



Rick Scott
Governor

H. Frank Farmer, Jr., MD, PhD, FACP
State Surgeon General

July 18, 2011

Dear Doctor:

On June 14, 2011, we issued a letter highlighting a number of bills that were passed during the 2011 Legislative Session and signed into law by Governor Scott that may affect your medical practice. One of those bills was CS/CS/HB 155, relating to the medical privacy of firearm owners. Due to the high level of public attention this bill has received, we are writing to clarify our statements regarding its potential impact on your medical practice.

In our June 14 letter, we stated that under the firearms privacy law “[a] health care provider or facility is *prohibited* from inquiring about the ownership of firearms or ammunition unless the information is relevant to the patient’s medical care or safety, or the safety of others.” To clarify: the law does not *prohibit* the asking of such questions, but rather *recommends* that health care providers and facilities *should* refrain from asking them. This recommendation does not apply when a health care practitioner or facility has a *good faith belief* that the information is relevant to a patient’s medical care or safety, or the safety of others.

We also stated that the law “prohibits a licensed health care practitioner or licensed health care facility from intentionally entering any disclosed information concerning firearm ownership into a patient’s health record if the information is not relevant to the patient’s medical care or safety, or the safety of others.” While this aspect of the law is mandatory, it may only be violated if the health care practitioner or facility enters information into a patient’s health record that the practitioner or facility *knows* is not relevant to the patient’s medical care or safety, or the safety of others.

Finally, we reiterate that the law provides patients with the right not to answer questions about their ownership of firearms or the presence of firearms in their homes. A patient’s decision not to answer such questions, however, does not alter the physicians’ authority to choose their own patients.

We again emphasize that we have only highlighted certain aspects of this bill, and we encourage you to review it in its entirety to understand and comply with all of its provisions. Its text may be found at the following link:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0155er.docx&DocumentType=Bill&BillNumber=0155&Session=2011>.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Deterding".

Bruce Deterding
Executive Director
Board of Podiatric Medicine