CHAPTER 2001-116
Senate Bill No. 1324

An act relating to health care; creating s. 456.41, F.S.; authorizing provision of and access to complementary or alternative health care treatments; requiring patients to be provided with certain information regarding such treatments; requiring the keeping of certain records; providing effect on the practice acts; amending s. 381.026, F.S.; revising the Florida Patient's Bill of Rights and Responsibilities to include the right to access any mode of treatment the patient or the patient's health care practitioner believes is in the patient's best interests; providing an effective date.

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

Section 1. Section 456.41, Florida Statutes, is created to read:

456.41 Complementary or alternative health care treatments.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that citizens be able to make informed choices for any type of health care they deem to be an effective option for treating human disease, pain, injury, deformity, or other physical or mental condition. It is the intent of the Legislature that citizens be able to choose from all health care options, including the prevailing or conventional treatment methods as well as other treatments designed to complement or substitute for the prevailing or conventional treatment methods. It is the intent of the Legislature that health care practitioners be able to offer complementary or alternative health care treatments with the same requirements, provisions, and liabilities as those associated with the prevailing or conventional treatment methods.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Complementary or alternative health care treatment" means any treatment that is designed to provide patients with an effective option to the prevailing or conventional treatment methods associated with the services provided by a health care practitioner. Such a treatment may be provided in addition to or in place of other treatment options.

(b) "Health care practitioner" means any health care practitioner as defined in s. 456.001(4).

(3) COMMUNICATION OF TREATMENT ALTERNATIVES.—A health care practitioner who offers to provide a patient with a complementary or alternative health care treatment must inform the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the patient to make an informed and prudent decision regarding such treatment option. In compliance with this subsection:

(a) The health care practitioner must inform the patient of the practitioner's education, experience, and credentials in relation to the complementary or alternative health care treatment option.

CODING: Words stricken are deletions; words underlined are additions.
(b) The health care practitioner may, in his or her discretion, communi-
cate the information orally or in written form directly to the patient or to the
patient's legal representative.

c) The health care practitioner may, in his or her discretion and without
restriction, recommend any mode of treatment that is, in his or her judg-
ment, in the best interests of the patient, including complementary or alter-
native health care treatments, in accordance with the provisions of his or her
license.

(4) RECORDS.—Every health care practitioner providing a patient with
a complementary or alternative health care treatment must indicate in the
patient's care record the method by which the requirements of subsection (3)
were met.

(5) EFFECT.—This section does not modify or change the scope of prac-
tice of any licensees of the department, nor does it alter in any way the
provisions of the individual practice acts for those licensees, which require
licensees to practice within their respective standards of care and which
prohibit fraud and exploitation of patients.

Section 2. Paragraph (d) of subsection (4) of section 381.026, Florida
Statutes, is amended to read:

381.026 Florida Patient’s Bill of Rights and Responsibilities.—

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

(d) Access to health care.—

1. A patient has the right to impartial access to medical treatment or
accommodations, regardless of race, national origin, religion, physical hand-
icap, or source of payment.

2. A patient has the right to treatment for any emergency medical condi-
tion that will deteriorate from failure to provide such treatment.

3. A patient has the right to access any mode of treatment that is, in his
or her own judgment and the judgment of his or her health care practitioner,
in the best interests of the patient, including complementary or alternative
health care treatments, in accordance with the provisions of s. 456.41.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.