



May 25, 2021

The Honorable Ron DeSantis
Governor, State of Florida
PL 05 Capitol
400 South Monroe Street
Tallahassee, Florida 32399
GovernorRon.Desantis@eog.myflorida.com

Dear Governor DeSantis,

On behalf of the Florida Academy of Family Physicians (FAFP), we respectfully request that you veto HB 241 "Parents' Bill of Rights" for the reasons outlined below.

The FAFP supports the premise that medical care for children should be managed and consent to treat expressly provided by a child's parents or legal guardian. However, there are certain instances when the inability to obtain a parent's consent could negatively impact the ability for a child to receive necessary care. As mentioned in previous correspondence to you from the Florida Medical Association (FMA), several years ago the Florida legislature addressed this issue via Section 743.064, Florida Statutes, which provides that parental consent is not required for emergency medical care or treatment provided to a minor who is injured in an accident or is suffering from an acute illness, disease, or condition. The waived consent, however, only applies when such care occurs in two ways: in the line of duty of emergency medical technicians and paramedics, or when the care is provided in a hospital emergency department or in a university health services facility. Parental notification or consent in these instances is provided after the emergency medical care or treatment is administered, which ensures the child's safety comes first without exception.

Unfortunately, as noted above, Section 743.064, Florida Statutes, is limited to emergency care provided in a hospital setting and ignores other common community based situations. For example, hundreds of physicians throughout Florida, particularly family physicians, provide voluntary coverage for middle and high school sporting events where minors experience significant injuries. If HB 241 is signed into law and parents are not available on-site to sign a written consent, these physicians will not only be prohibited from providing necessary care but be subject to arrest for having committed a misdemeanor of the first degree.

While this example is specific to athletics, there are many other instances where this legislation will make physicians or other healthcare providers think twice before providing urgent or acute care to children in medical distress. Examples include providing cardiopulmonary resuscitation (CPR), assisting after a car accident, treating a dog bite, or even treating an allergic reaction to an insect bite or a food allergy. HR 241 will make family physicians do something they never do when witnessing an emergency involving a child; hesitate or even refrain from providing care for fear of committing a crime.

To this end, the FAFP asks you to veto HB 241 in order to ensure the safety of children over well-intentioned but misguided policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "John A. Gross MD".

John A. Gross, MD, FAAFP
President

A handwritten signature in blue ink, appearing to read "Christienne P. Alexander MD".

Christienne P. Alexander, MD, FAAFP
FAFP Board Chair

cc: James "Jim" R. Daughton, Jr., JD



May 13, 2021

The Honorable Ron DeSantis
Governor, State of Florida
PL 05 Capitol
400 South Monroe Street
Tallahassee, Florida 32399

Dear Governor DeSantis,

The Florida Medical Association, along with the Florida Osteopathic Medical Association, the Florida Orthopaedic Society, the Florida Academy of Family Physicians, the Florida Chapter of the American Academy of Pediatrics, the Florida Chapter of American College of Physicians, the Florida Chapter of the American College of Surgeons, the Florida College of Emergency Physicians, and the Duval County Medical Society respectfully request that you veto HB 241.

The medical associations listed above recognize the importance of parents being involved with, and in charge of, the medical care their children receive. There are occasions, however, where immediate parental consent to treatment is not practical. Florida has acknowledged this, and in s. 743.064 has provided that parental consent is not required for emergency medical care or treatment provided to a minor who is injured in an accident or is suffering from an acute illness, disease, or condition, but only when such care occurs in the line of duty of EMTs and paramedics, or when the care is provided in a hospital emergency department or in a university health services facility. In these situations, it suffices that parental notification take place as soon as possible AFTER the emergency medical care or treatment is administered.

This statute is unaffected by HB 241 and will continue to apply if HB 241 is signed into law. Unfortunately, s. 743.064 applies only to care provided in a licensed hospital or college health service. Any medical care provided to children outside of these facilities will require written parental consent if HB 241 becomes law. Those healthcare providers who do not obtain the proper consent will be subject to arrest and incarceration for having committed a misdemeanor of the first degree.

It only takes a quick Google search to read countless articles about children needing urgent or acute care, and many times physicians or other healthcare providers rushing to their side. Whether it is providing CPR to a child beside the pool after a drowning accident, care to a child having an anaphylactic reaction to an insect bite or peanut allergy on the playground, or a physician arriving at the scene of an auto accident prior to EMS, doctors should not be prevented or delayed from jumping into action. If this legislation becomes law, physicians may find themselves in the unfortunate situation where they are technically committing a crime simply by doing what is best for the minor - administering the rapid care the child needs.

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Almost every physician in Florida has witnessed a call for “a doctor in the house,” and most have intervened immediately. Ironically, this legislation creates a bifurcated system. Providing emergency care or attention to an adult does not require written consent, yet if the new legislation is adopted the physician has a legal and ethical quandary. Should the physician technically violate the law and provide care, or should that physician delay appropriate and possibly urgent care in an attempt to obtain WRITTEN consent despite recognizing that the parent would absolutely want his or her assistance? Certain scenarios could and likely will result in much poorer outcomes if action is not taken urgently, and that would be within a reasonable degree of medical probability and certainty.

This will also have a decidedly unfortunate effect on the provision of urgent healthcare services at children’s sporting events. Many physicians in Florida volunteer their time to serve as team physicians for a variety of high school, middle school, and elementary athletic events. Physicians also serve at many non-school sponsored team events, and many are asked to intervene even when simply observing an event. Imagine the dilemma of seeing a child sustain a spinal cord injury from a fall, being present and able to provide emergency medical assistance that might save that child’s life, but being legally prohibited from doing so unless the parent was present to provide written consent.

If HB 241 is signed into law, a physician who provides medical care to an injured child at an athletic event without first receiving the written consent of a parent, who may not even be at the event, will be considered to have committed a crime. Given the prospect of potential criminal charges for tending to an injured child, we expect that most physicians will decline to continue providing volunteer services at youth sporting events.

This issue could have easily been avoided had the legislature accepted language inserted into the Senate version of the bill that would have exempted from the written consent requirement care necessary to treat an acute medical condition or to provide care pursuant to s. 768.083 (statute governing volunteer team physicians). We ask you to please veto HB 241 and request that the legislature carefully consider this language for any parental consent bill it wishes to entertain during the 2022 legislative session in view of the potential for significant repercussions.

Sincerely,



Michael Patete, MD
President, Florida Medical Association



Marc G. Kaprow, DO, MHA, FACOI
President, Florida Osteopathic Medical
Association

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R. Stephen Lucie, MD
President, Florida Orthopaedic Society



John A. Gross, MD, FAAFP
President, Florida Academy of Family Physicians



Lisa Gwynn, DO, MBA, FAAP, CPE
President, Florida Chapter of the American
Academy of Pediatrics



Manning Hanline, Jr., MD, FACP, FACEP
Governor, Florida Chapter, American College
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Deepak G. Nair, MD, MS, MHA, RVT, FACS
President, Florida Chapter, American College of
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Jonathan Dolan, MA
CEO & Executive Director, Florida College of
Emergency Physicians



Elizabeth DeVos, MD, MPH
President, Duval County Medical Society