

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Toledo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 222.26, Florida Statutes, is created to  
 8 read:

9 222.26 Additional exemptions from legal process concerning  
 10 medical debt.—If a debt is owed for medical services provided by  
 11 a facility licensed under chapter 395, the following property is  
 12 exempt from attachment, garnishment, or other legal process:

13 (1) A debtor's interest, not to exceed \$10,000 in value,  
 14 in a single motor vehicle as defined in s. 320.01.

15 (2) A debtor's interest in personal property, not to  
 16 exceed \$10,000, if the debtor does not claim or receive the

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17 benefits of a homestead exemption under s. 4, Art. X of the  
18 State Constitution.

19 Section 2. Subsection (6) of section 395.301, Florida Statutes,  
20 is renumbered as subsection (7), paragraph (b) of subsection (1)  
21 is amended, and a new subsection (6) is added to that section,  
22 to read:

23 395.301 Price transparency; itemized patient statement or  
24 bill; patient admission status notification.—

25 (1) A facility licensed under this chapter shall provide timely  
26 and accurate financial information and quality of service  
27 measures to patients and prospective patients of the facility,  
28 or to patients' survivors or legal guardians, as appropriate.  
29 Such information shall be provided in accordance with this  
30 section and rules adopted by the agency pursuant to this chapter  
31 and s. 408.05. Licensed facilities operating exclusively as  
32 state facilities are exempt from this subsection.

33 (b)1. ~~Upon request, and before providing any nonemergency~~  
34 ~~medical services,~~ Each licensed facility shall provide in  
35 writing or by electronic means a good faith estimate of  
36 reasonably anticipated charges by the facility for the treatment  
37 of ~~the~~ patient's or prospective patient's specific condition.  
38 The estimate must be provided to the patient upon scheduling a  
39 medical service or upon admission to the facility, or before the  
40 provision of nonemergency medical services on an outpatient  
41 basis, as applicable. ~~The facility must provide the estimate to~~

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42 ~~the patient or prospective patient within 7 business days after~~  
43 ~~the receipt of the request and is not required to adjust the~~  
44 estimate for any potential insurance coverage. The estimate may  
45 be based on the descriptive service bundles developed by the  
46 agency under s. 408.05(3)(c) unless the patient or prospective  
47 patient requests a more personalized and specific estimate that  
48 accounts for the specific condition and characteristics of the  
49 patient or prospective patient. The facility shall inform the  
50 patient or prospective patient that he or she may contact his or  
51 her health insurer or health maintenance organization for  
52 additional information concerning cost-sharing responsibilities.  
53 The facility may not charge the patient more than 110 percent of  
54 the estimate. However, if the facility determines that such  
55 charges are warranted due to unforeseen circumstances or the  
56 provision of additional services, the facility must provide the  
57 patient with a written explanation of the excess charges as part  
58 of the detailed, itemized statement or bill to the patient.

59 2. In the estimate, the facility shall provide to the  
60 patient or prospective patient information on the facility's  
61 financial assistance policy, including the application process,  
62 payment plans, and discounts and the facility's charity care  
63 policy and collection procedures.

64 3. The estimate shall clearly identify any facility fees  
65 and, if applicable, include a statement notifying the patient or  
66 prospective patient that a facility fee is included in the

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67 estimate, the purpose of the fee, and that the patient may pay  
68 less for the procedure or service at another facility or in  
69 another health care setting.

70 ~~4. Upon request,~~ The facility shall notify the patient or  
71 prospective patient of any revision to the estimate.

72 5. In the estimate, the facility must notify the patient  
73 or prospective patient that services may be provided in the  
74 health care facility by the facility as well as by other health  
75 care providers that may separately bill the patient, if  
76 applicable.

77 ~~6. The facility shall take action to educate the public~~  
78 ~~that such estimates are available upon request.~~

79 ~~6.7.~~ Failure to ~~timely~~ provide the estimate within the  
80 timeframe required in subparagraph 1. pursuant to this paragraph  
81 shall result in a daily fine of \$1,000 until the estimate is  
82 provided to the patient or prospective patient. The total fine  
83 may not exceed \$10,000.

84 ~~The provision of an estimate does not preclude the actual~~  
85 ~~charges from exceeding the estimate.~~

86 (6) Each facility shall establish an internal process for  
87 reviewing and responding to grievances from patients. This  
88 process must allow patients to dispute charges that appear on  
89 the patient's itemized statement or bill. The facility shall  
90 prominently post on its website and indicate in bold print on  
91 each itemized statement or bill the instructions for initiating

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92 a grievance and the direct contact information required to  
93 initiate the grievance process. The facility must provide an  
94 initial response to a patient grievance within 7 business days  
95 after the patient formally files a grievance disputing all or a  
96 portion of an itemized statement or bill.

97 Section 3. Section 395.3011, Florida Statutes, is created  
98 to read:

99 395.3011 Billing and collection activities.—

100 (1) As used in this section, the term "extraordinary  
101 collection action" means any of the following actions taken by a  
102 licensed facility against an individual in relation to obtaining  
103 payment of a bill for care covered under the facility's  
104 financial assistance policy:

105 (a) Selling the individual's debt to another party.

106 (b) Reporting adverse information about the individual to  
107 consumer credit reporting agencies or credit bureaus.

108 (c) Deferring, denying, or requiring a payment before  
109 providing medically necessary care because of the individual's  
110 nonpayment of one or more bills for previously provided care  
111 covered under the facility's financial assistance policy.

112 (d) Actions that require a legal or judicial process,  
113 including, but not limited to:

114 1. Placing a lien on the individual's property;

115 2. Foreclosing on the individual's real property;

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116 3. Attaching or seizing the individual's bank account or  
117 any other personal property;

118 4. Commencing a civil action against the individual;

119 5. Causing the individual's arrest; or

120 6. Garnishing the individual's wages.

121 (2) A facility shall not engage in an extraordinary  
122 collection action against an individual to obtain payment for  
123 services:

124 (a) Before the facility has made reasonable efforts to  
125 determine whether the individual is eligible for assistance  
126 under its financial assistance policy for the care;

127 (b) Before the facility has provided the individual with  
128 an itemized statement or bill;

129 (c) During an ongoing grievance process as described in s.  
130 395.301(6);

131 (d) Prior to billing any applicable insurer and allowing  
132 the insurer to adjudicate the claim; and,

133 (d) For 30 days after notifying the patient in writing, by  
134 certified mail or other traceable delivery method, that a  
135 collection action will commence absent additional action by the  
136 patient.

137 Section 4. This act shall take effect July 1, 2019.

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139 -----  
140 **T I T L E A M E N D M E N T**

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141 Remove everything before the enacting clause and insert:  
142 An act relating to medical billing; creating s. 222.26, F.S.;  
143 providing additional personal property exemptions from legal  
144 process for medical debts resulting from services provided in  
145 certain licensed facilities; amending s. 395.301, F.S.;  
146 requiring a licensed facility to provide a cost estimate to a  
147 patient within a specified timeframe; prohibiting a licensed  
148 facility from charging a patient an amount that exceeds such  
149 cost estimate by a set threshold; requiring a licensed facility  
150 to provide a patient with a written explanation of excess  
151 charges under certain circumstances; requiring a licensed  
152 facility to establish an internal grievance process for patients  
153 to dispute charges; requiring a facility to make available  
154 information necessary for initiating an appeal; requiring a  
155 facility to respond to a patient appeal within a specified  
156 timeframe; creating s. 395.3011, F.S.; prohibiting certain  
157 collection activities by a licensed facility; providing an  
158 effective date.