

By Senator Braynon

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1 A bill to be entitled
2 An act relating to the privacy of firearm owners;
3 repealing s. 790.338, F.S., relating to medical
4 privacy concerning firearms; amending s. 381.026,
5 F.S.; deleting provisions providing that unless the
6 information is relevant to the patient's medical care
7 or safety, or the safety of others, inquiries
8 regarding firearm ownership or possession should not
9 be made by licensed health care providers or health
10 care facilities, providing that a patient may decline
11 to provide information regarding the ownership or
12 possession of firearms, clarifying that a physician's
13 authority to choose his or her patients is not altered
14 by the act, prohibiting discrimination by licensed
15 health care providers or health care facilities based
16 solely upon a patient's firearm ownership or
17 possession, and prohibiting harassment of a patient
18 regarding firearm ownership during an examination by a
19 licensed health care provider or health care facility;
20 amending s. 456.072, F.S.; conforming provisions to
21 changes made by the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. Section 790.338, Florida Statutes, is repealed.

26 Section 2. Paragraph (b) of subsection (4) of section
27 381.026, Florida Statutes, is amended to read:

28 381.026 Florida Patient's Bill of Rights and
29 Responsibilities.-

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

32 (b) *Information.*—

33 1. A patient has the right to know the name, function, and
34 qualifications of each health care provider who is providing
35 medical services to the patient. A patient may request such
36 information from his or her responsible provider or the health
37 care facility in which he or she is receiving medical services.

38 2. A patient in a health care facility has the right to
39 know what patient support services are available in the
40 facility.

41 3. A patient has the right to be given by his or her health
42 care provider information concerning diagnosis, planned course
43 of treatment, alternatives, risks, and prognosis, unless it is
44 medically inadvisable or impossible to give this information to
45 the patient, in which case the information must be given to the
46 patient's guardian or a person designated as the patient's
47 representative. A patient has the right to refuse this
48 information.

49 4. A patient has the right to refuse any treatment based on
50 information required by this paragraph, except as otherwise
51 provided by law. The responsible provider shall document any
52 such refusal.

53 5. A patient in a health care facility has the right to
54 know what facility rules and regulations apply to patient
55 conduct.

56 6. A patient has the right to express grievances to a
57 health care provider, a health care facility, or the appropriate
58 state licensing agency regarding alleged violations of patients'

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59 rights. A patient has the right to know the health care
60 provider's or health care facility's procedures for expressing a
61 grievance.

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

66 ~~8. A health care provider or health care facility shall~~
67 ~~respect a patient's right to privacy and should refrain from~~
68 ~~making a written inquiry or asking questions concerning the~~
69 ~~ownership of a firearm or ammunition by the patient or by a~~
70 ~~family member of the patient, or the presence of a firearm in a~~
71 ~~private home or other domicile of the patient or a family member~~
72 ~~of the patient. Notwithstanding this provision, a health care~~
73 ~~provider or health care facility that in good faith believes~~
74 ~~that this information is relevant to the patient's medical care~~
75 ~~or safety, or safety of others, may make such a verbal or~~
76 ~~written inquiry.~~

77 ~~9. A patient may decline to answer or provide any~~
78 ~~information regarding ownership of a firearm by the patient or a~~
79 ~~family member of the patient, or the presence of a firearm in~~
80 ~~the domicile of the patient or a family member of the patient. A~~
81 ~~patient's decision not to answer a question relating to the~~
82 ~~presence or ownership of a firearm does not alter existing law~~
83 ~~regarding a physician's authorization to choose his or her~~
84 ~~patients.~~

85 ~~10. A health care provider or health care facility may not~~
86 ~~discriminate against a patient based solely upon the patient's~~
87 ~~exercise of the constitutional right to own and possess firearms~~

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88 ~~or ammunition.~~

89 ~~11. A health care provider or health care facility 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 Section 3. Paragraph (nn) of subsection (1) of section
94 456.072, Florida Statutes, is amended to read:

95 456.072 Grounds for discipline; penalties; enforcement.—

96 (1) The following acts shall constitute grounds for which
97 the disciplinary actions specified in subsection (2) may be
98 taken:

99 ~~(nn) Violating any of the provisions of s. 790.338.~~

100 Section 4. This act shall take effect July 1, 2012.