

By Senator Montford

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1                   A bill to be entitled  
2           An act relating to the rights and responsibilities of  
3           patients; amending s. 381.026, F.S.; requiring health  
4           care facilities and providers to authorize patients to  
5           bring in any person of the patients' choosing to  
6           specified areas of the facilities or providers'  
7           offices under certain circumstances; requiring health  
8           care facilities and providers to include such  
9           authorization as an additional patient standard in the  
10          statement of rights and responsibilities made  
11          available to patients by health care providers;  
12          providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Paragraph (a) of subsection (4) and subsection  
17           (6) of section 381.026, Florida Statutes, are amended to read:

18           381.026 Florida Patient's Bill of Rights and  
19           Responsibilities.—

20           (4) RIGHTS OF PATIENTS.—Each health care facility or  
21           provider shall observe the following standards:

22           (a) *Individual dignity*.—

23           1. The individual dignity of a patient must be respected at  
24           all times and upon all occasions.

25           2. Every patient who is provided health care services  
26           retains certain rights to privacy, which must be respected  
27           without regard to the patient's economic status or source of  
28           payment for his or her care. The patient's rights to privacy  
29           must be respected to the extent consistent with providing

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30 adequate medical care to the patient and with the efficient  
31 administration of the health care facility or provider's office.  
32 However, this subparagraph does not preclude necessary and  
33 discreet discussion of a patient's case or examination by  
34 appropriate medical personnel.

35 3. A patient has the right to a prompt and reasonable  
36 response to a question or request. A health care facility shall  
37 respond in a reasonable manner to the request of a patient's  
38 health care provider for medical services to the patient. The  
39 health care facility shall also respond in a reasonable manner  
40 to the patient's request for other services customarily rendered  
41 by the health care facility to the extent such services do not  
42 require the approval of the patient's health care provider or  
43 are not inconsistent with the patient's treatment.

44 4. A patient in a health care facility has the right to  
45 retain and use personal clothing or possessions as space  
46 permits, unless for him or her to do so would infringe upon the  
47 right of another patient or is medically or programmatically  
48 contraindicated for documented medical, safety, or programmatic  
49 reasons.

50 5. A patient receiving care in a health care facility or in  
51 a provider's office has the right to bring any person of his or  
52 her choosing to the patient-accessible areas of the health care  
53 facility or provider's office to accompany the patient while the  
54 patient is receiving inpatient or outpatient treatment or is  
55 consulting with his or her health care provider. Any person or  
56 entity that may have a fiduciary interest affected by the  
57 patient's course of treatment may not attend a consultation or  
58 attempt to change a prescribed course of treatment without the

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59 health care provider's consent.

60 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care  
61 provider who treats a patient in an office or any health care  
62 facility licensed under chapter 395 that provides emergency  
63 services and care or outpatient services and care to a patient,  
64 or admits and treats a patient, shall adopt and make available  
65 to the patient, in writing, a statement of the rights and  
66 responsibilities of patients, including the following:

67

68 SUMMARY OF THE FLORIDA PATIENT'S BILL

69 OF RIGHTS AND RESPONSIBILITIES

70

71 Florida law requires that your health care provider or  
72 health care facility recognize your rights while you are  
73 receiving medical care and that you respect the health care  
74 provider's or health care facility's right to expect certain  
75 behavior on the part of patients. You may request a copy of the  
76 full text of this law from your health care provider or health  
77 care facility. A summary of your rights and responsibilities  
78 follows:

79 A patient has the right to be treated with courtesy and  
80 respect, with appreciation of his or her individual dignity, and  
81 with protection of his or her need for privacy.

82 A patient has the right to a prompt and reasonable response  
83 to questions and requests.

84 A patient has the right to know who is providing medical  
85 services and who is responsible for his or her care.

86 A patient has the right to know what patient support  
87 services are available, including whether an interpreter is

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88 available if he or she does not speak English.

89 A patient has the right to bring any person of his or her  
90 choosing to the patient-accessible areas of the health care  
91 facility or provider's office to accompany the patient while the  
92 patient is receiving inpatient or outpatient treatment or is  
93 consulting with his or her health care provider, except that any  
94 person or entity that may have a fiduciary interest affected by  
95 the patient's course of treatment may not attend a consultation  
96 or attempt to change a prescribed course of treatment without  
97 the health care provider's consent.

98 A patient has the right to know what rules and regulations  
99 apply to his or her conduct.

100 A patient has the right to be given by the health care  
101 provider information concerning diagnosis, planned course of  
102 treatment, alternatives, risks, and prognosis.

103 A patient has the right to refuse any treatment, except as  
104 otherwise provided by law.

105 A patient has the right to be given, upon request, full  
106 information and necessary counseling on the availability of  
107 known financial resources for his or her care.

108 A patient who is eligible for Medicare has the right to  
109 know, upon request and in advance of treatment, whether the  
110 health care provider or health care facility accepts the  
111 Medicare assignment rate.

112 A patient has the right to receive, upon request, prior to  
113 treatment, a reasonable estimate of charges for medical care.

114 A patient has the right to receive a copy of a reasonably  
115 clear and understandable, itemized bill and, upon request, to  
116 have the charges explained.

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117 A patient has the right to impartial access to medical  
118 treatment or accommodations, regardless of race, national  
119 origin, religion, handicap, or source of payment.

120 A patient has the right to treatment for any emergency  
121 medical condition that will deteriorate from failure to provide  
122 treatment.

123 A patient has the right to know if medical treatment is for  
124 purposes of experimental research and to give his or her consent  
125 or refusal to participate in such experimental research.

126 A patient has the right to express grievances regarding any  
127 violation of his or her rights, as stated in Florida law,  
128 through the grievance procedure of the health care provider or  
129 health care facility which served him or her and to the  
130 appropriate state licensing agency.

131 A patient is responsible for providing to the health care  
132 provider, to the best of his or her knowledge, accurate and  
133 complete information about present complaints, past illnesses,  
134 hospitalizations, medications, and other matters relating to his  
135 or her health.

136 A patient is responsible for reporting unexpected changes  
137 in his or her condition to the health care provider.

138 A patient is responsible for reporting to the health care  
139 provider whether he or she comprehends a contemplated course of  
140 action and what is expected of him or her.

141 A patient is responsible for following the treatment plan  
142 recommended by the health care provider.

143 A patient is responsible for keeping appointments and, when  
144 he or she is unable to do so for any reason, for notifying the  
145 health care provider or health care facility.

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146           A patient is responsible for his or her actions if he or  
147 she refuses treatment or does not follow the health care  
148 provider's instructions.

149           A patient is responsible for assuring that the financial  
150 obligations of his or her health care are fulfilled as promptly  
151 as possible.

152           A patient is responsible for following health care facility  
153 rules and regulations affecting patient care and conduct.

154           Section 2. This act shall take effect July 1, 2017.