

Bill would expand Florida doctors' ability to refuse care based on beliefs

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The Florida Legislature on Tuesday began moving forward with a bill that would allow health care providers to act on their "conscience" when deciding whether to provide certain treatments for patients.

For some lawmakers, the proposal exposed the line between [religious freedom](#) for doctors and medical discrimination against patients.

The measure would provide sweeping protections for [health care providers](#) or insurers to avoid nonemergency procedures that they say violate their religious, moral or ethical beliefs. Religiously oriented [health care companies](#) would be allowed to make staffing, employment and contracting decisions in accordance with those beliefs under the [bill](#), House Bill 747. And under the bill, no [health care provider](#) could be sued after an employee exercises their "right of conscience."

"This bill does not allow a health care provider the right to cancel a patient because of who they are as a person or the beliefs they hold," said the measure's sponsor, Rep. John Snyder, R-Stuart. "It simply gives that provider the ability to decline to perform a specific function or procedure or prescription."

Sen. Dennis Baxley, R-Ocala, has introduced a similar proposal, Senate Bill 1820, in the Legislature's upper chamber.

Under Florida law, health care providers are already allowed to refuse to participate in the termination of a pregnancy, the prescribing of contraception or counseling services that run counter to the provider's religious beliefs.

Federal law also offers doctors a number of conscience-based protections, particularly in the area of abortion.

However, the bill would expand those protections and establish a new legal cause of action for providers who feel their rights of conscience have been denied. If a doctor is fired for refusing to perform an abortion or prescribe contraception, that provider could now sue their employer under the bill.

Democrats on the House committee hearing the bill Tuesday raised a number of issues with the scope of protections.

The bill is written so broadly, patients could be discriminated against by doctors who hold any manner of personal beliefs, argued Rep. Kelly Skidmore, D-Boca Raton.

"There are unintended consequences of this bill. It is not well constructed," Skidmore said. "It doesn't delineate specific treatments. It does not protect against negligence. It is fully ambiguous."

The bill does not list specific procedures to which a medical provider could object. It simply says those providers can't be compelled to perform a "health care service," which is defined as "inpatient or outpatient tests or treatments of a human disease, condition, or dysfunction or medical or other health care-related research."

Given the bill's language, Skidmore posited, what's to stop a drug user from being refused treatment by a doctor morally opposed to illegal drugs? Or an antiwar doctor from treating a veteran? Others asked about whether the bill could lead to transgender people being denied services.

Snyder argued that in many of the scenarios offered by Democrats, patients would be protected by federal nondiscrimination laws. Still, he said in an interview, he's considering amending the legislation to make it clear that federal statutes act as an appropriate guardrail for his bill.

"I would foresee an amendment at the next committee stop," Snyder said.

Dozens of Floridians made their voices heard at the committee hearing. Most of them, led by religious organizations and social conservative groups, supported the bill.

By the end of the 90-minute hearing on the bill, lawmakers had gotten a bit testy. Rep. Alex Andrade, R-Pensacola, said he needed to "inject some reality" into the debate among lawmakers—which was largely dominated by Democratic opponents of the measure.

But on one thing, Democrats and Republicans found common ground.

"Would you agree or disagree that morality and ethics can be subjective? That everyone can define their own morals and ethics?" Rep. Anna Eskamani, D-Orlando, asked Snyder at one point.

"... Yes, it is subjective," Snyder said. "There is no debating that."

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