

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Rudman offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 95-166 and insert:

7 (2) RIGHTS OF CONSCIENCE.- (a) A health care provider or
8 health care payor has the right to opt out of participation in
9 or payment for any health care service on the basis of a
10 conscience-based objection.

11 1. A health care provider who is an individual must
12 document in the patient's medical record that the health care
13 provider gave verbal or written notice of his or her conscience-
14 based objection to the patient, at the time of objection or as
15 soon as practicable thereafter.

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16 2. A health care provider who is an individual must, at the
17 time of objection or as soon as practicable thereafter, provide
18 written notification of his or her conscience-based objection to
19 the health care provider's supervisor or employer, if such
20 health care provider has a supervisor or employer.

21 3. A health care provider who is a student must provide
22 written notice of his or her conscience-based objection to his
23 or her educational institution at the time of the conscience-
24 based objection or as soon as practicable thereafter.

25 (b) The exercise of the right of medical conscience is
26 limited to conscience-based objections to a specific health care
27 service. This section does not waive or modify any duty a health
28 care provider or health care payor may have to provide or pay
29 for other health care services that do not violate their rights
30 of conscience or any duty a health care provider may have to
31 provide informed consent to a patient in accordance with general
32 law. Additionally, a health care payor may not decline to pay
33 for a health care service it is contractually obligated to cover
34 during the plan year.

35 (c) A health care provider may not be discriminated against
36 or suffer adverse action because the health care provider
37 declined to participate in or pay for a health care service on
38 the basis of a conscience-based objection.

39 (3) SPEECH AND WHISTLEBLOWER PROTECTIONS.-

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40 (a) A health care provider or health care payor may not be
41 discriminated against or suffer any adverse action in any manner
42 with respect to:

43 1. Providing or causing to be provided or intending to
44 provide or cause to be provided to their employer, the Attorney
45 General, the Department of Health, any other state agency
46 charged with protecting health care rights of conscience, the
47 United States Department of Health and Human Services, the
48 Office of Civil Rights, or any other federal agency charged with
49 protecting health care rights of conscience information relating
50 to any violation of or any act or omission the health care
51 provider or health care payor reasonably believes to be a
52 violation of any provision of this act;

53 2. Testifying or intending to testify in a proceeding
54 concerning such violation; or

55 3. Assisting or participating or intending to assist or
56 participate in such a proceeding.

57 (b) Unless the disclosure is specifically prohibited by
58 law, a health care provider or health care payor may not be
59 discriminated against in any manner for disclosing information
60 that the health care provider or health care payor reasonably
61 believes constitutes:

62 1. A violation of any law, rule, or regulation;

63 2. A violation of any ethical guidelines for the provision
64 of any medical procedure or service; or

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65 3. A practice or method of treatment that may put patient
66 health at risk or present a substantial and specific danger to
67 public health or safety.

68 (4) CIVIL REMEDIES.—A health care provider or health care
69 payor may bring a civil cause of action for appropriate damages,
70 an injunction, or any other appropriate relief in law or equity,
71 including reasonable attorney fees, for any violation of this
72 act.

73 (5) IMMUNITY FROM LIABILITY.—A health care provider or
74 health care payor may not be civilly liable for declining to
75 participate in a health care service on the basis of a
76 conscience-based objection. However, this section does not limit
77 the applicability of Chapter 766 to any other health care
78 service a health care provider actually performs.

79 (6) EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.—This
80 section does not override the requirement to provide emergency
81 medical treatment to all patients as set forth in the Emergency
82 Medical Treatment and Active Labor Act, 42 U.S.C. s. 1395dd.

83 (7) LIFE SUPPORTING CARE. This section does not apply to
84 medical treatments utilizing life-supporting or life-sustaining
85 equipment as defined in s. 400.925.

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87 -----

88 **T I T L E A M E N D M E N T**

89 Remove line 14 and insert:

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Bill No. CS/HB 1403 (2023)

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90 immunity from liability; excluding emergency and life-supporting
91 care from conscience-based objections; creating s. 456.61, F.S.;