

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Skidmore offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 232 and 233, insert:

5 Section 4. Paragraph (b) of subsection (4) of section
6 381.026, Florida Statutes, is amended to read:

7 381.026 Florida Patient's Bill of Rights and
8 Responsibilities.—

9 (4) RIGHTS OF PATIENTS.—Each health care facility or
10 provider shall observe the following standards:

11 (b) Information.—

12 1. A patient has the right to know the name, function, and
13 qualifications of each health care provider who is providing

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14 medical services to the patient. A patient may request such
15 information from his or her responsible provider or the health
16 care facility in which he or she is receiving medical services.

17 2. A patient in a health care facility has the right to
18 know what patient support services are available in the
19 facility.

20 3. A patient has the right to be given by his or her
21 health care provider information concerning diagnosis, planned
22 course of treatment, alternatives, risks, and prognosis, unless
23 it is medically inadvisable or impossible to give this
24 information to the patient, in which case the information must
25 be given to the patient's guardian or a person designated as the
26 patient's representative. A patient has the right to refuse this
27 information.

28 4. A patient has the right to refuse any treatment based
29 on information required by this paragraph, except as otherwise
30 provided by law. The responsible provider shall document any
31 such refusal.

32 5. A patient in a health care facility has the right to
33 know what facility rules and regulations apply to patient
34 conduct.

35 6. A patient has the right to express grievances to a
36 health care provider, a health care facility, or the appropriate
37 state licensing agency regarding alleged violations of patients'
38 rights. A patient has the right to know the health care

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39 provider's or health care facility's procedures for expressing a
40 grievance.

41 7. A patient in a health care facility who does not speak
42 English has the right to be provided an interpreter when
43 receiving medical services if the facility has a person readily
44 available who can interpret on behalf of the patient.

45 ~~8. A health care provider or health care facility shall~~
46 ~~respect a patient's right to privacy and should refrain from~~
47 ~~making a written inquiry or asking questions concerning the~~
48 ~~ownership of a firearm or ammunition by the patient or by a~~
49 ~~family member of the patient, or the presence of a firearm in a~~
50 ~~private home or other domicile of the patient or a family member~~
51 ~~of the patient. Notwithstanding this provision, a health care~~
52 ~~provider or health care facility that in good faith believes~~
53 ~~that this information is relevant to the patient's medical care~~
54 ~~or safety, or safety of others, may make such a verbal or~~
55 ~~written inquiry.~~

56 8.9. A patient may decline to answer or provide any
57 information regarding ownership of a firearm by the patient or a
58 family member of the patient, or the presence of a firearm in
59 the domicile of the patient or a family member of the patient. A
60 patient's decision not to answer a question relating to the
61 presence or ownership of a firearm does not alter existing law
62 regarding a physician's authorization to choose his or her
63 patients.

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64 ~~9.10.~~ A health care provider or health care facility may
65 not discriminate against a patient based solely upon the
66 patient's exercise of the constitutional right to own and
67 possess firearms or ammunition.

68 ~~11. A health care provider or health care facility shall~~
69 ~~respect a patient's legal right to own or possess a firearm and~~
70 ~~should refrain from unnecessarily harassing a patient about~~
71 ~~firearm ownership during an examination.~~

72 Section 5. Subsections (3), (4), (5), and (7), of section
73 790.338, Florida Statutes, are renumbered as subsections (2),
74 (3), (4), and (5), respectively, and subsection (2) and present
75 subsections (6) and (8) of that section are amended, to read:

76 790.338 Medical privacy concerning firearms; prohibitions;
77 penalties; exceptions.-

78 ~~(2) A health care practitioner licensed under chapter 456~~
79 ~~or a health care facility licensed under chapter 395 shall~~
80 ~~respect a patient's right to privacy and should refrain from~~
81 ~~making a written inquiry or asking questions concerning the~~
82 ~~ownership of a firearm or ammunition by the patient or by a~~
83 ~~family member of the patient, or the presence of a firearm in a~~
84 ~~private home or other domicile of the patient or a family member~~
85 ~~of the patient. Notwithstanding this provision, a health care~~
86 ~~practitioner or health care facility that in good faith believes~~
87 ~~that this information is relevant to the patient's medical care~~

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88 ~~or safety, or the safety of others, may make such a verbal or~~
89 ~~written inquiry.~~

90 ~~(6) A health care practitioner licensed under chapter 456~~
91 ~~or a health care facility licensed under chapter 395 shall~~
92 ~~respect a patient's legal right to own or possess a firearm and~~
93 ~~should refrain from unnecessarily harassing a patient about~~
94 ~~firearm ownership during an examination.~~

95 ~~(6)-(8)~~ Violations of the provisions of subsections (1)-(3)
96 ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.
97 456.072 (2) and 395.1055.

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T I T L E A M E N D M E N T

101 Remove line 19 and insert:
102 conscience-based objection; amending ss. 381.026 and
103 790.338, F.S.; removing provisions related to a
104 patient's right to privacy; providing for
105 severability; providing whistle-blower
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