

By the Committee on Health Policy; and Senator Gaetz

588-02133-15

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1 A bill to be entitled
2 An act relating to patient observation status
3 notification; amending s. 395.301, F.S.; requiring a
4 licensed facility to document observation services in
5 a patient's discharge papers when the facility places
6 the patient on observation status; requiring a
7 licensed facility to notify a patient or patient's
8 proxy of observation status through discharge papers;
9 authorizing a licensed facility to notify a patient or
10 patient's proxy of observation status through other
11 forms of communication; providing an effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 395.301, Florida Statutes, is amended,
16 to read:

17 395.301 Itemized patient bill; form and content prescribed
18 by the agency; patient observation status notification.—

19 (1) A licensed facility not operated by the state shall
20 notify each patient during admission and at discharge of his or
21 her right to receive an itemized bill upon request. Within 7
22 days following the patient's discharge or release from a
23 licensed facility not operated by the state, the licensed
24 facility providing the service shall, upon request, submit to
25 the patient, or to the patient's survivor or legal guardian as
26 may be appropriate, an itemized statement detailing in language
27 comprehensible to an ordinary layperson the specific nature of
28 charges or expenses incurred by the patient, which in the
29 initial billing shall contain a statement of specific services

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30 received and expenses incurred for such items of service,
31 enumerating in detail the constituent components of the services
32 received within each department of the licensed facility and
33 including unit price data on rates charged by the licensed
34 facility, as prescribed by the agency.

35 (2) (a) Each such statement submitted pursuant to this
36 section:

37 1. May not include charges of hospital-based physicians if
38 billed separately.

39 2. May not include any generalized category of expenses
40 such as "other" or "miscellaneous" or similar categories.

41 3. Shall list drugs by brand or generic name and not refer
42 to drug code numbers when referring to drugs of any sort.

43 4. Shall specifically identify therapy treatment as to the
44 date, type, and length of treatment when therapy treatment is a
45 part of the statement.

46 (b) Any person receiving a statement pursuant to this
47 section shall be fully and accurately informed as to each charge
48 and service provided by the institution preparing the statement.

49 (3) On each itemized statement submitted pursuant to
50 subsection (1) there shall appear the words "A FOR-PROFIT (or
51 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL
52 CENTER) LICENSED BY THE STATE OF FLORIDA" or substantially
53 similar words sufficient to identify clearly and plainly the
54 ownership status of the licensed facility. Each itemized
55 statement must prominently display the phone number of the
56 medical facility's patient liaison who is responsible for
57 expediting the resolution of any billing dispute between the
58 patient, or his or her representative, and the billing

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59 department.

60 (4) An itemized bill shall be provided once to the
61 patient's physician at the physician's request, at no charge.

62 (5) In any billing for services subsequent to the initial
63 billing for such services, the patient, or the patient's
64 survivor or legal guardian, may elect, at his or her option, to
65 receive a copy of the detailed statement of specific services
66 received and expenses incurred for each such item of service as
67 provided in subsection (1).

68 (6) No physician, dentist, podiatric physician, or licensed
69 facility may add to the price charged by any third party except
70 for a service or handling charge representing a cost actually
71 incurred as an item of expense; however, the physician, dentist,
72 podiatric physician, or licensed facility is entitled to fair
73 compensation for all professional services rendered. The amount
74 of the service or handling charge, if any, shall be set forth
75 clearly in the bill to the patient.

76 (7) Each licensed facility not operated by the state shall
77 provide, prior to provision of any nonemergency medical
78 services, a written good faith estimate of reasonably
79 anticipated charges for the facility to treat the patient's
80 condition upon written request of a prospective patient. The
81 estimate shall be provided to the prospective patient within 7
82 business days after the receipt of the request. The estimate may
83 be the average charges for that diagnosis related group or the
84 average charges for that procedure. Upon request, the facility
85 shall notify the patient of any revision to the good faith
86 estimate. Such estimate shall not preclude the actual charges
87 from exceeding the estimate. The facility shall place a notice

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88 in the reception area that such information is available.
89 Failure to provide the estimate within the provisions
90 established pursuant to this section shall result in a fine of
91 \$500 for each instance of the facility's failure to provide the
92 requested information.

93 (8) Each licensed facility that is not operated by the
94 state shall provide any uninsured person seeking planned
95 nonemergency elective admission a written good faith estimate of
96 reasonably anticipated charges for the facility to treat such
97 person. The estimate must be provided to the uninsured person
98 within 7 business days after the person notifies the facility
99 and the facility confirms that the person is uninsured. The
100 estimate may be the average charges for that diagnosis-related
101 group or the average charges for that procedure. Upon request,
102 the facility shall notify the person of any revision to the good
103 faith estimate. Such estimate does not preclude the actual
104 charges from exceeding the estimate. The facility shall also
105 provide to the uninsured person a copy of any facility discount
106 and charity care discount policies for which the uninsured
107 person may be eligible. The facility shall place a notice in the
108 reception area where such information is available. Failure to
109 provide the estimate as required by this subsection shall result
110 in a fine of \$500 for each instance of the facility's failure to
111 provide the requested information.

112 (9) If a licensed facility places a patient on observation
113 rather than inpatient status, observation services shall be
114 documented in the patient's discharge papers. The patient or
115 patient's proxy shall be notified of observation services
116 through discharge papers and also may be notified through

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117 brochures, signage, or other forms of communication for this
118 purpose.

119 (10)~~(9)~~ A licensed facility shall make available to a
120 patient all records necessary for verification of the accuracy
121 of the patient's bill within 30 business days after the request
122 for such records. The verification information must be made
123 available in the facility's offices. Such records shall be
124 available to the patient prior to and after payment of the bill
125 or claim. The facility may not charge the patient for making
126 such verification records available; however, the facility may
127 charge its usual fee for providing copies of records as
128 specified in s. 395.3025.

129 (11)~~(10)~~ Each facility shall establish a method for
130 reviewing and responding to questions from patients concerning
131 the patient's itemized bill. Such response shall be provided
132 within 30 days after the date a question is received. If the
133 patient is not satisfied with the response, the facility must
134 provide the patient with the address of the agency to which the
135 issue may be sent for review.

136 (12)~~(11)~~ Each licensed facility shall make available on its
137 Internet website a link to the performance outcome and financial
138 data that is published by the Agency for Health Care
139 Administration pursuant to s. 408.05(3)(k). The facility shall
140 place a notice in the reception area that the information is
141 available electronically and the facility's Internet website
142 address.

143 Section 2. This act shall take effect July 1, 2015.