

By Senator Siplin

19-68-05

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A bill to be entitled

An act relating to patient's rights; amending s. 381.026, F.S.; providing that patients have the right to participate in health care decisions, select their physician or other health care provider, and choose between generic or brand-name prescription medications; providing an effective date.

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

Section 1. Subsections (4) and (5) of section 381.026, Florida Statutes, are amended to read:

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

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

(a) Individual dignity.--

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

2. Every patient who is provided health care services retains certain rights to privacy, which must be respected without regard to the patient's economic status or source of payment for his or her care. The patient's rights to privacy must be respected to the extent consistent with providing adequate medical care to the patient and with the efficient administration of the health care facility or provider's office. However, this subparagraph does not preclude necessary and discreet discussion of a patient's case or examination by appropriate medical personnel.

1 3. A patient has the right to a prompt and reasonable
2 response to a question or request. A health care facility
3 shall respond in a reasonable manner to the request of a
4 patient's health care provider for medical services to the
5 patient. The health care facility shall also respond in a
6 reasonable manner to the patient's request for other services
7 customarily rendered by the health care facility to the extent
8 such services do not require the approval of the patient's
9 health care provider or are not inconsistent with the
10 patient's treatment.

11 4. A patient in a health care facility has the right
12 to retain and use personal clothing or possessions as space
13 permits, unless for him or her to do so would infringe upon
14 the right of another patient or is medically or
15 programmatically contraindicated for documented medical,
16 safety, or programmatic reasons.

17 (b) Information.--

18 1. A patient has the right to know the name, function,
19 and qualifications of each health care provider who is
20 providing medical services to the patient. A patient may
21 request such information from his or her responsible provider
22 or the health care facility in which he or she is receiving
23 medical services.

24 2. A patient in a health care facility has the right
25 to know what patient support services are available in the
26 facility.

27 3. A patient has the right to be given by his or her
28 health care provider information concerning diagnosis, planned
29 course of treatment, alternatives, risks, and prognosis,
30 unless it is medically inadvisable or impossible to give this
31 information to the patient, in which case the information must

1 be given to the patient's guardian or a person designated as
2 the patient's representative. A patient has the right to
3 refuse this information.

4 4. A patient has the right to refuse any treatment
5 based on information required by this paragraph, except as
6 otherwise provided by law. The responsible provider shall
7 document any such refusal.

8 5. A patient in a health care facility has the right
9 to know what facility rules and regulations apply to patient
10 conduct.

11 6. A patient has the right to express grievances to a
12 health care provider, a health care facility, or the
13 appropriate state licensing agency regarding alleged
14 violations of patients' rights. A patient has the right to
15 know the health care provider's or health care facility's
16 procedures for expressing a grievance.

17 7. A patient in a health care facility who does not
18 speak English has the right to be provided an interpreter when
19 receiving medical services if the facility has a person
20 readily available who can interpret on behalf of the patient.

21 (c) Financial information and disclosure.--

22 1. A patient has the right to be given, upon request,
23 by the responsible provider, his or her designee, or a
24 representative of the health care facility full information
25 and necessary counseling on the availability of known
26 financial resources for the patient's health care.

27 2. A health care provider or a health care facility
28 shall, upon request, disclose to each patient who is eligible
29 for Medicare, in advance of treatment, whether the health care
30 provider or the health care facility in which the patient is
31 receiving medical services accepts assignment under Medicare

1 reimbursement as payment in full for medical services and
2 treatment rendered in the health care provider's office or
3 health care facility.

4 3. A health care provider or a health care facility
5 shall, upon request, furnish a person, prior to provision of
6 medical services, a reasonable estimate of charges for such
7 services. Such reasonable estimate shall not preclude the
8 health care provider or health care facility from exceeding
9 the estimate or making additional charges based on changes in
10 the patient's condition or treatment needs.

11 4. Each licensed facility not operated by the state
12 shall make available to the public on its Internet website or
13 by other electronic means a description of and a link to the
14 performance outcome and financial data that is published by
15 the agency pursuant to s. 408.05(3)(1). The facility shall
16 place a notice in the reception area that such information is
17 available electronically and the website address. The licensed
18 facility may indicate that the pricing information is based on
19 a compilation of charges for the average patient and that each
20 patient's bill may vary from the average depending upon the
21 severity of illness and individual resources consumed. The
22 licensed facility may also indicate that the price of service
23 is negotiable for eligible patients based upon the patient's
24 ability to pay.

25 5. A patient has the right to receive a copy of an
26 itemized bill upon request. A patient has a right to be given
27 an explanation of charges upon request.

28 (d) Access to health care.--

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

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

4 3. A patient has the right to access any mode of
5 treatment that is, in his or her own judgment and the judgment
6 of his or her health care practitioner, in the best interests
7 of the patient, including complementary or alternative health
8 care treatments, in accordance with the provisions of s.
9 456.41.

10 4. A patient has the right to participate in health
11 care decisions.

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

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

16 (e) Experimental research.--In addition to the
17 provisions of s. 766.103, a patient has the right to know if
18 medical treatment is for purposes of experimental research and
19 to consent prior to participation in such experimental
20 research. For any patient, regardless of ability to pay or
21 source of payment for his or her care, participation must be a
22 voluntary matter; and a patient has the right to refuse to
23 participate. The patient's consent or refusal must be
24 documented in the patient's care record.

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

28 (5) RESPONSIBILITIES OF PATIENTS.--Each patient of a
29 health care provider or health care facility shall respect the
30 health care provider's and health care facility's right to
31 expect behavior on the part of patients which, considering the

1 nature of their illness, is reasonable and responsible. Each
2 patient shall observe the responsibilities described in the
3 following summary.

4 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any
5 health care provider who treats a patient in an office or any
6 health care facility licensed under chapter 395 that provides
7 emergency services and care or outpatient services and care to
8 a patient, or admits and treats a patient, shall adopt and
9 make available to the patient, in writing, a statement of the
10 rights and responsibilities of patients, including the
11 following:

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13 SUMMARY OF THE FLORIDA PATIENT'S BILL
14 OF RIGHTS AND RESPONSIBILITIES
15

16 Florida law requires that your health care provider or
17 health care facility recognize your rights while you are
18 receiving medical care and that you respect the health care
19 provider's or health care facility's right to expect certain
20 behavior on the part of patients. You may request a copy of
21 the full text of this law from your health care provider or
22 health care facility. A summary of your rights and
23 responsibilities follows:

24 A patient has a right to participate in health care
25 decisions.

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

28 A patient has the right to choose between a generic or
29 brand-name prescription medication.
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1 A patient has the right to be treated with courtesy and
2 respect, with appreciation of his or her individual dignity,
3 and with protection of his or her need for privacy.

4 A patient has the right to a prompt and reasonable
5 response to questions and requests.

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

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

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

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

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

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

21 A patient who is eligible for Medicare has the right to
22 know, upon request and in advance of treatment, whether the
23 health care provider or health care facility accepts the
24 Medicare assignment rate.

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

28 A patient has the right to receive a copy of a
29 reasonably clear and understandable, itemized bill and, upon
30 request, to have the charges explained.

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

4 A patient has the right to treatment for any emergency
5 medical condition that will deteriorate from failure to
6 provide treatment.

7 A patient has the right to know if medical treatment is
8 for purposes of experimental research and to give his or her
9 consent or refusal to participate in such experimental
10 research.

11 A patient has the right to express grievances regarding
12 any violation of his or her rights, as stated in Florida law,
13 through the grievance procedure of the health care provider or
14 health care facility which served him or her and to the
15 appropriate state licensing agency.

16 A patient is responsible for providing to the health
17 care provider, to the best of his or her knowledge, accurate
18 and complete information about present complaints, past
19 illnesses, hospitalizations, medications, and other matters
20 relating to his or her health.

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

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

26 A patient is responsible for following the treatment
27 plan recommended by the health care provider.

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

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

4 A patient is responsible for assuring that the
5 financial obligations of his or her health care are fulfilled
6 as promptly as possible.

7 A patient is responsible for following health care
8 facility rules and regulations affecting patient care and
9 conduct.

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

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SENATE SUMMARY

Revises the Florida Patient's Bill of Rights and
Responsibilities to include the patient's right to
participate in health care decisions, select his or her
physician or other health care provider, and choose
between generic or brand-name prescription medications.