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LEGISLATIVE ACTION

Senate

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House

Senator Polsky moved the following:

Senate Amendment (with title amendment)

Between lines 232 and 233

insert:

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

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

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

(b) *Information*.—



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12 1. A patient has the right to know the name, function, and
13 qualifications of each health care provider who is providing
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 health
21 care provider information concerning diagnosis, planned course
22 of treatment, alternatives, risks, and prognosis, unless it is
23 medically inadvisable or impossible to give this information to
24 the patient, in which case the information must be given to the
25 patient's guardian or a person designated as the patient's
26 representative. A patient has the right to refuse this
27 information.

28 4. A patient has the right to refuse any treatment based on
29 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
39 provider's or health care facility's procedures for expressing a
40 grievance.



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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.

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~~



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70 ~~should refrain from unnecessarily harassing a patient about~~
71 ~~firearm ownership during an examination.~~

72 Section 5. Subsections (2), (6), and (8) of section
73 790.338, Florida Statutes, are amended to read:

74 790.338 Medical privacy concerning firearms; prohibitions;
75 penalties; exceptions.-

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

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

93 ~~(6)-(8)~~ Violations of the provisions of subsections (1)-(3)
94 ~~(1)-(4)~~ constitute grounds for disciplinary action under ss.
95 456.072(2) and 395.1055.

96
97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:



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99 Delete line 42
100 and insert:
101 circumstances; amending ss. 381.026 and 790.338, F.S.;
102 revising the rights of patients regarding privacy
103 concerning firearms; providing severability; providing
104 an