

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 362  
 SPONSOR: Senator Saunders  
 SUBJECT: Florida Patient's Bill of Rights and Responsibilities  
 DATE: March 3, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Munroe	Wilson	HC	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	AHS	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill amends the Florida Patient’s Bill of Rights and Responsibilities which requires health care providers and health care facilities to acknowledge and provide to patients, in writing, a statement of their rights. The current list of rights includes the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, *physical* handicap, or source of payment. The bill extends the right to impartial access to such medical treatment or accommodations regardless of the type of handicap.

This bill amends section 381.026, Florida Statutes.

**II. Present Situation:**

Section 381.026, Florida Statutes, establishes the Florida Patient’s Bill of Rights and Responsibilities. The section specifies rights of patients relating to individual dignity, provision of information, financial information and disclosure, access to health care, and experimental research. Under the section, patients have the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, physical handicap, or source of payment. Any licensed medical physician, osteopathic physician, or podiatric physician who treats a patient in an office or any hospital or ambulatory surgical center that provides emergency services and care or outpatient services and care to a patient, or admits and treats a patient must adopt and make available to the patient, in writing, a statement of the rights and responsibilities of patients.

Section 381.0261, F.S., requires health care providers and health care facilities to provide patients with information, if requested, about state agencies responsible for responding to patient complaints about alleged provider or facility noncompliance with licensure requirements. Health

care providers and health care facilities must adopt policies and procedures that ensure inpatients are provided the opportunity, during their hospital stay, to be informed of their rights and how to file a complaint with the facility and the appropriate state regulatory agency. The Agency for Health Care Administration may levy an administrative fine against a health care facility of up to \$5,000 for nonwillful violations of the requirement to make available to patients a summary of their rights, and an administrative fine of up to \$25,000 for intentional and willful violations, with each intentional and willful violation constituting a separate offense. The appropriate regulatory board, or the Department of Health if there is no board, may levy an administrative fine against a health care provider of up to \$100 for nonwillful violations of the requirement to make available to patients a summary of their rights, and an administrative fine of up to \$500 for willful violations and each intentional and willful violation constitutes a separate violation that is subject to a separate fine. In determining the amount of the fine to be levied the Agency for Health Care Administration, Department of Health or the appropriate regulatory board must consider certain factors, which include the scope and severity of the violation, corrective actions taken, and any previous violation of the requirements of s. 381.0261, F.S.

### **III. Effect of Proposed Changes:**

The bill amends the Florida Patient's Bill of Rights and Responsibilities, which requires health care providers and health care facilities to acknowledge and provide to patients, in writing, a statement of their right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, *physical* handicap, or source of payment, to extend impartial access to such medical treatment or accommodations regardless of the type of handicap.

The effective date of the bill is July 1, 2001.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

#### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

#### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

To the extent the bill clarifies that patients have rights to access medical treatment and accommodations regardless of any handicap, patients with handicaps that are not physical handicap who are not recognized under the Florida Patient's Bill of Rights and Responsibilities may benefit.

Health care providers and health care facilities may incur additional costs to comply with the Florida Patient's Bill of Rights and Responsibilities to the extent they must revise the written statement that must be provided to patients.

**C. Government Sector Impact:**

The Agency for Health Care Administration may incur costs to revise the summary of the Florida Patient's Bill of Rights and Responsibilities that it is required to make available to health care providers and facilities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.