

HB 61

2017

1 A bill to be entitled
2 An act relating to emergency services for an
3 unintentional drug overdose; amending s. 395.1041,
4 F.S.; requiring a hospital providing emergency
5 services to a person suffering from an unintentional
6 drug overdose to provide certain services and
7 information; providing conditions for transfer of a
8 patient to a licensed detoxification or addictions
9 receiving facility; providing responsibilities of the
10 attending physician; providing conditions under which
11 a person who suffers an unintentional drug overdose
12 and seeks emergency medical services may not be
13 charged, prosecuted, or penalized for specified
14 offenses; providing an effective date.

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

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18 Section 1. Subsection (6) of section 395.1041, Florida
19 Statutes, is amended to read:

20 395.1041 Access to emergency services and care.—

21 (6) RIGHTS OF PERSONS BEING TREATED.—

22 (a) A hospital providing emergency services and care to a
23 person who is being involuntarily examined under the provisions
24 of s. 394.463 shall adhere to the rights of patients specified
25 in part I of chapter 394 and the involuntary examination

26 | procedures provided in s. 394.463, regardless of whether the
27 | hospital, or any part thereof, is designated as a receiving or
28 | treatment facility under part I of chapter 394 and regardless of
29 | whether the person is admitted to the hospital.

30 | (b) A hospital providing emergency services and care to a
31 | person who has experienced an unintentional drug overdose shall
32 | assign a health care professional trained in Screening, Brief
33 | Intervention, and Referral to Treatment (SBIRT) as defined by
34 | the Substance Abuse and Mental Health Services Administration to
35 | assess the person and determine the need for further services.
36 | If a health care professional trained in SBIRT is unavailable,
37 | the attending physician shall refer the patient to a qualified
38 | professional as defined in s. 394.455 for assessment. A patient
39 | may not be transferred to a licensed detoxification or
40 | addictions receiving facility until the patient is stabilized.
41 | Before the patient is discharged or transferred, the attending
42 | physician shall attempt to:

43 | 1. Identify and contact the patient's primary care
44 | physician and all practitioners who prescribed a controlled
45 | substance to the patient within the past 12 months and inform
46 | the physician and prescribers that the patient has suffered an
47 | unintentional overdose and may require treatment for a substance
48 | use disorder.

49 | 2. If the patient is currently receiving treatment for a
50 | substance use disorder, identify and contact the substance abuse

51 treatment provider's medical director or the patient's addiction
52 medicine specialist and the patient's primary care physician and
53 inform them that the patient has suffered an unintentional
54 overdose and the patient's treatment plan may need to be
55 reevaluated.

56 3. Provide the patient's adult next of kin or emergency
57 contact with the following information:

58 a. The name and address of the hospital where the patient
59 is receiving emergency services and care.

60 b. That the patient has suffered an unintentional
61 overdose.

62 c. The nature and properties of the substance or
63 substances that the attending physician believes the patient
64 ingested that may have contributed to the overdose.

65 d. A list of substance abuse treatment and addiction-
66 recovery service providers, including licensed facilities
67 pursuant to s. 397.6774, voluntary admissions procedures under
68 part IV of chapter 397, involuntary admissions procedures under
69 part V of chapter 397, and involuntary commitment procedures
70 under chapter 394.

71 4. Encourage the patient to voluntarily seek treatment for
72 a substance use disorder.

73 5. Establish face-to-face contact between the patient and
74 a substance abuse treatment provider.

75 (c) A person who has been diagnosed as having suffered an

HB 61

2017

76 | unintentional drug overdose and is in need of emergency services
77 | and care may not be charged, prosecuted, or penalized under
78 | chapter 893 for possession of a controlled substance if the
79 | evidence for such possession was obtained as a result of the
80 | overdose and need for emergency services and care.

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