

By Senator Garcia

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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 eligible for Medicaid; 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 term "charity care" for purposes of 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 to a surrendered newborn infant and  
27          the mother without compensation; providing an  
28          effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 383.50 Treatment of surrendered newborn infant.—

35 (5) (a) Except when there is actual or suspected child abuse  
36 or neglect, any parent who leaves a newborn infant with a  
37 firefighter, emergency medical technician, or paramedic at a  
38 fire station or emergency medical services station, or brings a  
39 newborn infant to an emergency room of a hospital and expresses  
40 an intent to leave the newborn infant and not return, has the  
41 absolute right to remain anonymous and to leave at any time and  
42 may not be pursued or followed unless the parent seeks to  
43 reclaim the newborn infant.

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

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

49 2. If the mother considers applying for eligibility for the  
50 Medicaid program through the hospital as a qualified Medicaid  
51 provider, the hospital shall notify the mother that the act of  
52 applying for Medicaid will cause her personal information  
53 included on the Medicaid application to be submitted to the  
54 Department of Children and Family Services and that she will be  
55 contacted by the department or the Medicaid program, or both,  
56 about her Medicaid eligibility status. The hospital shall  
57 confirm that the mother wishes to apply for Medicaid and  
58 understands the notification by obtaining her signature on a

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59 written acknowledgment of having received notice, if she chooses  
60 to apply.

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

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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, 2012.