

1                                   A bill to be entitled  
 2           An act relating to patients' rights; amending s. 381.026,  
 3           F.S.; providing that patients have the right to  
 4           participate in health care decisions, select their  
 5           physician or other health care provider, and choose  
 6           between generic or brand name prescription medications;  
 7           providing an effective date.

8

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

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11           Section 1. Subsections (4) and (6) of section 381.026,  
 12           Florida Statutes, are amended to read:

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

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

17           (a) Individual dignity.--

18           1. The individual dignity of a patient must be respected  
 19           at all times and upon all occasions.

20           2. Every patient who is provided health care services  
 21           retains certain rights to privacy, which must be respected  
 22           without regard to the patient's economic status or source of  
 23           payment for his or her care. The patient's rights to privacy  
 24           must be respected to the extent consistent with providing  
 25           adequate medical care to the patient and with the efficient  
 26           administration of the health care facility or provider's office.

27           However, this subparagraph does not preclude necessary and  
 28           discreet discussion of a patient's case or examination by

29 appropriate medical personnel.

30 3. A patient has the right to a prompt and reasonable  
31 response to a question or request. A health care facility shall  
32 respond in a reasonable manner to the request of a patient's  
33 health care provider for medical services to the patient. The  
34 health care facility shall also respond in a reasonable manner  
35 to the patient's request for other services customarily rendered  
36 by the health care facility to the extent such services do not  
37 require the approval of the patient's health care provider or  
38 are not inconsistent with the patient's treatment.

39 4. A patient in a health care facility has the right to  
40 retain and use personal clothing or possessions as space  
41 permits, unless for him or her to do so would infringe upon the  
42 right of another patient or is medically or programmatically  
43 contraindicated for documented medical, safety, or programmatic  
44 reasons.

45 (b) Information.--

46 1. A patient has the right to know the name, function, and  
47 qualifications of each health care provider who is providing  
48 medical services to the patient. A patient may request such  
49 information from his or her responsible provider or the health  
50 care facility in which he or she is receiving medical services.

51 2. A patient in a health care facility has the right to  
52 know what patient support services are available in the  
53 facility.

54 3. A patient has the right to be given by his or her  
55 health care provider information concerning diagnosis, planned  
56 course of treatment, alternatives, risks, and prognosis, unless

57 | it is medically inadvisable or impossible to give this  
58 | information to the patient, in which case the information must  
59 | be given to the patient's guardian or a person designated as the  
60 | patient's representative. A patient has the right to refuse this  
61 | information.

62 |         4. A patient has the right to refuse any treatment based  
63 | on information required by this paragraph, except as otherwise  
64 | provided by law. The responsible provider shall document any  
65 | such refusal.

66 |         5. A patient in a health care facility has the right to  
67 | know what facility rules and regulations apply to patient  
68 | conduct.

69 |         6. A patient has the right to express grievances to a  
70 | health care provider, a health care facility, or the appropriate  
71 | state licensing agency regarding alleged violations of patients'  
72 | rights. A patient has the right to know the health care  
73 | provider's or health care facility's procedures for expressing a  
74 | grievance.

75 |         7. A patient in a health care facility who does not speak  
76 | English has the right to be provided an interpreter when  
77 | receiving medical services if the facility has a person readily  
78 | available who can interpret on behalf of the patient.

79 |         (c) Financial information and disclosure.--

80 |             1. A patient has the right to be given, upon request, by  
81 | the responsible provider, his or her designee, or a  
82 | representative of the health care facility full information and  
83 | necessary counseling on the availability of known financial  
84 | resources for the patient's health care.

85           2. A health care provider or a health care facility shall,  
86 upon request, disclose to each patient who is eligible for  
87 Medicare, in advance of treatment, whether the health care  
88 provider or the health care facility in which the patient is  
89 receiving medical services accepts assignment under Medicare  
90 reimbursement as payment in full for medical services and  
91 treatment rendered in the health care provider's office or  
92 health care facility.

93           3. A health care provider or a health care facility shall,  
94 upon request, furnish a person, prior to provision of medical  
95 services, a reasonable estimate of charges for such services.  
96 Such reasonable estimate shall not preclude the health care  
97 provider or health care facility from exceeding the estimate or  
98 making additional charges based on changes in the patient's  
99 condition or treatment needs.

100           4. Each licensed facility not operated by the state shall  
101 make available to the public on its Internet website or by other  
102 electronic means a description of and a link to the performance  
103 outcome and financial data that is published by the agency  
104 pursuant to s. 408.05(3)(1). The facility shall place a notice  
105 in the reception area that such information is available  
106 electronically and the website address. The licensed facility  
107 may indicate that the pricing information is based on a  
108 compilation of charges for the average patient and that each  
109 patient's bill may vary from the average depending upon the  
110 severity of illness and individual resources consumed. The  
111 licensed facility may also indicate that the price of service is  
112 negotiable for eligible patients based upon the patient's

113 ability to pay.

114 5. A patient has the right to receive a copy of an  
 115 itemized bill upon request. A patient has a right to be given an  
 116 explanation of charges upon request.

117 (d) Access to health care.--

118 1. A patient has the right to impartial access to medical  
 119 treatment or accommodations, regardless of race, national  
 120 origin, religion, handicap, or source of payment.

121 2. A patient has the right to treatment for any emergency  
 122 medical condition that will deteriorate from failure to provide  
 123 such treatment.

124 3. A patient has the right to access any mode of treatment  
 125 that is, in his or her own judgment and the judgment of his or  
 126 her health care practitioner, in the best interests of the  
 127 patient, including complementary or alternative health care  
 128 treatments, in accordance with the provisions of s. 456.41.

129 4. A patient has the right to participate in health care  
 130 decisions.

131 5. A patient has the right to select his or her physician  
 132 or other health care provider.

133 6. A patient has the right to choose between a generic or  
 134 brand-name prescription medication.

135 (e) Experimental research.--In addition to the provisions  
 136 of s. 766.103, a patient has the right to know if medical  
 137 treatment is for purposes of experimental research and to  
 138 consent prior to participation in such experimental research.  
 139 For any patient, regardless of ability to pay or source of  
 140 payment for his or her care, participation must be a voluntary

141 matter; and a patient has the right to refuse to participate.  
 142 The patient's consent or refusal must be documented in the  
 143 patient's care record.

144 (f) Patient's knowledge of rights and  
 145 responsibilities.--In receiving health care, patients have the  
 146 right to know what their rights and responsibilities are.

147 (5) RESPONSIBILITIES OF PATIENTS.--Each patient of a  
 148 health care provider or health care facility shall respect the  
 149 health care provider's and health care facility's right to  
 150 expect behavior on the part of patients which, considering the  
 151 nature of their illness, is reasonable and responsible. Each  
 152 patient shall observe the responsibilities described in the  
 153 following summary.

154 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any health  
 155 care provider who treats a patient in an office or any health  
 156 care facility licensed under chapter 395 that provides emergency  
 157 services and care or outpatient services and care to a patient,  
 158 or admits and treats a patient, shall adopt and make available  
 159 to the patient, in writing, a statement of the rights and  
 160 responsibilities of patients, including the following:

161  
 162 SUMMARY OF THE FLORIDA PATIENT'S BILL  
 163 OF RIGHTS AND RESPONSIBILITIES  
 164

165 Florida law requires that your health care provider or  
 166 health care facility recognize your rights while you are  
 167 receiving medical care and that you respect the health care  
 168 provider's or health care facility's right to expect certain

169 behavior on the part of patients. You may request a copy of the  
170 full text of this law from your health care provider or health  
171 care facility. A summary of your rights and responsibilities  
172 follows:

173 A patient has the right to be treated with courtesy and  
174 respect, with appreciation of his or her individual dignity, and  
175 with protection of his or her need for privacy.

176 A patient has the right to a prompt and reasonable response  
177 to questions and requests.

178 A patient has the right to know who is providing medical  
179 services and who is responsible for his or her care.

180 A patient has the right to know what patient support  
181 services are available, including whether an interpreter is  
182 available if he or she does not speak English.

183 A patient has the right to know what rules and regulations  
184 apply to his or her conduct.

185 A patient has the right to be given by the health care  
186 provider information concerning diagnosis, planned course of  
187 treatment, alternatives, risks, and prognosis.

188 A patient has the right to refuse any treatment, except as  
189 otherwise provided by law.

190 A patient has the right to be given, upon request, full  
191 information and necessary counseling on the availability of  
192 known financial resources for his or her care.

193 A patient who is eligible for Medicare has the right to  
194 know, upon request and in advance of treatment, whether the  
195 health care provider or health care facility accepts the  
196 Medicare assignment rate.

197 A patient has the right to receive, upon request, prior to  
 198 treatment, a reasonable estimate of charges for medical care.

199 A patient has the right to receive a copy of a reasonably  
 200 clear and understandable, itemized bill and, upon request, to  
 201 have the charges explained.

202 A patient has the right to impartial access to medical  
 203 treatment or accommodations, regardless of race, national  
 204 origin, religion, handicap, or source of payment.

205 A patient has the right to treatment for any emergency  
 206 medical condition that will deteriorate from failure to provide  
 207 treatment.

208 A patient has the right to participate in health care  
 209 decisions.

210 A patient has the right to select his or her physician or  
 211 other health care provider.

212 A patient has the right to choose between a generic or  
 213 brand-name prescription medication.

214 A patient has the right to know if medical treatment is for  
 215 purposes of experimental research and to give his or her consent  
 216 or refusal to participate in such experimental research.

217 A patient has the right to express grievances regarding any  
 218 violation of his or her rights, as stated in Florida law,  
 219 through the grievance procedure of the health care provider or  
 220 health care facility which served him or her and to the  
 221 appropriate state licensing agency.

222 A patient is responsible for providing to the health care  
 223 provider, to the best of his or her knowledge, accurate and  
 224 complete information about present complaints, past illnesses,



225 hospitalizations, medications, and other matters relating to his  
226 or her health.

227 A patient is responsible for reporting unexpected changes  
228 in his or her condition to the health care provider.

229 A patient is responsible for reporting to the health care  
230 provider whether he or she comprehends a contemplated course of  
231 action and what is expected of him or her.

232 A patient is responsible for following the treatment plan  
233 recommended by the health care provider.

234 A patient is responsible for keeping appointments and, when  
235 he or she is unable to do so for any reason, for notifying the  
236 health care provider or health care facility.

237 A patient is responsible for his or her actions if he or  
238 she refuses treatment or does not follow the health care  
239 provider's instructions.

240 A patient is responsible for assuring that the financial  
241 obligations of his or her health care are fulfilled as promptly  
242 as possible.

243 A patient is responsible for following health care facility  
244 rules and regulations affecting patient care and conduct.

245 Section 2. This act shall take effect July 1, 2005.