

By Representative Bilirakis

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
27 personally examine the individual and make certain
28 disclosures regarding the treatment. Specifies that an
29 investigational medical treatment provided in compliance
30 with the act does not, by itself, constitute
31 unprofessional conduct on the part of the physician.