

By Senator Sebesta

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See HB 1039

1 A bill to be entitled

2 An act relating to access to emergency services

3 and care; amending s. 395.1041, F.S.;

4 authorizing a hospital to require payment from

5 a person not suffering from an emergency

6 medical condition and authorizing discharge if

7 payment cannot be made, under certain

8 circumstances; directing the Department of

9 Health Services Research, Management and Policy

10 at the University of Florida to conduct an

11 Uninsured Noncitizen Care Study and providing

12 purposes thereof; providing an appropriation;

13 requiring a report; providing an effective

14 date.

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16 WHEREAS, Florida hospitals are serving a growing number

17 of uninsured non-United States citizens, including

18 undocumented immigrants as well as legal noncitizens who are

19 in the United States on a tourist, work, or student visa, and

20 WHEREAS, there is no requirement, legal or otherwise,

21 for those visitors on tourist, work, or student visas to have

22 health insurance, and

23 WHEREAS, approximately 8 million people from other

24 countries visit Florida each year and, in 2001, approximately

25 800,000 uninsured legal noncitizens lived in Florida, and

26 WHEREAS, data from the United States Census Current

27 Population Survey shows that about half of the legal

28 noncitizens in Florida lack health insurance coverage, and

29 WHEREAS, because many of these patients have limited or

30 nonexistent resources to pay for health care, they place a

31 huge financial burden on Florida hospitals with the sickest

1 patients requiring lengthy hospital stays, expensive
2 treatment, and long-term followup care, and

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

7 WHEREAS, data from the Agency for Health Care
8 Administration shows that 70 percent of patients who are not
9 citizens of the United States are admitted through the
10 emergency room, and

11 WHEREAS, significant nonreimbursed costs associated
12 with caring for these individuals threaten the stability of
13 the already fragile safety net of Florida's health care system
14 and some of these nonreimbursed costs are shifted to those
15 with health insurance, thereby indirectly impacting health
16 care costs for all Florida citizens, NOW, THEREFORE,

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

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20 Section 1. Paragraph (h) of subsection (3) of section
21 395.1041, Florida Statutes, is amended to read:

22 395.1041 Access to emergency services and care.--

23 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
24 FACILITY OR HEALTH CARE PERSONNEL.--

25 (h) A hospital may request and collect insurance
26 information and other financial information from a patient, in
27 accordance with federal law, if emergency services and care
28 are not delayed. No hospital to which another hospital is
29 transferring a person in need of emergency services and care
30 may require the transferring hospital or any person or entity
31 to guarantee payment for the person as a condition of

1 receiving the transfer. In addition, a hospital may not
2 require any contractual agreement, any type of preplanned
3 transfer agreement, or any other arrangement to be made prior
4 to or at the time of transfer as a condition of receiving an
5 individual patient being transferred. However, the patient or
6 the patient's legally responsible relative or guardian shall
7 execute an agreement to pay for emergency services or care or
8 otherwise supply insurance or credit information promptly
9 after the services and care are rendered. If, after examining
10 and evaluating the patient, it is determined by a physician or
11 other qualified medical person that the patient is not
12 suffering from an emergency medical condition, the hospital
13 may require payment before proceeding with nonemergency
14 treatment and may discharge the patient if payment cannot be
15 obtained.

16 Section 2. The Department of Health Services Research,
17 Management and Policy at the University of Florida shall
18 conduct a study entitled the Uninsured Noncitizen Care Study
19 to determine the extent to which:

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

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

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

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

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

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

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

12 (8) Tourist visas need to be issued on the condition
13 of documented health status and financial responsibility for
14 health care services and to clearly declare on all visas that
15 applicants, if they have to use health care facilities in the
16 United States, must accept transfer back to their home country
17 after they are stabilized.

18 (9) More resources and better coordination for sick or
19 injured immigrants are needed among the federal Immigration
20 and Naturalization Service, international embassies,
21 immigration attorneys, and patient families.

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

25 Section 3. The Legislature shall appropriate an amount
26 sufficient for the Department of Health Services Research,
27 Management and Policy at the University of Florida to complete
28 this study.

29 Section 4. The Department of Health Services Research,
30 Management and Policy at the University of Florida shall
31 submit a report of its findings to the President of the Senate

1 and the Speaker of the House of Representatives by January 1,
2 2006.

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