

By the Committee on Health Regulation; and Senator Jones

588-02268-11

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1 A bill to be entitled
2 An act relating to financial responsibility for
3 medical expenses of pretrial detainees or sentenced
4 inmates; amending s. 901.35, F.S.; providing that the
5 responsibility for paying the expenses of medical
6 care, treatment, hospitalization, and transportation
7 for a person who is ill, wounded, or otherwise injured
8 during or as a result of an arrest for a violation of
9 a state law or a county or municipal ordinance is the
10 responsibility of the person receiving the medical
11 care, treatment, hospitalization, or transportation;
12 removing provisions establishing the order by which
13 medical providers receive reimbursement for the
14 expenses incurred in providing the medical services or
15 transportation; amending s. 951.032, F.S.; setting
16 forth the order by which a county or municipal
17 detention facility may seek reimbursement for the
18 expenses incurred during the course of treating or
19 transporting in-custody pretrial detainees or
20 sentenced inmates; requiring each in-custody pretrial
21 detainee or sentenced inmate who receives medical care
22 or other services to cooperate with the county or
23 municipal detention facility in seeking reimbursement
24 for the expenses incurred by the facility; setting
25 forth the order of fiscal resources from which a
26 third-party provider of medical services may seek
27 reimbursement for the expenses the provider incurred
28 in providing medical care; providing that, absent a
29 written agreement between a third-party provider and a

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30 governmental body, the remuneration be billed by the
31 third-party provider and paid by the governmental body
32 at a rate not to exceed a specified percent of the
33 Medicare allowable rate for the service rendered;
34 requiring each in-custody pretrial detainee or
35 sentenced inmate who has health insurance, subscribes
36 to a health care corporation, or receives health care
37 benefits from any other source to assign such benefits
38 to the health care provider; defining the term "in-
39 custody pretrial detainee or sentenced inmate";
40 providing that law enforcement personnel or county or
41 municipal detention facility personnel are responsible
42 for restricting the personal freedom of certain in-
43 custody pretrial detainees or sentenced inmates;
44 providing an effective date.

45
46 Be It Enacted by the Legislature of the State of Florida:

47
48 Section 1. Section 901.35, Florida Statutes, is amended to
49 read:

50 901.35 Financial responsibility for medical expenses.—
51 ~~(1) Except as provided in s. 951.032 Notwithstanding any~~
52 ~~other provision of law,~~ the responsibility for paying the
53 expenses of medical care, treatment, hospitalization, and
54 transportation for any person ill, wounded, or otherwise injured
55 during or as a result ~~at the time~~ of an arrest for any violation
56 of a state law or a county or municipal ordinance is the
57 responsibility of the person receiving such care, treatment,
58 hospitalization, and transportation. ~~The provider of such~~

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59 ~~services shall seek reimbursement for the expenses incurred in~~
60 ~~providing medical care, treatment, hospitalization, and~~
61 ~~transportation from the following sources in the following~~
62 ~~order:~~

63 ~~(a) From an insurance company, health care corporation, or~~
64 ~~other source, if the prisoner is covered by an insurance policy~~
65 ~~or subscribes to a health care corporation or other source for~~
66 ~~those expenses.~~

67 ~~(b) From the person receiving the medical care, treatment,~~
68 ~~hospitalization, or transportation.~~

69 ~~(c) From a financial settlement for the medical care,~~
70 ~~treatment, hospitalization, or transportation payable or~~
71 ~~accruing to the injured party.~~

72 ~~(2) Upon a showing that reimbursement from the sources~~
73 ~~listed in subsection (1) is not available, the costs of medical~~
74 ~~care, treatment, hospitalization, and transportation shall be~~
75 ~~paid:~~

76 ~~(a) From the general fund of the county in which the person~~
77 ~~was arrested, if the arrest was for violation of a state law or~~
78 ~~county ordinance; or~~

79 ~~(b) From the municipal general fund, if the arrest was for~~
80 ~~violation of a municipal ordinance.~~

81
82 ~~The responsibility for payment of such medical costs shall exist~~
83 ~~until such time as an arrested person is released from the~~
84 ~~eustody of the arresting agency.~~

85 ~~(3) An arrested person who has health insurance, subscribes~~
86 ~~to a health care corporation, or receives health care benefits~~
87 ~~from any other source shall assign such benefits to the health~~

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88 ~~care provider.~~

89 Section 2. Section 951.032, Florida Statutes, is amended to
90 read:

91 951.032 Financial responsibility for medical expenses.—

92 (1) A county detention facility or municipal detention
93 facility incurring expenses for ~~providing~~ medical care,
94 treatment, hospitalization, or transportation provided by the
95 county or municipal detention facility may seek reimbursement
96 for the expenses incurred during the course of treatment of in-
97 custody pretrial detainees or sentenced inmates in the following
98 order:

99 (a) From the in-custody pretrial detainee or sentenced
100 inmate ~~prisoner or person~~ receiving medical care, treatment,
101 hospitalization, or transportation by deducting the cost from
102 the in-custody pretrial detainee's or sentenced inmate's
103 ~~prisoner's~~ cash account on deposit with the detention facility.
104 If the in-custody pretrial detainee's or sentenced inmate's
105 ~~prisoner's~~ cash account does not contain sufficient funds to
106 cover medical care, treatment, hospitalization, or
107 transportation, ~~then~~ the detention facility may place a lien
108 against the in-custody pretrial detainee's or sentenced inmate's
109 ~~prisoner's~~ cash account or other personal property, to provide
110 payment in the event sufficient funds become available at a
111 later time. Any existing lien may be carried over to future
112 incarceration of the same detainee or inmate ~~prisoner~~ as long as
113 the future incarceration takes place within the county
114 originating the lien and the future incarceration takes place
115 within 3 years after ~~of~~ the date the lien was placed against the
116 in-custody pretrial detainee's or sentenced inmate's ~~prisoner's~~

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117 account or other personal property.

118 (b) From an insurance company, health care corporation, or
119 other source if the in-custody pretrial detainee or sentenced
120 inmate ~~prisoner or person~~ is covered by an insurance policy or
121 subscribes to a health care corporation or other source for
122 those expenses.

123 (2) An in-custody pretrial detainee or sentenced inmate ~~A~~
124 ~~prisoner~~ who receives medical care, treatment, hospitalization,
125 or transportation by a county or municipal detention facility
126 shall cooperate with that the county detention facility or
127 municipal detention facility in seeking reimbursement under
128 paragraphs(1)(a) and (b) for expenses incurred by the facility
129 for the in-custody pretrial detainee or sentenced inmate
130 ~~prisoner~~. An in-custody pretrial detainee or sentenced inmate ~~A~~
131 ~~prisoner~~ who willfully refuses to cooperate with the
132 reimbursement efforts of the detention facility may have a lien
133 placed against his or her ~~the prisoner's~~ cash account or other
134 personal property and may not receive gain-time as provided by
135 s. 951.21.

136 (3) A third-party provider of medical care, treatment,
137 hospitalization, or transportation for in-custody pretrial
138 detainees or sentenced inmates of a county or municipal
139 detention facility shall seek reimbursement for the expenses
140 incurred in providing medical care, treatment, hospitalization,
141 and transportation to such in-custody pretrial detainees or
142 sentenced inmates from the following sources in the following
143 order:

144 (a) From an insurance company, health care corporation, or
145 other source, if the pretrial detainee or sentenced inmate is

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146 covered by an insurance policy or subscribes to a health care
147 corporation or other source for those expenses.

148 (b) From the pretrial detainee or sentenced inmate
149 receiving the medical care, treatment, hospitalization, or
150 transportation.

151 (c) From a financial settlement for the medical care,
152 treatment, hospitalization, or transportation payable or
153 accruing to the injured pretrial detainee or sentenced inmate.

154 (4) Upon a showing by the third-party provider that a good
155 faith effort was made, consistent with that provider's usual
156 policies and procedures related to the collection of fees from
157 indigent patients outside the custody of a county or municipal
158 detention facility, to obtain reimbursement from the sources
159 listed in subsection (3), but that such reimbursement is not
160 available, the costs of medical care, treatment,
161 hospitalization, and transportation shall be paid:

162 (a) From the general fund of the county in which the person
163 was arrested, if the arrest was for violation of a state law or
164 county ordinance; or

165 (b) From the municipal general fund, if the arrest was for
166 violation of a municipal ordinance.

167 (5) Absent a written agreement between the third-party
168 provider and the governmental body, the remuneration made
169 pursuant to subsection (4) must be billed by the third-party
170 provider and paid by the governmental body at a rate not to
171 exceed 110 percent of the Medicare allowable rate for the
172 service. Compensation to a third-party provider may not exceed
173 125 percent of the Medicare allowable rate if there is no
174 written agreement between the third-party provider and the

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175 governmental body and if the third-party provider reported a
176 negative operating margin for the previous year to the Agency
177 for Health Care Administration through hospital-audited
178 financial data.

179 (6) The provisions of subsection (5) do not apply to
180 amounts billed and paid for physicians licensed under chapter
181 458 or chapter 459 for emergency services provided within a
182 hospital emergency department.

183 (7) The responsibility of the governmental body for payment
184 of any in-custody medical costs ceases upon release of the in-
185 custody pretrial detainee or sentenced inmate.

186 (8) An in-custody pretrial detainee or sentenced inmate who
187 has health insurance, subscribes to a health care corporation,
188 or receives health care benefits from any other source shall
189 assign such benefits to the health care provider.

190 (9) As used in this section, the term "in-custody pretrial
191 detainee or sentenced inmate" means a person whose physical
192 freedom is restricted by a certified law enforcement officer or
193 certified correctional officer pending disposition of an arrest
194 or completion of a county court sentence. The term also includes
195 a person who is furloughed by a criminal court for the express
196 purpose of receiving medical treatment if a condition of the
197 furlough is the immediate return to the custody of a county or
198 municipal detention facility following completion of such
199 treatment.

200 (10) Law enforcement personnel or personnel of the county
201 or municipal detention facility are responsible for restricting
202 the personal freedom of in-custody pretrial detainees or
203 sentenced inmates receiving treatment or services under this

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204 section.

205 Section 3. This act shall take effect July 1, 2011.