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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2011	.	
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The Committee on Health Regulation (Gardiner) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (2) and paragraph (c) of subsection  
(4) of section 381.026, Florida Statutes, are amended to read:

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

(2) DEFINITIONS.—As used in this section and s. 381.0261,  
the term:

(a) "Department" means the Department of Health.

(b) "Health care facility" means a facility licensed under



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13 chapter 395.

14 (c) "Health care provider" means a physician licensed under  
15 chapter 458, an osteopathic physician licensed under chapter  
16 459, or a podiatric physician licensed under chapter 461.

17 (d) "Primary care provider" means a health care provider  
18 who provides medical services to patients which are commonly  
19 provided without referral from another health care provider,  
20 including a health care provider who practices family medicine,  
21 general medicine, general pediatrics, or general internal  
22 medicine.

23 (e) ~~(d)~~ "Responsible provider" means a health care provider  
24 who is primarily responsible for patient care in a health care  
25 facility or provider's office.

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

28 (c) *Financial information and disclosure.*—

29 1. A patient has the right to be given, upon request, by  
30 the responsible provider, his or her designee, or a  
31 representative of the health care facility full information and  
32 necessary counseling on the availability of known financial  
33 resources for the patient's health care.

34 2. A health care provider or a health care facility shall,  
35 upon request, disclose to each patient who is eligible for  
36 Medicare, before ~~in advance of~~ treatment, whether the health  
37 care provider or the health care facility in which the patient  
38 is receiving medical services accepts assignment under Medicare  
39 reimbursement as payment in full for medical services and  
40 treatment rendered in the health care provider's office or  
41 health care facility.



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42           3. A primary care provider may publish a schedule of  
43 charges for the medical services that the provider offers to  
44 patients. The schedule must include the prices charged to an  
45 uninsured person paying for such services by cash, check, credit  
46 card, or debit card. The schedule must be posted in a  
47 conspicuous place in the reception area of the provider's  
48 office, and the posting must be at least 15 square feet in size.  
49 The schedule must include, but need not be limited to, the 50  
50 services most frequently provided by that primary care provider.  
51 The schedule may group the services by three price levels,  
52 listing the services in each price level. A primary care  
53 provider who publishes and maintains such a schedule is exempt  
54 from the continuing education requirements of chapter 456 and  
55 rules implementing those requirements for a single 2-year  
56 period.

57           ~~4.3.~~ A health care provider or a health care facility  
58 shall, upon request, furnish a person, before the ~~prior to~~  
59 provision of medical services, a reasonable estimate of charges  
60 for such services. The health care provider or the health care  
61 facility shall provide an uninsured person, before ~~prior to~~ the  
62 provision of a planned nonemergency medical service, a  
63 reasonable estimate of charges for such service and information  
64 regarding the provider's or facility's discount or charity  
65 policies for which the uninsured person may be eligible. Such  
66 estimates by a primary care provider must be consistent with the  
67 prices listed on the schedule that is posted under subparagraph  
68 3. Estimates must ~~shall~~, to the extent possible, be written in a  
69 language comprehensible to an ordinary layperson. Such  
70 reasonable estimate does ~~shall~~ not preclude the health care



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71 provider or health care facility from exceeding the estimate or  
72 making additional charges based on changes in the patient's  
73 condition or treatment needs.

74 ~~5.4.~~ Each licensed facility not operated by the state shall  
75 make available to the public on its Internet website or by other  
76 electronic means a description of and a link to the performance  
77 outcome and financial data that is published by the agency  
78 pursuant to s. 408.05(3)(k). The facility shall place a notice  
79 in the reception area that such information is available  
80 electronically and the website address. The licensed facility  
81 may indicate that the pricing information is based on a  
82 compilation of charges for the average patient and that each  
83 patient's bill may vary from the average depending upon the  
84 severity of illness and individual resources consumed. The  
85 licensed facility may also indicate that the price of service is  
86 negotiable for eligible patients based upon the patient's  
87 ability to pay.

88 ~~6.5.~~ A patient has the right to receive a copy of an  
89 itemized bill upon request. A patient has a right to be given an  
90 explanation of charges upon request.

91 Section 2. This act shall take effect July 1, 2011.

92  
93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 Delete everything before the enacting clause  
96 and insert:

97 A bill to be entitled  
98 An act relating to a patient's bill of rights and  
99 responsibilities; amending s. 381.026, F.S.; defining



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100 the term "primary care provider" as it relates to the  
101 Florida Patient's Bill of Rights and Responsibilities;  
102 authorizing a primary care provider to publish and  
103 post a schedule of certain charges for medical  
104 services offered to patients; providing requirements  
105 for the schedule; providing that the schedule may  
106 group the provider's services by price levels and list  
107 the services in each price level; providing an  
108 exemption from continuing education requirements for a  
109 primary care provider who posts such a schedule;  
110 requiring a primary care provider's estimates of  
111 charges for medical services to be consistent with the  
112 prices listed on the posted schedule; providing an  
113 effective date.