

By Senator Garcia

37-01668-22

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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 the Department of Law Enforcement and  
5       other law enforcement agencies to assist hospitals in  
6       identifying otherwise unidentifiable patients;  
7       requiring such agencies to provide the hospital with  
8       specified information, upon a hospital's request;  
9       amending s. 765.401, F.S.; authorizing certain  
10      clinical social workers to make specified health care  
11      decisions and applications for public and private  
12      benefits for the continued care of certain patients;  
13      providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17       Section 1. Section 395.1013, Florida Statutes, is created  
18      to read:

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

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30 Section 2. Paragraph (h) of subsection (1) of section  
31 765.401, Florida Statutes, is amended to read:

32 765.401 The proxy.—

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

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

51 1. A clinical social worker authorized to make health care  
52 decisions for a patient under this paragraph may:

53 a. Consent to and authorize the placement, care, and  
54 treatment of the patient at a skilled nursing facility, assisted  
55 living facility, long-term care facility, or hospice following  
56 the patient's discharge from the hospital or the patient's  
57 transfer from one facility to another.

58 b. Apply for any public or private benefits for the patient

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59 following the patient's discharge from the hospital or the  
60 patient's transfer from one facility to another.

61 2. Decisions to withhold or withdraw life-prolonging  
62 procedures will be reviewed by the facility's bioethics  
63 committee.

64 3. Documentation of efforts to locate proxies from prior  
65 classes must be recorded in the patient record.

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