

1 A bill to be entitled
2 An act relating to financial responsibility for medical
3 expenses of arrestees, pretrial detainees, or sentenced
4 inmates; amending s. 901.35, F.S.; providing that the
5 responsibility for paying the expenses of medical care,
6 treatment, hospitalization, and transportation for a
7 person who is ill, wounded, or otherwise injured during or
8 as a result of an arrest for a violation of a state law or
9 a county or municipal ordinance is the responsibility of
10 the person receiving the medical care, treatment,
11 hospitalization, or transportation; deleting provisions
12 establishing the order by which medical providers receive
13 reimbursement for the expenses incurred in providing the
14 medical services; amending s. 951.032, F.S.; setting forth
15 the order by which a county or municipal detention
16 facility may seek reimbursement for the expenses incurred
17 during the course of treating pretrial detainees or
18 sentenced inmates; requiring each pretrial detainee or
19 sentenced inmate who receives medical care or other
20 services to cooperate with the county or municipal
21 detention facility in seeking reimbursement for the
22 expenses incurred by the facility and providing for
23 certain liens against pretrial detainees or sentenced
24 inmates; setting forth the order of fiscal resources from
25 which a third-party provider of medical services may seek
26 reimbursement for the expenses the provider incurred in
27 providing medical care; requiring each arrestee, pretrial
28 detainee, or sentenced inmate who has health insurance,

CS/HB 257

2011

29 | subscribes to a health care corporation, or receives
 30 | health care benefits from any other source to assign such
 31 | benefits to the health care provider; requiring assignment
 32 | of health insurance or health care benefits to providers
 33 | by arrestees, detainees, or inmates who have such
 34 | insurance or benefits; providing an effective date.

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

38 | Section 1. Section 901.35, Florida Statutes, is amended to
 39 | read:

40 | 901.35 Financial responsibility for medical expenses.—

41 | ~~(1)~~ Notwithstanding any other provision of law, the
 42 | responsibility for paying the expenses of medical care,
 43 | treatment, hospitalization, and transportation for any person
 44 | ill, wounded, or otherwise injured during or as a result ~~at the~~
 45 | ~~time~~ of an arrest for any violation of a state law or a county
 46 | or municipal ordinance is the responsibility of the person
 47 | receiving such care, treatment, hospitalization, and
 48 | transportation. The provider of such services shall seek
 49 | reimbursement in accordance with s. 951.032. ~~The provider of~~
 50 | ~~such services shall seek reimbursement for the expenses incurred~~
 51 | ~~in providing medical care, treatment, hospitalization, and~~
 52 | ~~transportation from the following sources in the following~~
 53 | ~~order:~~

54 | ~~(a) From an insurance company, health care corporation, or~~
 55 | ~~other source, if the prisoner is covered by an insurance policy~~
 56 | ~~or subscribes to a health care corporation or other source for~~

57 ~~those expenses.~~

58 ~~(b) From the person receiving the medical care, treatment,~~
 59 ~~hospitalization, or transportation.~~

60 ~~(c) From a financial settlement for the medical care,~~
 61 ~~treatment, hospitalization, or transportation payable or~~
 62 ~~accruing to the injured party.~~

63 ~~(2) Upon a showing that reimbursement from the sources~~
 64 ~~listed in subsection (1) is not available, the costs of medical~~
 65 ~~care, treatment, hospitalization, and transportation shall be~~
 66 ~~paid:~~

67 ~~(a) From the general fund of the county in which the~~
 68 ~~person was arrested, if the arrest was for violation of a state~~
 69 ~~law or county ordinance; or~~

70 ~~(b) From the municipal general fund, if the arrest was for~~
 71 ~~violation of a municipal ordinance.~~

72
 73 ~~The responsibility for payment of such medical costs shall exist~~
 74 ~~until such time as an arrested person is released from the~~
 75 ~~custody of the arresting agency.~~

76 ~~(3) An arrested person who has health insurance,~~
 77 ~~subscribes to a health care corporation, or receives health care~~
 78 ~~benefits from any other source shall assign such benefits to the~~
 79 ~~health care provider.~~

80 Section 2. Section 951.032, Florida Statutes, is amended
 81 to read:

82 951.032 Financial responsibility for medical expenses.—

83 (1) A county detention facility or municipal detention
 84 facility incurring expenses for providing medical care,

CS/HB 257

2011

85 treatment, hospitalization, or transportation to pretrial
86 detainees or sentenced inmates may seek reimbursement for the
87 expenses incurred in the following order:

88 (a) From the pretrial detainee or sentenced inmate
89 ~~prisoner or person~~ receiving medical care, treatment,
90 hospitalization, or transportation by deducting the cost from
91 the pretrial detainee's or sentenced inmate's ~~prisoner's~~ cash
92 account on deposit with the detention facility. If the pretrial
93 detainee's or sentenced inmate's ~~prisoner's~~ cash account does
94 not contain sufficient funds to cover medical care, treatment,
95 hospitalization, or transportation, ~~then~~ the detention facility
96 may place a lien against the pretrial detainee's or sentenced
97 inmate's ~~prisoner's~~ cash account or other personal property, to
98 provide payment in the event sufficient funds become available
99 at a later time. Any existing lien may be carried over to future
100 incarceration of the same detainee or inmate ~~prisoner~~ as long as
101 the future incarceration takes place within the county
102 originating the lien and the future incarceration takes place
103 within 3 years after ~~of~~ the date the lien was placed against the
104 pretrial detainee's or sentenced inmate's ~~prisoner's~~ account or
105 other personal property.

106 (b) From an insurance company, health care corporation, or
107 other source if the pretrial detainee or sentenced inmate
108 ~~prisoner or person~~ is covered by an insurance policy or
109 subscribes to a health care corporation or other source for
110 those expenses.

111 (2) A pretrial detainee or sentenced inmate ~~prisoner~~ who
112 receives medical care, treatment, hospitalization, or

113 transportation from a county or municipal detention facility
 114 shall cooperate with that ~~the county detention facility or~~
 115 ~~municipal detention facility~~ in seeking reimbursement under
 116 paragraphs (1) (a) and (b) for expenses incurred by the facility
 117 for the pretrial detainee or sentenced inmate ~~prisoner~~. A
 118 pretrial detainee or sentenced inmate ~~prisoner~~ who willfully
 119 refuses to cooperate with the reimbursement efforts of the
 120 detention facility may have a lien placed against his or her ~~the~~
 121 ~~prisoner's~~ cash account or other personal property and may not
 122 receive gain-time as provided by s. 951.21.

123 (3) A third-party provider of medical care, treatment,
 124 hospitalization, or transportation for arrestees, pretrial
 125 detainees, or sentenced inmates of a county or municipal
 126 detention facility shall seek reimbursement for the expenses
 127 incurred in providing medical care, treatment, hospitalization,
 128 and transportation to such arrestees, pretrial detainees, or
 129 sentenced inmates from the following sources in the following
 130 order:

131 (a) From an insurance company, health care corporation, or
 132 other source, if the arrestee, pretrial detainee, or sentenced
 133 inmate is covered by an insurance policy or subscribes to a
 134 health care corporation or other source for those expenses.

135 (b) From the arrestee, pretrial detainee, or sentenced
 136 inmate receiving the medical care, treatment, hospitalization,
 137 or transportation.

138 (c) From a financial settlement for the medical care,
 139 treatment, hospitalization, or transportation payable or
 140 accruing to the injured arrestee, pretrial detainee, or

141 sentenced inmate.

142 (4) Upon a showing by the third-party provider that a good
143 faith effort was made, consistent with that provider's usual
144 policies and procedures related to the collection of fees from
145 indigent patients outside the custody of a county or municipal
146 detention facility, to obtain reimbursement from the sources
147 listed in subsection (3), but that such reimbursement is not
148 available, the costs of medical care, treatment,
149 hospitalization, and transportation shall be paid:

150 (a) For a person who receives such services during or as a
151 result of an arrest:

152 1. From the general fund of the county in which the person
153 was arrested, if the arrest was for violation of a state law or
154 county ordinance; or

155 2. From the municipal general fund, if the arrest was for
156 violation of a municipal ordinance.

157 (b) For a person who receives such services while detained
158 in a county detention facility, from the county general fund.

159 (c) For a person who receives such services while detained
160 in a municipal detention facility, from the municipal general
161 fund.

162
163 Absent a written agreement between the third-party provider and
164 the county or municipality, remuneration made pursuant to
165 paragraph (a), paragraph (b), or paragraph (c) shall be billed
166 by the third-party provider and paid by the county or
167 municipality at a rate not to exceed 110 percent of the Medicare
168 allowable rate for such services. Compensation to a third-party

CS/HB 257

2011

169 provider may not exceed 125 percent of the Medicare allowable
170 rate if there is no written agreement between the third-party
171 provider and the county or municipality, and the third-party
172 provider reported a negative operating margin for the previous
173 year to the Agency for Health Care Administration through
174 hospital-audited financial data. However, these maximum
175 allowable rates do not apply to amounts billed and paid for
176 physicians licensed under chapter 458 or chapter 459 for
177 emergency services provided within a hospital emergency
178 department. The responsibility of the county or municipality for
179 payment of any in-custody medical costs shall cease upon release
180 of the arrestee, pretrial detainee, or sentenced inmate.

181 (5) An arrestee, pretrial detainee, or sentenced inmate
182 who has health insurance, subscribes to a health care
183 corporation, or receives health care benefits from any other
184 source shall assign such benefits to the health care provider.

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