

1 A bill to be entitled
 2 An act relating to patient identification and health
 3 care decisions; creating s. 395.1013, F.S.;
 4 authorizing certain law enforcement agencies to assist
 5 hospitals in identifying certain patients; requiring
 6 such agencies to provide hospitals with certain
 7 information; amending s. 765.401, F.S.; authorizing
 8 certain clinical social workers to make certain
 9 decisions and applications for a patient's continued
 10 care; providing an effective date.

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

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 14 Section 1. Section 395.1013, Florida Statutes, is created
 15 to read:

16 395.1013 Patient identification; law enforcement
 17 assistance.—Notwithstanding any other provision of law, the
 18 Department of Law Enforcement or another law enforcement agency
 19 may assist a hospital licensed under this chapter in identifying
 20 an otherwise unidentifiable patient through the use of
 21 fingerprints, palm prints, facial images, or other biometric
 22 information. Upon request by the hospital, the Department of Law
 23 Enforcement or another law enforcement agency shall provide the
 24 hospital with the available last known name, address, telephone
 25 number, or other identifying information of such patient to

26 | notify the patient's next of kin.

27 | Section 2. Paragraph (h) of subsection (1) of section
28 | 765.401, Florida Statutes, is amended to read:

29 | 765.401 The proxy.—

30 | (1) If an incapacitated or developmentally disabled
31 | patient has not executed an advance directive, or designated a
32 | surrogate to execute an advance directive, or the designated or
33 | alternate surrogate is no longer available to make health care
34 | decisions, health care decisions may be made for the patient by
35 | any of the following individuals, in the following order of
36 | priority, if no individual in a prior class is reasonably
37 | available, willing, or competent to act:

38 | (h)1. A clinical social worker licensed pursuant to
39 | chapter 491, or who is a graduate of a court-approved
40 | guardianship program. Such a proxy must be selected by the
41 | provider's bioethics committee and must not be employed by the
42 | provider. If the provider does not have a bioethics committee,
43 | then such a proxy may be chosen through an arrangement with the
44 | bioethics committee of another provider. The proxy will be
45 | notified that, upon request, the provider shall make available a
46 | second physician, not involved in the patient's care to assist
47 | the proxy in evaluating treatment.

48 | 2. A clinical social worker authorized to make health care
49 | decisions for a patient pursuant to this section may:

50 | a. Consent to and authorize the placement, care, and

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51 treatment of the patient at a skilled nursing facility, assisted
52 living facility, long-term care facility, or hospice following
53 the patient's discharge from the hospital or the patient's
54 transfer from one facility to another.

55 b. Apply for any public or private benefits for the
56 patient following the patient's discharge from the hospital or
57 the patient's transfer from one facility to another.

58 3. Decisions to withhold or withdraw life-prolonging
59 procedures will be reviewed by the facility's bioethics
60 committee.

61 4. Documentation of efforts to locate proxies from prior
62 classes must be recorded in the patient record.

63 Section 3. This act shall take effect July 1, 2022.