



544728

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2020	.	
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The Committee on Health Policy (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 456.51, Florida Statutes, is created to
read:

456.51 Informed consent.—

(1) A health care practitioner may not perform an
examination of or provide medical care or treatment to a
patient, with or without anesthesia, unless:

(a) The health care practitioner obtains written informed



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12 consent from the patient or the patient's legal representative
13 for all medically necessary examinations of or medical care or
14 treatment to be provided to the patient, with or without
15 anesthesia;

16 (b) A court orders the performance of an examination of or
17 the provision of medical care or treatment to the patient, with
18 or without anesthesia; or

19 (c) The examination or medical care or treatment is
20 medically necessary for the diagnosis or medical care or
21 treatment of the patient in a medical emergency.

22 (2) A patient's attending health care practitioner may not
23 allow a medical or nursing student, a resident physician, an
24 intern, or a fellow in fellowship training to observe or
25 participate in the provision of medical care or treatment to his
26 or her patient while the patient is under anesthesia for any
27 purpose, unless:

28 (a) A court orders the performance of an examination of or
29 the provision of medical care or treatment to the patient, with
30 or without anesthesia;

31 (b) The examination or medical care or treatment is
32 medically necessary for the diagnosis or medical care or
33 treatment of the patient in a medical emergency; or

34 (c) The attending health care practitioner obtains a
35 separate written informed consent form from the patient or the
36 patient's legal representative in accordance with subsection (3)
37 authorizing medical or nursing students, resident physicians,
38 interns, or fellows in fellowship training to:

39 1. Be present only for the purpose of observing the
40 provision of medical care or treatment by the attending health



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41 care practitioner to the patient while the patient is under
42 anesthesia; or

43 2. For the purpose of conducting research or clinical
44 training, participate, under direct supervision of the attending
45 health care practitioner or the supervising medical educator, in
46 the provision of medical care or treatment by the attending
47 health care practitioner to the patient while the patient is
48 under anesthesia.

49 (3) The separate written informed consent form required
50 under paragraph (2)(c) must include all of the following:

51 (a) The name and title of the patient's attending health
52 care practitioner who is responsible for the medical care and
53 treatment of the patient while the patient is under anesthesia,
54 as indicated by the patient's medical care and treatment plan.

55 (b) The name and title of any supervising medical educator
56 who will be present or will be providing direct supervision to
57 any medical or nursing student, resident physician, intern, or
58 fellow in fellowship training during the provision of medical
59 care or treatment to the patient while the patient is under
60 anesthesia.

61 (c) A statement that any observation of or participation by
62 a medical or nursing student, a resident physician, an intern,
63 or a fellow in fellowship training in the provision of medical
64 care or treatment to the patient while the patient is under
65 anesthesia will be:

66 1. Directly related to the patient's diagnosis and medical
67 care and treatment plan established by the patient's attending
68 health care practitioner;

69 2. Part of medical research being conducted by the medical



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70 or nursing student, resident physician, intern, or fellow in
71 fellowship training; or

72 3. Part of the clinical training being provided to the
73 medical or nursing student, resident physician, intern, or
74 fellow in fellowship training.

75 (d) A series of check boxes that allow the patient or the
76 patient's legal representative to indicate whether he or she
77 consents or withholds consent to:

78 1. The presence of medical or nursing students, resident
79 physicians, interns, or fellows in fellowship training to
80 observe the provision of medical care and treatment to the
81 patient while the patient is under anesthesia only for the
82 purpose of conducting medical research or receiving clinical
83 training; or

84 2. The participation of medical or nursing students,
85 resident physicians, interns, or fellows in fellowship training
86 in the provision of medical care and treatment to the patient
87 while the patient is under anesthesia for the purpose of
88 conducting medical research or receiving clinical training.

89 (e) A signature line designated for the patient or the
90 patient's legal representative.

91 (f) A signature line designated for the patient's attending
92 health care practitioner and the supervising medical educator,
93 if different from the patient's attending health care
94 practitioner.

95 (4) A patient may amend or revoke his or her consent,
96 verbally or in writing, at any time before the procedure begins
97 or before the anesthesia is administered, whichever occurs
98 earlier.



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99 (5) If a patient consents to have medical or nursing
100 students, resident physicians, interns, or fellows in fellowship
101 training observe or participate in the provision of medical care
102 or treatment to the patient while under anesthesia, the
103 patient's attending health care practitioner must do all of the
104 following:

105 (a) Inform the patient of his or her right to amend or
106 revoke his or her consent at any time before the procedure
107 begins or before anesthesia is administered, whichever occurs
108 earlier.

109 (b) Document in the patient's medical record the name of
110 each medical or nursing student, resident physician, intern, or
111 fellow in fellowship training who examined the patient or
112 observed or participated in the provision of medical care or
113 treatment to the patient while the patient was under anesthesia.

114 (6) A patient's attending health care practitioner and a
115 supervising medical educator, if different from the attending
116 health care practitioner, who fails to comply with this section
117 is subject to discipline by the applicable board, or the
118 department if there is no board.

119 Section 2. This act shall take effect July 1, 2020.

120
121 ===== T I T L E A M E N D M E N T =====

122 And the title is amended as follows:

123 Delete everything before the enacting clause
124 and insert:

125 A bill to be entitled
126 An act relating to informed consent; creating s.
127 456.51, F.S.; requiring health care practitioners to



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128 obtain informed consent from the patient or the
129 patient's legal representative in order to perform
130 examinations on or provide medical care or treatment
131 to the patient, with exceptions; specifying
132 circumstances under which an attending health care
133 practitioner may allow certain unlicensed individuals
134 conducting medical research or receiving clinical
135 training to observe or participate in the provision of
136 medical care or treatment to a patient under
137 anesthesia; requiring the attending health care
138 practitioner to obtain from the patient or the
139 patient's legal representative separate written
140 informed consent to do so; specifying requirements for
141 the written informed consent form; providing that a
142 patient may revoke or amend consent verbally or in
143 writing within a specified timeframe; requiring the
144 attending health care practitioner to inform the
145 patient of specified information and to document
146 specified information in the patient's medical record
147 under certain circumstances; providing for
148 disciplinary action against attending health care
149 practitioners or supervising medical educators who
150 fail to comply with certain provisions; providing an
151 effective date.