

By Senator Clary

7-1297-01

1 A bill to be entitled
2 An act relating to access to health care;
3 creating s. 456.40, F.S.; providing legislative
4 intent with respect to patients' access to
5 complementary or alternative health care
6 treatment, as defined; prescribing standards
7 for communicating the offer of complementary or
8 alternative health care treatment; requiring
9 keeping of certain records; amending s.
10 381.026, F.S.; including access to
11 complementary or alternative health care among
12 the rights to which a patient is entitled;
13 providing an effective date.

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

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17 Section 1. Section 456.40, Florida Statutes, is
18 created to read:

19 456.40 Complementary or alternative health care
20 treatments.--

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

1 care treatments with the same requirements, provisions, and
2 liabilities as those associated with the prevailing or
3 conventional treatment methods.

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

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

12 (b) "Health care practitioner" means a person defined
13 in s. 456.001(4).

14 (3) COMMUNICATION OF TREATMENT ALTERNATIVES.--A health
15 care practitioner who offers to provide a patient with a
16 complementary or alternative health care treatment shall
17 inform the patient of the nature of such treatment as defined
18 in subsection (2) and shall explain the benefits and risks
19 associated with the treatment to the extent necessary for the
20 patient to make an informed and prudent decision regarding
21 such treatment option. In compliance with this subsection:

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

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

30 (c) The health care practitioner may, in his or her
31 discretion and without restriction, recommend any mode of

1 treatment that is, in his or her judgment, in the best
2 interests of the patient, including complementary or
3 alternative health care treatments, in accordance with the
4 provisions of his or her license issued by the Department of
5 Health.

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

10 Section 2. Paragraph (d) of subsection (4) of section
11 381.026, Florida Statutes, is amended to read:

12 381.026 Florida Patient's Bill of Rights and
13 Responsibilities.--

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

16 (d) Access to health care.--

17 1. A patient has the right to impartial access to
18 medical treatment or accommodations, regardless of race,
19 national origin, religion, physical handicap, or source of
20 payment.

21 2. A patient has the right to treatment for any
22 emergency medical condition that will deteriorate from failure
23 to provide such treatment.

24 3. A patient has the right to access to any mode of
25 treatment that is, in his or her own judgment and the judgment
26 of his or her health care practitioner, in the best interests
27 of the patient, including complementary or alternative health
28 care treatments in accordance with s. 456.40.

29 Section 3. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Enunciates a patient's right to complementary or alternative health care treatment when provided by a licensed health care practitioner. The practitioner must record the communications between the practitioner and the patient with respect to requests for and disclosures made as to complementary or alternative health care treatment.