



174036

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
10/19/2011	.	
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The Committee on Health Regulation (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (5) of section 383.50, Florida  
Statutes, is amended to read:

383.50 Treatment of surrendered newborn infant.-

(5) (a) Except when there is actual or suspected child abuse  
or neglect, any parent who leaves a newborn infant with a  
firefighter, emergency medical technician, or paramedic at a  
fire station or emergency medical services station, or brings a



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13 newborn infant to an emergency room of a hospital and expresses  
14 an intent to leave the newborn infant and not return, has the  
15 absolute right to remain anonymous and to leave at any time and  
16 may not be pursued or followed unless the parent seeks to  
17 reclaim the newborn infant.

18 (b) When an infant is born in a hospital and the mother  
19 expresses intent to leave the infant and not return:7

20 1. Upon the mother's request, the hospital or registrar  
21 shall complete the infant's birth certificate without naming the  
22 mother thereon.

23 2. If the mother considers applying for eligibility for the  
24 Medicaid program through the hospital as a qualified Medicaid  
25 provider, the hospital shall notify the mother that the act of  
26 applying for Medicaid will cause her personal information  
27 included on the Medicaid application to be submitted to the  
28 Department of Children and Family Services and that she will be  
29 contacted by the department or the Medicaid program, or both,  
30 about her Medicaid eligibility status. The hospital shall  
31 confirm that the mother wishes to apply for Medicaid and  
32 understands the notification by obtaining her signature on a  
33 written acknowledgment of having received notice, if she chooses  
34 to apply.

35 3. The hospital may seek reimbursement from Medicaid, as  
36 applicable, for care provided to a surrendered newborn infant  
37 and the mother of a surrendered newborn infant related to labor  
38 and delivery of the infant, if the infant is determined by the  
39 Department of Children and Family Services to be Medicaid  
40 eligible and if the hospital renders care not reimbursable by  
41 Medicaid under subparagraph 2. For such care not reimbursable



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42 under Medicaid, the hospital may seek to classify the care as  
43 charity care under s. 409.911(1)(c). The hospital may not seek  
44 payment for such care from the mother of a surrendered newborn  
45 infant or from any individual financially responsible for the  
46 mother of a surrendered newborn infant.

47 Section 2. Paragraph (c) of subsection (1) of section  
48 409.911, Florida Statutes, is amended to read:

49 409.911 Disproportionate share program.—Subject to specific  
50 allocations established within the General Appropriations Act  
51 and any limitations established pursuant to chapter 216, the  
52 agency shall distribute, pursuant to this section, moneys to  
53 hospitals providing a disproportionate share of Medicaid or  
54 charity care services by making quarterly Medicaid payments as  
55 required. Notwithstanding the provisions of s. 409.915, counties  
56 are exempt from contributing toward the cost of this special  
57 reimbursement for hospitals serving a disproportionate share of  
58 low-income patients.

59 (1) DEFINITIONS.—As used in this section, s. 409.9112, and  
60 the Florida Hospital Uniform Reporting System manual:

61 (c) "Charity care" or "uncompensated charity care" means  
62 that portion of hospital charges reported to the Agency for  
63 Health Care Administration for which there is no compensation,  
64 other than restricted or unrestricted revenues provided to a  
65 hospital by local governments or tax districts regardless of the  
66 method of payment, for:

67 1. Care provided to a patient whose family income for the  
68 12 months preceding the determination is less than or equal to  
69 200 percent of the federal poverty level, unless the amount of  
70 hospital charges due from the patient exceeds 25 percent of the



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71 annual family income; or

72 2. Care provided under conditions described in s.

73 383.50(5)(b).

74  
75 ~~However, in no case shall the~~ Hospital charges for a patient  
76 whose family income exceeds four times the federal poverty level  
77 for a family of four may not be considered charity, except for  
78 care provided without compensation under conditions described in  
79 s. 383.50(5)(b).

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

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84  
85 Delete everything before the enacting clause  
86 and insert:

87 A bill to be entitled  
88 An act relating to surrendered newborn infants;  
89 amending s. 383.50, F.S.; providing that if the mother  
90 of a newborn infant considers applying for eligibility  
91 for the Medicaid program through the hospital as a  
92 qualified Medicaid provider, the hospital must notify  
93 the mother that the act of applying for Medicaid will  
94 cause her personal information included on the  
95 Medicaid application to be submitted to the Department  
96 of Children and Family Services; authorizing a  
97 hospital to seek reimbursement from Medicaid for care  
98 provided to a surrendered newborn infant and the  
99 mother of a surrendered newborn infant related to



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100 labor and delivery of the infant, if the infant is  
101 determined by the Department of Children and Family  
102 Services to be Medicaid eligible; prohibiting the  
103 hospital from seeking payment for such care from the  
104 mother of a surrendered newborn infant or from any  
105 individual financially responsible for the mother of a  
106 surrendered newborn infant; amending s. 409.911, F.S.;  
107 redefining the definition of "charity care" for the  
108 disproportionate share program; providing that if a  
109 patient has income that exceeds a specified multiple  
110 of the federal poverty level, the care provided to the  
111 patient does not qualify as charity care unless the  
112 care is provided without compensation to a surrendered  
113 newborn infant or the person financially responsible  
114 for the mother of the surrendered newborn infant;  
115 providing an effective date.