

By Senator Peaden

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1 A bill to be entitled
2 An act relating to health care procedures;
3 amending ss. 381.026 and 395.301, F.S.;
4 requiring certain licensed health care
5 facilities to electronically publish the prices
6 for certain medical procedures; providing that
7 a patient has the right to receive an estimate
8 of charges prior to treatment; providing an
9 effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsections (4) and (6) of section 381.026,
14 Florida Statutes, are amended to read:

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16 381.026 Florida Patient's Bill of Rights and
17 Responsibilities.--

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19 (4) RIGHTS OF PATIENTS.--Each health care facility or
20 provider shall observe the following standards:

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22 (a) Individual dignity.--

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24 1. The individual dignity of a patient must be
25 respected at all times and upon all occasions.

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27 2. Every patient who is provided health care services
28 retains certain rights to privacy, which must be respected
29 without regard to the patient's economic status or source of
30 payment for his or her care. The patient's rights to privacy
31 must be respected to the extent consistent with providing
adequate medical care to the patient and with the efficient
administration of the health care facility or provider's
office. However, this subparagraph does not preclude
necessary and discreet discussion of a patient's case or
examination by appropriate medical personnel.

1 3. A patient has the right to a prompt and reasonable
2 response to a question or request. A health care facility
3 shall respond in a reasonable manner to the request of a
4 patient's health care provider for medical services to the
5 patient. The health care facility shall also respond in a
6 reasonable manner to the patient's request for other services
7 customarily rendered by the health care facility to the extent
8 such services do not require the approval of the patient's
9 health care provider or are not inconsistent with the
10 patient's treatment.

11 4. A patient in a health care facility has the right
12 to retain and use personal clothing or possessions as space
13 permits, unless for him or her to do so would infringe upon
14 the right of another patient or is medically or
15 programmatically contraindicated for documented medical,
16 safety, or programmatic reasons.

17 (b) Information.--

18 1. A patient has the right to know the name, function,
19 and qualifications of each health care provider who is
20 providing medical services to the patient. A patient may
21 request such information from his or her responsible provider
22 or the health care facility in which he or she is receiving
23 medical services.

24 2. A patient in a health care facility has the right
25 to know what patient support services are available in the
26 facility.

27 3. A patient has the right to be given by his or her
28 health care provider information concerning diagnosis, planned
29 course of treatment, alternatives, risks, and prognosis,
30 unless it is medically inadvisable or impossible to give this
31 information to the patient, in which case the information must

1 be given to the patient's guardian or a person designated as
2 the patient's representative. A patient has the right to
3 refuse this information.

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

8 5. A patient in a health care facility has the right
9 to know what facility rules and regulations apply to patient
10 conduct.

11 6. A patient has the right to express grievances to a
12 health care provider, a health care facility, or the
13 appropriate state licensing agency regarding alleged
14 violations of patients' rights. A patient has the right to
15 know the health care provider's or health care facility's
16 procedures for expressing a grievance.

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

21 (c) Financial information and disclosure.--

22 1. A patient has the right to be given, upon request,
23 by the responsible provider, his or her designee, or a
24 representative of the health care facility full information
25 and necessary counseling on the availability of known
26 financial resources for the patient's health care.

27 2. A health care provider or a health care facility
28 shall, upon request, disclose to each patient who is eligible
29 for Medicare, in advance of treatment, whether the health care
30 provider or the health care facility in which the patient is
31 receiving medical services accepts assignment under Medicare

1 reimbursement as payment in full for medical services and
2 treatment rendered in the health care provider's office or
3 health care facility.

4 3. A health care provider or a health care facility
5 shall, upon request, furnish a patient, prior to provision of
6 medical services, a reasonable estimate of charges for such
7 services. Such reasonable estimate shall not preclude the
8 health care provider or health care facility from exceeding
9 the estimate or making additional charges based on changes in
10 the patient's condition or treatment needs.

11 4. Each licensed facility not operated by the state
12 shall make available to the public on its Internet website or
13 by other electronic means package prices for each of the top
14 50 most frequently used elective inpatient and outpatient
15 procedures. The package pricing shall include all
16 hospital-related services and shall include separate estimates
17 of costs for professional fees charged by independent
18 contractor physicians or physician groups. A licensed facility
19 shall also make available to the public on its Internet
20 website or by other electronic means each of the top 50 most
21 frequently used inpatient and outpatient procedures. The list
22 shall be updated quarterly. The facility shall place a notice
23 in the reception areas that such information is available
24 electronically and provide the website address. The licensed
25 facility may indicate that the package pricing is based on a
26 compilation of charges for the average patient and that each
27 patient's bill may vary from the average depending upon the
28 severity of illness and individual resources consumed. The
29 licensed facility may also indicate that the package pricing
30 is negotiable based upon the patient's health plan and the
31 ability to pay. The agency shall develop rules for

1 implementing a uniform mechanism for reporting this
2 information on the facility's website.

3 (e) Experimental research.--In addition to the
4 provisions of s. 766.103, a patient has the right to know if
5 medical treatment is for purposes of experimental research and
6 to consent prior to participation in such experimental
7 research. For any patient, regardless of ability to pay or
8 source of payment for his or her care, participation must be a
9 voluntary matter; and a patient has the right to refuse to
10 participate. The patient's consent or refusal must be
11 documented in the patient's care record.

12 (f) Patient's knowledge of rights and
13 responsibilities.--In receiving health care, patients have the
14 right to know what their rights and responsibilities are.

15 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.--Any
16 health care provider who treats a patient in an office or any
17 health care facility licensed under chapter 395 that provides
18 emergency services and care or outpatient services and care to
19 a patient, or admits and treats a patient, shall adopt and
20 make available to the patient, in writing, a statement of the
21 rights and responsibilities of patients, including the
22 following:

23
24 SUMMARY OF THE FLORIDA PATIENT'S BILL
25 OF RIGHTS AND RESPONSIBILITIES
26

27 Florida law requires that your health care provider or
28 health care facility recognize your rights while you are
29 receiving medical care and that you respect the health care
30 provider's or health care facility's right to expect certain
31 behavior on the part of patients. You may request a copy of

1 the full text of this law from your health care provider or
2 health care facility. A summary of your rights and
3 responsibilities follows:

4 A patient has the right to be treated with courtesy and
5 respect, with appreciation of his or her individual dignity,
6 and with protection of his or her need for privacy.

7 A patient has the right to a prompt and reasonable
8 response to questions and requests.

9 A patient has the right to know who is providing
10 medical services and who is responsible for his or her care.

11 A patient has the right to know what patient support
12 services are available, including whether an interpreter is
13 available if he or she does not speak English.

14 A patient has the right to know what rules and
15 regulations apply to his or her conduct.

16 A patient has the right to be given by the health care
17 provider information concerning diagnosis, planned course of
18 treatment, alternatives, risks, and prognosis.

19 A patient has the right to refuse any treatment, except
20 as otherwise provided by law.

21 A patient has the right to be given, upon request, full
22 information and necessary counseling on the availability of
23 known financial resources for his or her care.

24 A patient who is eligible for Medicare has the right to
25 know, upon request and in advance of treatment, whether the
26 health care provider or health care facility accepts the
27 Medicare assignment rate.

28 A patient has the right to receive, upon request, prior
29 to treatment, a reasonable estimate of charges for medical
30 care.

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1 A patient has the right to receive, upon request, prior
2 to treatment, a reasonable estimate of charges for the
3 proposed services.

4 A patient has the right to receive a copy of a
5 reasonably clear and understandable, itemized bill and, upon
6 request, to have the charges explained.

7 A patient has the right to impartial access to medical
8 treatment or accommodations, regardless of race, national
9 origin, religion, handicap, or source of payment.

10 A patient has the right to treatment for any emergency
11 medical condition that will deteriorate from failure to
12 provide treatment.

13 A patient has the right to know if medical treatment is
14 for purposes of experimental research and to give his or her
15 consent or refusal to participate in such experimental
16 research.

17 A patient has the right to express grievances regarding
18 any violation of his or her rights, as stated in Florida law,
19 through the grievance procedure of the health care provider or
20 health care facility which served him or her and to the
21 appropriate state licensing agency.

22 A patient is responsible for providing to the health
23 care provider, to the best of his or her knowledge, accurate
24 and complete information about present complaints, past
25 illnesses, hospitalizations, medications, and other matters
26 relating to his or her health.

27 A patient is responsible for reporting unexpected
28 changes in his or her condition to the health care provider.

29 A patient is responsible for reporting to the health
30 care provider whether he or she comprehends a contemplated
31 course of action and what is expected of him or her.

1 A patient is responsible for following the treatment
2 plan recommended by the health care provider.

3 A patient is responsible for keeping appointments and,
4 when he or she is unable to do so for any reason, for
5 notifying the health care provider or health care facility.

6 A patient is responsible for his or her actions if he
7 or she refuses treatment or does not follow the health care
8 provider's instructions.

9 A patient is responsible for assuring that the
10 financial obligations of his or her health care are fulfilled
11 as promptly as possible.

12 A patient is responsible for following health care
13 facility rules and regulations affecting patient care and
14 conduct.

15 Section 2. Subsections (7)and (8) are added to section
16 395.301, Florida Statutes, to read:

17 395.301 Itemized patient bill; form and content
18 prescribed by the agency.--

19 (7) Each licensed facility that is not operated by the
20 state shall make available to the public on its Internet
21 website or by other electronic means package prices for each
22 of the top 50 most frequently used elective inpatient and
23 outpatient procedures. The package pricing shall include all
24 hospital-related services and shall include separate estimates
25 of costs for professional fees charged by independent
26 contractor physicians or physician groups. A licensed facility
27 shall also make available to the public on its Internet
28 website or by other electronic means the top 50 most
29 frequently used procedures in both the inpatient and
30 outpatient settings. The list shall be updated quarterly. The
31 facility shall place a notice in the reception areas that such

1 information is available electronically and provide the
2 website address. The licensed facility may indicate that the
3 package pricing is based on a compilation of charges for the
4 average patient and that each patient's bill may vary from the
5 average depending upon the severity of illness and individual
6 resources consumed. The licensed facility may also indicate
7 that the package pricing is negotiable based upon the
8 patient's health plan and the ability to pay. The agency shall
9 develop rules for implementing a uniform mechanism for
10 reporting this information on the facility's website.

11 (8) Each licensed facility not operated by the state
12 shall, upon request of a prospective patient prior to the
13 provisions of medical services, provide a reasonable estimate
14 of charges for the proposed service. Such estimate does not
15 preclude the actual charges from exceeding the estimate based
16 on changes in the patient's medical condition or the treatment
17 needs of the patient as determined by the attending and
18 consulting physicians.

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Requires certain licensed health care facilities to
25 electronically publish to the public the prices for
26 certain medical procedures.
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