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FPMA Alert

July 7, 2021

House Bill 241 was signed by Governor DeSantis on June 29, 2021 and took effect on July 1, 2021. Please note that this new law makes it **a first-degree misdemeanor** for a physician or other health care provider to provide emergency or urgent medical care to a minor child without the consent of the child's parent or guardian. Although there is a Good Samaritan law in Florida, it only applies to civil liability, while this new law makes it a violation of criminal law to treat a minor without consent.

HR 241 has been dubbed the "Parents' Bill of Rights" because it makes clear that state and public schools cannot infringe on the "fundamental rights" of parents in the upbringing of their child. It extends to decisions about education, health care, and mental health.

The only time a physician is legally able to treat a minor without prior written consent from a parent or guardian is when the minor is in a licensed hospital or college health service and cannot identify who their parent or guardian is OR the parents cannot be reached by phone at their place of residence. In these situations, a physician may only treat an acute injury, acute illness, acute disease, or acute condition if there is a reasonable degree of medical certainty that delaying treatment would result in endangering the health or well-being of the child.

To sum up, outside of the exceptions provided above, a health care provider may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental/guardian consent. Therefore, in the event a child is injured in your presence, you are encouraged to call 911, as on-duty emergency medical services are the only personnel legally able to treat minors in a prehospital setting.

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