

By Senator Albritton

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1 A bill to be entitled
2 An act relating to medical billing; creating s.
3 222.26, F.S.; providing additional personal property
4 exemptions from legal process for medical debts
5 resulting from services provided in certain licensed
6 facilities; amending s. 395.301, F.S.; requiring a
7 licensed facility to provide a cost estimate to a
8 patient within a specified timeframe after
9 recommending a specific course of treatment or set of
10 services; prohibiting a licensed facility from
11 charging a patient an amount that exceeds such cost
12 estimate by a set threshold; requiring a licensed
13 facility to provide a patient with a written
14 explanation of excess charges under certain
15 circumstances; requiring a licensed facility to
16 establish an appeal process for patients to dispute
17 charges; requiring a facility to make available
18 information necessary for initiating an appeal;
19 requiring a facility to respond to a patient appeal
20 within a specified timeframe; creating s. 395.3011,
21 F.S.; defining the term "extraordinary collection
22 action"; prohibiting licensed facilities, under
23 certain circumstances, from engaging in extraordinary
24 collection actions against individuals; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 222.26, Florida Statutes, is created to

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30 read:

31 222.26 Additional exemptions from legal process concerning
32 medical debt.—If a debt is owed for medical services provided by
33 a facility licensed under chapter 395, the following property is
34 exempt from attachment, garnishment, or other legal process:

35 (1) A debtor's interest, not to exceed \$10,000 in value, in
36 a single motor vehicle as defined in s. 320.01.

37 (2) A debtor's interest in personal property, not to exceed
38 \$10,000, if the debtor does not claim or receive the benefits of
39 a homestead exemption under s. 4, Art. X of the State
40 Constitution.

41 Section 2. Present subsection (6) of section 395.301,
42 Florida Statutes, is redesignated as subsection (7), paragraph
43 (b) of subsection (1) is amended, and a new subsection (6) is
44 added to that section, to read:

45 395.301 Price transparency; itemized patient statement or
46 bill; patient admission status notification.—

47 (1) A facility licensed under this chapter shall provide
48 timely and accurate financial information and quality of service
49 measures to patients and prospective patients of the facility,
50 or to patients' survivors or legal guardians, as appropriate.
51 Such information shall be provided in accordance with this
52 section and rules adopted by the agency pursuant to this chapter
53 and s. 408.05. Licensed facilities operating exclusively as
54 state facilities are exempt from this subsection.

55 (b)1. ~~Upon request, and~~ Before providing any nonemergency
56 medical services, each licensed facility shall provide in
57 writing or by electronic means a good faith estimate of
58 reasonably anticipated charges by the facility for the treatment

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59 of the patient's or prospective patient's specific condition.
60 The facility must provide the estimate to the patient or
61 prospective patient within 7 business days after recommending a
62 specific course of treatment or set of services ~~the receipt of~~
63 ~~the request~~ and is not required to adjust the estimate for any
64 potential insurance coverage. The estimate may be based on the
65 descriptive service bundles developed by the agency under s.
66 408.05(3)(c) unless the patient or prospective patient requests
67 a more personalized and specific estimate that accounts for the
68 specific condition and characteristics of the patient or
69 prospective patient. The facility shall inform the patient or
70 prospective patient that he or she may contact his or her health
71 insurer or health maintenance organization for additional
72 information concerning cost-sharing responsibilities. The
73 facility may not charge the patient more than 110 percent of the
74 estimate. However, if the facility determines that such charges
75 are warranted due to unforeseen circumstances or the provision
76 of additional services, the facility must provide the patient
77 with a written explanation of the excess charges as part of the
78 detailed, itemized statement or bill.

79 2. In the estimate, the facility shall provide to the
80 patient or prospective patient information on the facility's
81 financial assistance policy, including the application process,
82 payment plans, and discounts and the facility's charity care
83 policy and collection procedures.

84 3. The estimate shall clearly identify any facility fees
85 and, if applicable, include a statement notifying the patient or
86 prospective patient that a facility fee is included in the
87 estimate, the purpose of the fee, and that the patient may pay

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88 less for the procedure or service at another facility or in
89 another health care setting.

90 ~~4. Upon request,~~ The facility shall notify the patient or
91 prospective patient of any revision to the estimate.

92 5. In the estimate, the facility must notify the patient or
93 prospective patient that services may be provided in the health
94 care facility by the facility as well as by other health care
95 providers that may separately bill the patient, if applicable.

96 ~~6. The facility shall take action to educate the public
97 that such estimates are available upon request.~~

98 ~~6.7. Failure to timely provide the estimate within the
99 timeframe required in subparagraph 1. pursuant to this paragraph~~
100 shall result in a daily fine of \$1,000 until the estimate is
101 provided to the patient or prospective patient. The total fine
102 may not exceed \$10,000.

103
104 ~~The provision of an estimate does not preclude the actual
105 charges from exceeding the estimate.~~

106 (6) Each facility shall establish an appeal process
107 designed to allow patients to dispute charges that appear on the
108 patient's itemized statement or bill. The facility shall
109 prominently post on its website, and indicate in bold print on
110 each itemized statement or bill, the instructions for initiating
111 an appeal and the direct contact information needed to initiate
112 the appeal process. The facility must provide an initial
113 response to a patient appeal within 7 business days after the
114 patient formally files an appeal disputing all or a portion of
115 an itemized statement or bill.

116 Section 3. Section 395.3011, Florida Statutes, is created

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117 to read:

118 395.3011 Billing and collection activities.-

119 (1) As used in this section, the term "extraordinary
120 collection action" means any of the following actions taken by a
121 licensed facility against an individual in relation to obtaining
122 payment of a bill for care covered under the facility's
123 financial assistance policy:

124 (a) Selling the individual's debt to another party.

125 (b) Reporting adverse information about the individual to
126 consumer credit reporting agencies or credit bureaus.

127 (c) Deferring, denying, or requiring a payment before
128 providing medically necessary care because of the individual's
129 nonpayment of one or more bills for previously provided care
130 covered under the facility's financial assistance policy.

131 (d) Actions that require a legal or judicial process,
132 including, but not limited to:

133 1. Placing a lien on the individual's property;134 2. Foreclosing on the individual's real property;

135 3. Attaching or seizing the individual's bank account or
136 any other personal property;

137 4. Commencing a civil action against the individual;138 5. Causing the individual's arrest; or139 6. Garnishing the individual's wages.

140 (2) A facility shall not engage in an extraordinary
141 collection action against an individual to obtain payment for
142 services:

143 (a) Before the facility has made reasonable efforts to
144 determine whether the individual is eligible for assistance
145 under its financial assistance policy for the care;

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146 (b) Before the facility has provided the individual with a
147 requested itemized statement or bill;

148 (c) During an ongoing appeal process as described in s.
149 395.301(6); or

150 (d) For 30 days after notifying the patient in writing, by
151 certified mail or other traceable delivery method, that a
152 collection action will commence absent additional action by the
153 patient.

154 Section 4. This act shall take effect July 1, 2019.