

1 A bill to be entitled
 2 An act relating to access to emergency services and care;
 3 amending s. 395.1041, F.S.; authorizing a hospital to
 4 require payment from a person not suffering from an
 5 emergency medical condition and authorizing discharge if
 6 payment cannot be made, under certain circumstances;
 7 directing the Department of Health Services Research,
 8 Management and Policy at the University of Florida to
 9 conduct an Uninsured Noncitizen Care Study and providing
 10 purposes thereof; providing an appropriation; requiring a
 11 report; providing an effective date.

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 13 WHEREAS, Florida hospitals are serving a growing number of
 14 uninsured non-United States citizens, including undocumented
 15 immigrants as well as legal noncitizens who are in the United
 16 States on a tourist, work, or student visa, and

17 WHEREAS, there is no requirement, legal or otherwise, for
 18 those visitors on tourist, work, or student visas to have health
 19 insurance, and

20 WHEREAS, approximately 8 million people from other
 21 countries visit Florida each year and, in 2001, approximately
 22 800,000 uninsured legal noncitizens lived in Florida, and

23 WHEREAS, data from the United States Census Current
 24 Population Survey shows that about half of the legal noncitizens
 25 in Florida lack health insurance coverage, and

26 WHEREAS, because many of these patients have limited or
 27 nonexistent resources to pay for health care, they place a huge
 28 financial burden on Florida hospitals with the sickest patients

29 requiring lengthy hospital stays, expensive treatment, and long-
 30 term followup care, and

31 WHEREAS, federal laws that require hospitals to treat
 32 anyone who requests emergency care regardless of ability to pay
 33 create an unfunded mandate to treat these patients despite the
 34 fact that they are not United States citizens, and

35 WHEREAS, data from the Agency for Health Care
 36 Administration shows that 70 percent of patients who are not
 37 citizens of the United States are admitted through the emergency
 38 room, and

39 WHEREAS, significant nonreimbursed costs associated with
 40 caring for these individuals threaten the stability of the
 41 already fragile safety net of Florida's health care system and
 42 some of these nonreimbursed costs are shifted to those with
 43 health insurance, thereby indirectly impacting health care costs
 44 for all Florida citizens, NOW, THEREFORE,

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

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 48 Section 1. Paragraph (h) of subsection (3) of section
 49 395.1041, Florida Statutes, is amended to read:

50 395.1041 Access to emergency services and care.--
 51 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
 52 FACILITY OR HEALTH CARE PERSONNEL.--

53 (h) A hospital may request and collect insurance
 54 information and other financial information from a patient, in
 55 accordance with federal law, if emergency services and care are
 56 not delayed. No hospital to which another hospital is

57 transferring a person in need of emergency services and care may
58 require the transferring hospital or any person or entity to
59 guarantee payment for the person as a condition of receiving the
60 transfer. In addition, a hospital may not require any
61 contractual agreement, any type of preplanned transfer
62 agreement, or any other arrangement to be made prior to or at
63 the time of transfer as a condition of receiving an individual
64 patient being transferred. However, the patient or the patient's
65 legally responsible relative or guardian shall execute an
66 agreement to pay for emergency services or care or otherwise
67 supply insurance or credit information promptly after the
68 services and care are rendered. If, after examining and
69 evaluating the patient, it is determined by a physician or other
70 qualified medical person that the patient is not suffering from
71 an emergency medical condition, the hospital may require payment
72 before proceeding with nonemergency treatment and may discharge
73 the patient if payment cannot be obtained.

74 Section 2. The Department of Health Services Research,
75 Management and Policy at the University of Florida shall conduct
76 a study entitled the Uninsured Noncitizen Care Study to
77 determine the extent to which:

78 (1) Legal noncitizens, such as persons in the state on
79 tourist, student, or work visas, use the hospital emergency
80 departments for everything from basic to complex care.

81 (2) Undocumented or illegal aliens involved in major auto
82 accidents are transported to trauma centers or emergency rooms
83 and may remain in hospitals for months.

84 (3) Patient families refuse to authorize transfers back to
85 the home country, and deportation and appeals may take years.

86 (4) Noncitizens or their children with severe diseases
87 obtain tourist visas, either legally or illegally, and take
88 taxis directly from airports to hospital emergency rooms.

89 (5) Hospitals typically assume the costs associated with
90 the patient's trip home, such as the costs of airline tickets or
91 air ambulances.

92 (6) When patients cannot be sent back to their country of
93 origin, hospitals assume considerable costs for continued care,
94 such as the costs of prescription drugs, oxygen, dialysis
95 treatments, and skilled nursing or rehabilitative care.

96 (7) Federal and state emergency service laws need to be
97 clarified as to the extent of a hospital's obligation for
98 continuing care after stabilization of an emergency.

99 (8) Tourist visas need to be issued on the condition of
100 documented health status and financial responsibility for health
101 care services and to clearly declare on all visas that
102 applicants, if they have to use health care facilities in the
103 United States, must accept transfer back to their home country
104 after they are stabilized.

105 (9) More resources and better coordination for sick or
106 injured immigrants are needed among the federal Immigration and
107 Naturalization Service, international embassies, immigration
108 attorneys, and patient families.

109 (10) More funding is needed for patients either through
110 federal and state programs or through diversion of United States
111 foreign aid to these countries.

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112 Section 3. The Legislature shall appropriate an amount
113 sufficient for the Department of Health Services Research,
114 Management and Policy at the University of Florida to complete
115 this study.

116 Section 4. The Department of Health Services Research,
117 Management and Policy at the University of Florida shall submit
118 a report of its findings to the President of the Senate and the
119 Speaker of the House of Representatives by January 1, 2006.

120 Section 5. This act shall take effect July 1, 2005.