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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
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 newborn infant to an emergency room of a hospital and expresses



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

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

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

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

33 3. If the mother has no creditable coverage as defined in  
34 s. 627.6561 and chooses not to apply for Medicaid under  
35 subparagraph 2. or is denied Medicaid eligibility, the hospital  
36 may seek compensation from Medicaid for care provided to the  
37 surrendered newborn infant and to the mother 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 eligible for  
40 Medicaid, as applicable. For care that is not reimbursable under  
41 Medicaid, the hospital may seek to classify the care as charity



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42 care under s. 409.911(1)(c). The hospital may not seek payment  
43 for such care from the mother or from any individual who is  
44 financially responsible for the mother.

45 Section 2. Paragraph (c) of subsection (1) of section  
46 409.911, Florida Statutes, is amended to read:

47 409.911 Disproportionate share program.—Subject to specific  
48 allocations established within the General Appropriations Act  
49 and any limitations established pursuant to chapter 216, the  
50 agency shall distribute, pursuant to this section, moneys to  
51 hospitals providing a disproportionate share of Medicaid or  
52 charity care services by making quarterly Medicaid payments as  
53 required. Notwithstanding the provisions of s. 409.915, counties  
54 are exempt from contributing toward the cost of this special  
55 reimbursement for hospitals serving a disproportionate share of  
56 low-income patients.

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

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

65 1. Care provided to a patient whose family income for the  
66 12 months preceding the determination is less than or equal to  
67 200 percent of the federal poverty level, unless the amount of  
68 hospital charges due from the patient exceeds 25 percent of the  
69 annual family income; or

70 2. Care provided under conditions described in s.



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71 383.50(5)(b).

72  
73 ~~However, in no case shall the Hospital charges for a patient~~  
74 ~~whose family income exceeds four times the federal poverty level~~  
75 ~~for a family of four may not be considered charity, except for~~  
76 ~~care provided under conditions described in s. 383.50(5)(b).~~

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

78  
79 ===== T I T L E A M E N D M E N T =====

80 And the title is amended as follows:

81  
82 Delete everything before the enacting clause  
83 and insert:

84 A bill to be entitled  
85 An act relating to surrendered newborn infants;  
86 amending s. 383.50, F.S.; providing for the mother of  
87 a newborn infant who surrenders her infant at a  
88 hospital to apply for Medicaid through the hospital as  
89 a qualified Medicaid provider; authorizing the  
90 hospital to seek compensation from Medicaid for care  
91 provided to the surrendered newborn infant and the  
92 mother if the mother has no creditable coverage;  
93 authorizing the hospital to classify the unreimbursed  
94 medical care as charity care; prohibiting the hospital  
95 from seeking payment for such care from the mother or  
96 an individual who is financially responsible for the  
97 mother; amending s. 409.911, F.S.; redefining the term  
98 "charity care" to include unreimbursed care provided  
99 to a surrendered newborn infant and the mother under



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certain circumstances; providing an effective date.