

1                                   A bill to be entitled  
2           An act relating to medical billing; creating s.  
3           222.26, F.S.; providing additional personal property  
4           exemptions from legal process for medical debts  
5           resulting from services provided in certain licensed  
6           facilities; amending s. 395.301, F.S.; requiring a  
7           licensed facility to provide a cost estimate to a  
8           patient within a specified timeframe after  
9           recommending a specific course of treatment or set of  
10          services; prohibiting a licensed facility from  
11          charging a patient an amount that exceeds such cost  
12          estimate by a set threshold; requiring a licensed  
13          facility to provide a patient with a written  
14          explanation of excess charges under certain  
15          circumstances; requiring a licensed facility to  
16          establish an appeal process for patients to dispute  
17          charges; requiring a facility to make available  
18          information necessary for initiating an appeal;  
19          requiring a facility to respond to a patient appeal  
20          within a specified timeframe; creating s. 395.3011,  
21          F.S.; prohibiting certain collection activities by a  
22          licensed facility; providing an effective date.

23  
24   Be It Enacted by the Legislature of the State of Florida:  
25

26 Section 1. Section 222.26, Florida Statutes, is created to  
 27 read:

28 222.26 Additional exemptions from legal process concerning  
 29 medical debt.—If a debt is owed for medical services provided by  
 30 a facility licensed under chapter 395, the following property is  
 31 exempt from attachment, garnishment, or other legal process:

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

34 (2) A debtor's interest in personal property, not to  
 35 exceed \$10,000, if the debtor does not claim or receive the  
 36 benefits of a homestead exemption under s. 4, Art. X of the  
 37 State Constitution.

38 Section 2. Subsection (6) of section 395.301, Florida  
 39 Statutes, is renumbered as subsection (7), paragraph (b) of  
 40 subsection (1) is amended, and a new subsection (6) is added to  
 41 that section, to read:

42 395.301 Price transparency; itemized patient statement or  
 43 bill; patient admission status notification.—

44 (1) A facility licensed under this chapter shall provide  
 45 timely and accurate financial information and quality of service  
 46 measures to patients and prospective patients of the facility,  
 47 or to patients' survivors or legal guardians, as appropriate.  
 48 Such information shall be provided in accordance with this  
 49 section and rules adopted by the agency pursuant to this chapter  
 50 and s. 408.05. Licensed facilities operating exclusively as

51 state facilities are exempt from this subsection.

52 (b)1. ~~Upon request, and~~ Before providing any nonemergency  
53 medical services, each licensed facility shall provide in  
54 writing or by electronic means a good faith estimate of  
55 reasonably anticipated charges by the facility for the treatment  
56 of the patient's or prospective patient's specific condition.  
57 The facility must provide the estimate to the patient or  
58 prospective patient within 7 business days after recommending a  
59 specific course of treatment or set of services ~~the receipt of~~  
60 ~~the request~~ and is not required to adjust the estimate for any  
61 potential insurance coverage. The estimate may be based on the  
62 descriptive service bundles developed by the agency under s.  
63 408.05(3)(c) unless the patient or prospective patient requests  
64 a more personalized and specific estimate that accounts for the  
65 specific condition and characteristics of the patient or  
66 prospective patient. The facility shall inform the patient or  
67 prospective patient that he or she may contact his or her health  
68 insurer or health maintenance organization for additional  
69 information concerning cost-sharing responsibilities. The  
70 facility may not charge the patient more than 110 percent of the  
71 estimate. However, if the facility determines that such charges  
72 are warranted due to unforeseen circumstances or the provision  
73 of additional services, the facility must provide the patient  
74 with a written explanation of the excess charges as part of the  
75 detailed, itemized statement or bill to the patient.

76           2. In the estimate, the facility shall provide to the  
77 patient or prospective patient information on the facility's  
78 financial assistance policy, including the application process,  
79 payment plans, and discounts and the facility's charity care  
80 policy and collection procedures.

81           3. The estimate shall clearly identify any facility fees  
82 and, if applicable, include a statement notifying the patient or  
83 prospective patient that a facility fee is included in the  
84 estimate, the purpose of the fee, and that the patient may pay  
85 less for the procedure or service at another facility or in  
86 another health care setting.

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

89           5. In the estimate, the facility must notify the patient  
90 or prospective patient that services may be provided in the  
91 health care facility by the facility as well as by other health  
92 care providers that may separately bill the patient, if  
93 applicable.

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

96           6.7. Failure to ~~timely~~ provide the estimate within the  
97 timeframe required in subparagraph 1. ~~pursuant to this paragraph~~  
98 shall result in a daily fine of \$1,000 until the estimate is  
99 provided to the patient or prospective patient. The total fine  
100 may not exceed \$10,000.

101  
102 ~~The provision of an estimate does not preclude the actual~~  
103 ~~charges from exceeding the estimate.~~

104 (6) Each facility shall establish an appeal process  
105 designed to allow patients to dispute charges that appear on the  
106 patient's itemized statement or bill. The facility shall  
107 prominently post on its website and indicate in bold print on  
108 each itemized statement or bill the instructions for initiating  
109 an appeal and the direct contact information needed to initiate  
110 the appeal process. The facility must provide an initial  
111 response to a patient appeal within 7 business days after the  
112 patient formally files an appeal disputing all or a portion of  
113 an itemized statement or bill.

114 Section 3. Section 395.3011, Florida Statutes, is created  
115 to read:

116 395.3011 Billing and collection activities.—

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

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

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

125 (c) Deferring, denying, or requiring a payment before

126 providing medically necessary care because of the individual's  
 127 nonpayment of one or more bills for previously provided care  
 128 covered under the facility's financial assistance policy.

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

- 131 1. Placing a lien on the individual's property;
- 132 2. Foreclosing on the individual's real property;
- 133 3. Attaching or seizing the individual's bank account or  
 134 any other personal property;
- 135 4. Commencing a civil action against the individual;
- 136 5. Causing the individual's arrest; or
- 137 6. Garnishing the individual's wages.

138 (2) A facility shall not engage in an extraordinary  
 139 collection action against an individual to obtain payment for  
 140 services:

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

144 (b) Before the facility has provided the individual with a  
 145 requested itemized statement or bill;

146 (c) During an ongoing appeal process as described in s.  
 147 395.301(6); or

148 (d) For 30 days after notifying the patient in writing, by  
 149 certified mail or other traceable delivery method, that a  
 150 collection action will commence absent additional action by the

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151 | patient.

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