

By the Committee on Health Regulation; and Senator Negrón

588-03815-11

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1 A bill to be entitled

2 An act relating to a patient's bill of rights and
3 responsibilities; amending s. 381.026, F.S.; defining
4 the term "primary care provider" as it relates to the
5 Florida Patient's Bill of Rights and Responsibilities;
6 authorizing a primary care provider to publish and
7 post a schedule of certain charges for medical
8 services offered to patients; providing requirements
9 for the schedule; providing that the schedule may
10 group the provider's services by price levels and list
11 the services in each price level; providing an
12 exemption from continuing education requirements for a
13 primary care provider who posts such a schedule;
14 requiring a primary care provider's estimates of
15 charges for medical services to be consistent with the
16 prices listed on the posted schedule; providing an
17 effective date.

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

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21 Section 1. Subsection (2) and paragraph (c) of subsection
22 (4) of section 381.026, Florida Statutes, are amended to read:
23 381.026 Florida Patient's Bill of Rights and
24 Responsibilities.—

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

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

28 (b) "Health care facility" means a facility licensed under
29 chapter 395.

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30 (c) "Health care provider" means a physician licensed under
31 chapter 458, an osteopathic physician licensed under chapter
32 459, or a podiatric physician licensed under chapter 461.

33 (d) "Primary care provider" means a health care provider
34 who provides medical services to patients which are commonly
35 provided without referral from another health care provider,
36 including a health care provider who practices family medicine,
37 general medicine, general pediatrics, or general internal
38 medicine.

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

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

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

45 1. A patient has the right to be given, upon request, by
46 the responsible provider, his or her designee, or a
47 representative of the health care facility full information and
48 necessary counseling on the availability of known financial
49 resources for the patient's health care.

50 2. A health care provider or a health care facility shall,
51 upon request, disclose to each patient who is eligible for
52 Medicare, before ~~in advance of~~ treatment, whether the health
53 care provider or the health care facility in which the patient
54 is receiving medical services accepts assignment under Medicare
55 reimbursement as payment in full for medical services and
56 treatment rendered in the health care provider's office or
57 health care facility.

58 3. A primary care provider may publish a schedule of

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59 charges for the medical services that the provider offers to
60 patients. The schedule must include the prices charged to an
61 uninsured person paying for such services by cash, check, credit
62 card, or debit card. The schedule must be posted in a
63 conspicuous place in the reception area of the provider's
64 office, and the posting must be at least 15 square feet in size.
65 The schedule must include, but need not be limited to, the 50
66 services most frequently provided by that primary care provider.
67 The schedule may group the services by three price levels,
68 listing the services in each price level. A primary care
69 provider who publishes and maintains such a schedule is exempt
70 from the continuing education requirements of chapter 456 and
71 rules implementing those requirements for a single 2-year
72 period.

73 4.3. A health care provider or a health care facility
74 shall, upon request, furnish a person, before the ~~prior to~~
75 provision of medical services, a reasonable estimate of charges
76 for such services. The health care provider or the health care
77 facility shall provide an uninsured person, before ~~prior to~~ the
78 provision of a planned nonemergency medical service, a
79 reasonable estimate of charges for such service and information
80 regarding the provider's or facility's discount or charity
81 policies for which the uninsured person may be eligible. Such
82 estimates by a primary care provider must be consistent with the
83 prices listed on the schedule that is posted under subparagraph
84 3. Estimates must ~~shall~~, to the extent possible, be written in a
85 language comprehensible to an ordinary layperson. Such
86 reasonable estimate does ~~shall~~ not preclude the health care
87 provider or health care facility from exceeding the estimate or

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88 making additional charges based on changes in the patient's
89 condition or treatment needs.

90 ~~5.4.~~ Each licensed facility not operated by the state shall
91 make available to the public on its Internet website or by other
92 electronic means a description of and a link to the performance
93 outcome and financial data that is published by the agency
94 pursuant to s. 408.05(3)(k). The facility shall place a notice
95 in the reception area that such information is available
96 electronically and the website address. The licensed facility
97 may indicate that the pricing information is based on a
98 compilation of charges for the average patient and that each
99 patient's bill may vary from the average depending upon the
100 severity of illness and individual resources consumed. The
101 licensed facility may also indicate that the price of service is
102 negotiable for eligible patients based upon the patient's
103 ability to pay.

104 ~~6.5.~~ A patient has the right to receive a copy of an
105 itemized bill upon request. A patient has a right to be given an
106 explanation of charges upon request.

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