

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,

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; specifying the period for which a
 35 | county or municipality is responsible for medical costs;
 36 | defining the terms "pretrial detainee" and "sentenced
 37 | inmate"; specifying the responsibility for restricting the
 38 | personal freedom of pretrial detainees or sentenced
 39 | inmates receiving medical care, treatment,
 40 | hospitalization, or transportation; providing an effective
 41 | date.

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

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45 | Section 1. Section 901.35, Florida Statutes, is amended to
 46 | read:

47 | 901.35 Financial responsibility for medical expenses.—

48 | ~~(1)~~ Notwithstanding any other provision of law, the
 49 | responsibility for paying the expenses of medical care,
 50 | treatment, hospitalization, and transportation for any person
 51 | ill, wounded, or otherwise injured during or as a result ~~at the~~
 52 | ~~time~~ of an arrest for any violation of a state law or a county
 53 | or municipal ordinance is the responsibility of the person
 54 | receiving such care, treatment, hospitalization, and
 55 | transportation. The provider of such services shall seek
 56 | reimbursement in accordance with s. 951.032. ~~The provider of~~

57 ~~such services shall seek reimbursement for the expenses incurred~~
58 ~~in providing medical care, treatment, hospitalization, and~~
59 ~~transportation from the following sources in the following~~
60 ~~order:~~

61 ~~(a) From an insurance company, health care corporation, or~~
62 ~~other source, if the prisoner is covered by an insurance policy~~
63 ~~or subscribes to a health care corporation or other source for~~
64 ~~those expenses.~~

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

67 ~~(c) From a financial settlement for the medical care,~~
68 ~~treatment, hospitalization, or transportation payable or~~
69 ~~accruing to the injured party.~~

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

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

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

79
80 ~~The responsibility for payment of such medical costs shall exist~~
81 ~~until such time as an arrested person is released from the~~
82 ~~custody of the arresting agency.~~

83 ~~(3) An arrested person who has health insurance,~~
84 ~~subscribes to a health care corporation, or receives health care~~

85 ~~benefits from any other source shall assign such benefits to the~~
 86 ~~health care provider.~~

87 Section 2. Section 951.032, Florida Statutes, is amended
 88 to read:

89 951.032 Financial responsibility for medical expenses.—

90 (1) A county detention facility or municipal detention
 91 facility incurring expenses for providing medical care,
 92 treatment, hospitalization, or transportation to pretrial
 93 detainees or sentenced inmates may seek reimbursement for the
 94 expenses incurred in the following order:

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

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113 (b) From an insurance company, health care corporation, or
114 other source if the pretrial detainee or sentenced inmate
115 ~~prisoner or person~~ is covered by an insurance policy or
116 subscribes to a health care corporation or other source for
117 those expenses.

118 (2) A pretrial detainee or sentenced inmate ~~prisoner~~ who
119 receives medical care, treatment, hospitalization, or
120 transportation from a county or municipal detention facility
121 shall cooperate with that ~~the county detention facility or~~
122 ~~municipal detention facility~~ in seeking reimbursement under
123 paragraphs (1) (a) and (b) for expenses incurred by the facility
124 for the pretrial detainee or sentenced inmate ~~prisoner~~. A
125 pretrial detainee or sentenced inmate ~~prisoner~~ who willfully
126 refuses to cooperate with the reimbursement efforts of the
127 detention facility may have a lien placed against his or her ~~the~~
128 ~~prisoner's~~ cash account or other personal property and may not
129 receive gain-time as provided by s. 951.21.

130 (3) A third-party provider of medical care, treatment,
131 hospitalization, or transportation for arrestees, pretrial
132 detainees, or sentenced inmates of a county or municipal
133 detention facility shall seek reimbursement for the expenses
134 incurred in providing medical care, treatment, hospitalization,
135 and transportation to such arrestees, pretrial detainees, or
136 sentenced inmates from the following sources in the following
137 order:

138 (a) From an insurance company, health care corporation, or
139 other source, if the arrestee, pretrial detainee, or sentenced
140 inmate is covered by an insurance policy or subscribes to a

141 health care corporation or other source for those expenses.

142 (b) From the arrestee, pretrial detainee, or sentenced
 143 inmate receiving the medical care, treatment, hospitalization,
 144 or transportation.

145 (c) From a financial settlement for the medical care,
 146 treatment, hospitalization, or transportation payable or
 147 accruing to the injured arrestee, pretrial detainee, or
 148 sentenced inmate.

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

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

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

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

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

166 (c) For a person who receives such services while detained
 167 in a municipal detention facility, from the municipal general
 168 fund.

169
170 Absent a written agreement between the third-party provider and
171 the county or municipality, remuneration made pursuant to
172 paragraph (a), paragraph (b), or paragraph (c) shall be billed
173 by the third-party provider and paid by the county or
174 municipality at a rate not to exceed 110 percent of the Medicare
175 allowable rate for such services. Compensation to a third-party
176 provider may not exceed 125 percent of the Medicare allowable
177 rate if there is no written agreement between the third-party
178 provider and the county or municipality, and the third-party
179 provider reported a negative operating margin for the previous
180 year to the Agency for Health Care Administration through
181 hospital-audited financial data. However, these maximum
182 allowable rates do not apply to amounts billed and paid for
183 physicians licensed under chapter 458 or chapter 459 for
184 emergency services provided within a hospital emergency
185 department. The responsibility of the county or municipality for
186 payment of any medical costs shall be limited to those costs
187 incurred while the pretrial detainee or sentenced inmate is in
188 the custody of the detention facility, without regard to whether
189 such costs are actually billed after the pretrial detainee,
190 arrestee, or sentenced inmate is released.

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

195 (6) For purposes of this section, the terms "pretrial
196 detainee" and "sentenced inmate" refer to a person brought for

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197 medical care, treatment, or hospitalization by or on behalf of
198 law enforcement or the county or municipal jail whose physical
199 freedom is restricted by a certified law enforcement officer or
200 by a certified correctional officer employed by a county or
201 municipality pending adjudication and disposition of an arrest
202 or pending completion of an adjudicated county sentence. These
203 definitions include a person who is furloughed by a court for
204 the express purpose of receiving medical care, treatment, or
205 hospitalization if a condition of such furlough is that the
206 person return to the custody of a county or municipal jail
207 following completion of the medical care, treatment, or
208 hospitalization.

209 (7) A law enforcement agency with jurisdiction or the
210 county or municipal jail responsible for a pretrial detainee or
211 sentenced inmate, respectively, shall be responsible for
212 restricting the personal freedom of the pretrial detainee or
213 sentenced inmate receiving medical care, treatment,
214 hospitalization, or transportation under this section.

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