

By Senator Bullard

39-447-06

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to alternative health care treatment; amending s. 456.41, F.S.; providing that a health care practitioner is not subject to discipline for rendering complementary or alternative health care treatment under certain circumstances; providing an effective date.

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

Section 1. Subsection (3) of section 456.41, Florida Statutes, is amended, present subsections (4) and (5) of that section are redesignated as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

456.41 Complementary or alternative health care treatments.--

(3) COMMUNICATION OF TREATMENT ALTERNATIVES.--A health care practitioner who offers to provide a patient with a complementary or alternative health care treatment must inform the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the patient to make an informed and prudent decision regarding such treatment option. In compliance with this subsection:

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

(b) The health care practitioner may, ~~in his or her discretion,~~ communicate the information orally or in written

1 form directly to the patient or to the patient's legal
2 representative.

3 (c) The health care practitioner may, ~~in his or her~~
4 ~~discretion and~~ without restriction, recommend any mode of
5 treatment that is, in his or her judgment, in the best
6 interests of the patient, including complementary or
7 alternative health care treatments, in accordance with the
8 provisions of his or her license.

9 (4) A health care practitioner is not subject to
10 discipline solely on the basis that he or she renders
11 complementary or alternative health care treatment or advice
12 to a patient if the health care practitioner:

13 (a) Complies with the requirements of subsection (3);

14 (b) In good faith examines the patient before
15 rendering any complementary or alternative health care
16 treatment or advice;

17 (c) Informs the patient about conventional medical
18 treatment before rendering any complementary or alternative
19 health care treatment or advice;

20 (d) Does not delay or discourage the traditional
21 diagnosis of a condition of the patient by use of the
22 complementary or alternative health care treatment or advice;
23 and

24 (e) Does not cause death or serious bodily injury to
25 the patient by use of the complementary or alternative health
26 care treatment or advice.

27 (5)(4) RECORDS.--Every health care practitioner
28 providing a patient with a complementary or alternative health
29 care treatment must indicate in the patient's care record the
30 method by which the requirements of subsection (3) were met.
31

1 ~~(6)~~(5) EFFECT.--This section does not modify or change
2 the scope of practice of any licensees of the department, nor
3 does it alter in any way the provisions of the individual
4 practice acts for those licensees, which require licensees to
5 practice within their respective standards of care and which
6 prohibit fraud and exploitation of patients.

7 Section 2. This act shall take effect upon becoming a
8 law.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that a health care practitioner is not subject to discipline for rendering complementary or alternative health care treatment under certain circumstances.