offers to provide a patient with a  
18 complementary or alternative health care treatment must inform  
19 the patient of the nature of the treatment and must explain  
20 the benefits and risks associated with the treatment to the  
21 extent necessary for the patient to make an informed and  
22 prudent decision regarding such treatment option. In  
23 compliance with this subsection:

24 (a) The health care practitioner must inform the  
25 patient of the practitioner's education, experience, and  
26 credentials in relation to the complementary or alternative  
27 health care treatment option.

28 (b) The health care practitioner may, in his or her  
29 discretion, communicate the information orally or in written  
30 form directly to the patient or to the patient's legal  
31 representative.

1           (c) The health care practitioner may, in his or her  
2 discretion and without restriction, recommend any mode of  
3 treatment that is, in his or her judgment, in the best  
4 interests of the patient, including complementary or  
5 alternative health care treatments, in accordance with the  
6 provisions of his or her license.

7           (4) RECORDS.--Every health care practitioner providing  
8 a patient with a complementary or alternative health care  
9 treatment must indicate in the patient's care record the  
10 method by which the requirements of subsection (3) were met.

11           (5) EFFECT.--This section does not modify or change  
12 the scope of practice of any licensees of the department, nor  
13 does it alter in any way the provisions of the individual  
14 practice acts for those licensees, which require licensees to  
15 practice within their respective standards of care and which  
16 prohibit fraud and exploitation of patients.

17           Section 2. Paragraph (d) of subsection (4) of section  
18 381.026, Florida Statutes, is amended to read:

19           381.026 Florida Patient's Bill of Rights and  
20 Responsibilities.--

21           (4) RIGHTS OF PATIENTS.--Each health care facility or  
22 provider shall observe the following standards:

23           (d) Access to health care.--

24           1. A patient has the right to impartial access to  
25 medical treatment or accommodations, regardless of race,  
26 national origin, religion, physical handicap, or source of  
27 payment.

28           2. A patient has the right to treatment for any  
29 emergency medical condition that will deteriorate from failure  
30 to provide such treatment.

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1           3. A patient has the right to access any mode of  
2 treatment that is, in his or her own judgment and the judgment  
3 of his or her health care practitioner, in the best interests  
4 of the patient, including complementary or alternative health  
5 care treatments, in accordance with the provisions of s.  
6 456.41.

7           Section 3. This act shall take effect upon becoming a  
8 law.

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HOUSE SUMMARY

Authorizes provision of and access to complementary or  
alternative health care treatments. Requires patients to  
be provided with certain information regarding such  
treatments. Requires the keeping of certain records.  
Provides effect on the practice acts. Revises the Florida  
Patient's Bill of Rights and Responsibilities to include  
the right to access any mode of treatment the patient or  
the patient's health care practitioner believes is in the  
patient's best interests.