

## **FLORIDA PATIENTS BILL OF RIGHTS**

Florida Statute 381.026

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## Florida's Patient's Bill of Rights and Responsibilities

The Florida Patient's Bill of Rights and Responsibilities, found at Florida Statute 381.026, is intended to promote the interests and well-being of the patients of healthcare providers and healthcare facilities, and to promote better communication between the patient and the healthcare provider. It was the intent of the Legislature that healthcare providers understand their responsibility to give their patients a general understanding of the procedures to be performed on them and to provide information pertaining to their healthcare so that they can make decisions in an informed manner, after considering the information related to their condition, the available treatment alternatives, and substantial risks and hazards inherent in the treatments. In addition, it is important that patients have a general understanding of their responsibilities toward healthcare providers and healthcare facilities.

The rights afforded patients in Florida, as well as the associated responsibilities, are as follows:

#### **Individual Dignity**

1. The individual dignity of a patient must be respected at all times and upon all occasions.
2. Every patient who is provided healthcare services retains certain rights to privacy, which must be respected without regard to the patient's economic status or source of payment for his or her care. The patient's rights to privacy must be respected to the extent consistent with providing adequate medical care to the patient and with the efficient administration of the healthcare facility or provider's office.
3. A patient has the right to a prompt and reasonable response to a question or request. A healthcare facility shall respond in a reasonable manner to the request of a patient's healthcare provider for medical services to the patient. The healthcare facility shall also respond in a reasonable manner to the patient's request for other services customarily rendered by the healthcare facility to the extent such services do not require the approval of the patient's healthcare provider or are not inconsistent with the patient's treatment.
4. A patient in a healthcare facility has the right to retain and use personal clothing or possession as space permits, unless for him or her to do so would

infringe upon the right of another patient or is medically or programmatically contraindicated for documented medical, safety, or programmatic reasons.

### **Information**

1. A patient has the right to know the name, function, and qualifications of each healthcare provider who is providing medical services to the patient. A patient may request such information from his or her responsible providers or the healthcare facility in which he or she is receiving medical services.
2. A patient in a healthcare facility has the right to know what patient support services are available in the facility.
3. A patient has the right to be given by his or her healthcare provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis, unless it is medically inadvisable or impossible to give this information to the patient, in which case the information must be given to the patient's guardian or a person designated as the patient's representative. A patient has the right to refuse this information.
4. A patient has the right to refuse any treatment based on information required by this paragraph, except as otherwise provided by law. The responsible provider shall document any such refusal.
5. A patient in a healthcare facility has the right to know what facility rules and regulations apply to patient conduct.
6. A patient has the right to express grievances to a healthcare provider, a healthcare facility, or the appropriate state licensing agency regarding alleged violations of patients' rights. A patient has the right to know the healthcare provider's or healthcare facility's procedures for expressing a grievance.
7. A patient in a healthcare facility who does not speak English has the right to be provided an interpreter when receiving medical services if the facility has a person readily available who can interpret on behalf of the patient.

### **Financial Information and Disclosure**

1. A patient has the right to be given, upon request, by the responsible provider, his or her designee, or a representative of the healthcare facility full information and necessary counseling on the availability of known financial resources for the patient's healthcare.
2. A healthcare provider or a healthcare facility shall, upon request, disclose to each patient who is eligible for Medicare, in advance of treatment, whether the healthcare provider or the healthcare facility in which the patient is receiving medical services accepts assignment under Medicare reimbursement as payment in full for medical services and treatment rendered

in the healthcare provider's office or healthcare facility.

3. A healthcare provider or a healthcare facility shall, upon request, furnish a person, prior to provision of medical services, a reasonable estimate of charges for such services. Such reasonable estimate shall not preclude the healthcare provider or healthcare facility from exceeding the estimate or making additional charges based on changes in the patient's condition or treatment needs.
4. Each licensed facility not operated by the state shall make available to the public on its Internet Web site or by other electronic means a description of and a link to the performance outcome and financial data that is published by the agency pursuant to [F.S.]  $\text{ $\text{\textasciix26}}$ 408.05(3)(1)$ . The facility shall place a notice in the reception area that such information is available electronically and the Web site address. The licensed facility may indicate that the pricing information is based on a compilation of charges for the average patient and that each patient's bill may vary from the average depending upon the severity of illness and individual resources consumed. The licensed facility may also indicate that the price of service is negotiable for eligible patients based upon the patient's ability to pay.
5. A patient has the right to receive a copy of an itemized bill upon request. A patient has a right to be given an explanation of charges upon request.

#### **Access to Healthcare**

1. A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.
2. A patient has the right to treatment for any emergency medical condition 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 practitioner, in the best interests of the patient, including complementary or alternative healthcare treatments, in accordance with the provisions of [F.S.]  $\text{ $\text{\textasciix26}}$ 456.41$ .

#### **Experimental Research**

A patient has the right to know if medical treatment is for purposes of experimental research and to consent prior to participation in such experimental research. For any patient, regardless of ability to pay or source of payment for his or her care, participation must be a voluntary matter; and a patient has the right to refuse to participate. The patient's consent or refusal must be documented in the patient's care record.

#### **Responsibilities of Patients**

Each patient of a healthcare provider or healthcare facility shall respect the healthcare provider's and healthcare facility's right to expect behavior on the part of patients which, considering the nature of their illness, is reasonable and responsible. Each patient is responsible for:

- Providing to the healthcare provider, to the best of his or her knowledge, accurate and complete information about present complaints, past illnesses, hospitalizations, medications, and other matters related to his or her health;
- Reporting unexpected changes in his or her condition to the healthcare provider;
- Reporting to the healthcare provider whether he or she comprehends a contemplated course of action and what is expected of him or her;
- Following the treatment plan recommended by the healthcare provider;
- Keeping appointments and, when he or she is unable to do so for any reason, for notifying the healthcare provider or health facility;
- His or her actions if he or she refuses treatment or does not follow the healthcare provider's instructions;
- Assuring that the financial obligations of his or her healthcare are fulfilled as promptly as possible; and
- Following healthcare facility rules and regulations affecting patient care and conduct.