

By the Committee on Health Regulation; and Senator Garcia

588-03809-11

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1 A bill to be entitled
2 An act relating to surrendered newborn infants;
3 amending s. 383.50, F.S.; providing that if the mother
4 of a newborn infant considers applying for eligibility
5 for the Medicaid program through the hospital as a
6 qualified Medicaid provider, the hospital must notify
7 the mother that the act of applying for Medicaid will
8 cause her personal information included on the
9 Medicaid application to be submitted to the Department
10 of Children and Family Services; authorizing a
11 hospital to seek reimbursement from Medicaid for care
12 provided to a surrendered newborn infant and the
13 mother of a surrendered newborn infant related to
14 labor and delivery of the infant, if the infant is
15 determined by the Department of Children and Family
16 Services to be Medicaid eligible; prohibiting the
17 hospital from seeking payment for such care from the
18 mother of a surrendered newborn infant or from any
19 individual financially responsible for the mother of a
20 surrendered newborn infant; amending s. 409.911, F.S.;
21 redefining the definition of "charity care" for the
22 disproportionate share program; providing that if a
23 patient has income that exceeds a specified multiple
24 of the federal poverty level, the care provided to the
25 patient does not qualify as charity care unless the
26 care is provided without compensation to a surrendered
27 newborn infant or the person financially responsible
28 for the mother of the surrendered newborn infant;
29 providing an effective date.

588-03809-11

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

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

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

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

2. If the mother considers applying for eligibility for the Medicaid program through the hospital as a qualified Medicaid provider, the hospital shall notify the mother that the act of applying for Medicaid will cause her personal information included on the Medicaid application to be submitted to the Department of Children and Family Services and that she will be contacted by the department or the Medicaid program, or both, about her Medicaid eligibility status. The hospital shall confirm that the mother wishes to apply for Medicaid and

588-03809-11

20111454c1

59 understands the notification by obtaining her signature on a
60 written acknowledgment of having received notice, if she chooses
61 to apply.

62 3. The hospital may seek reimbursement from Medicaid, as
63 applicable, for care provided to a surrendered newborn infant
64 and the mother of a surrendered newborn infant related to labor
65 and delivery of the infant, if the infant is determined by the
66 Department of Children and Family Services to be Medicaid
67 eligible and if the hospital renders care not reimbursable by
68 Medicaid under subparagraph 2. For such care not reimbursable
69 under Medicaid, the hospital may seek to classify the care as
70 charity care under s. 409.911(1)(c). The hospital may not seek
71 payment for such care from the mother of a surrendered newborn
72 infant or from any individual financially responsible for the
73 mother of a surrendered newborn infant.

74 Section 2. Paragraph (c) of subsection (1) of section
75 409.911, Florida Statutes, is amended to read:

76 409.911 Disproportionate share program.—Subject to specific
77 allocations established within the General Appropriations Act
78 and any limitations established pursuant to chapter 216, the
79 agency shall distribute, pursuant to this section, moneys to
80 hospitals providing a disproportionate share of Medicaid or
81 charity care services by making quarterly Medicaid payments as
82 required. Notwithstanding the provisions of s. 409.915, counties
83 are exempt from contributing toward the cost of this special
84 reimbursement for hospitals serving a disproportionate share of
85 low-income patients.

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

588-03809-11

20111454c1

88 (c) "Charity care" or "uncompensated charity care" means
89 that portion of hospital charges reported to the Agency for
90 Health Care Administration for which there is no compensation,
91 other than restricted or unrestricted revenues provided to a
92 hospital by local governments or tax districts regardless of the
93 method of payment, for:

94 1. Care provided to a patient whose family income for the
95 12 months preceding the determination is less than or equal to
96 200 percent of the federal poverty level, unless the amount of
97 hospital charges due from the patient exceeds 25 percent of the
98 annual family income; or

99 2. Care provided under conditions described in s.
100 383.50(5)(b).

101
102 ~~However, in no case shall the~~ Hospital charges for a patient
103 whose family income exceeds four times the federal poverty level
104 for a family of four may not be considered charity, except for
105 care provided without compensation under conditions described in
106 s. 383.50(5)(b).

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