

HB 1527

2022

1 A bill to be entitled
2 An act relating to patient-consumer credit protection;
3 creating s. 408.7072, F.S.; requiring specified
4 entities to comply with federal hospital price
5 transparency requirements; providing administrative
6 fines; directing the Agency for Healthcare
7 Administration to impose and collect such fines;
8 creating s. 501.181, F.S.; providing definitions;
9 prohibiting consumer reporting agencies from
10 publishing patient-consumer medical debts under
11 certain conditions or without the express written
12 consent of the health care provider; requiring
13 consumer reporting agencies to remove patient-consumer
14 medical debt information without charge upon certain
15 notification; providing for private rights of action;
16 directing the Department of Agriculture and Consumer
17 Services to adopt rules; amending s. 559.72, F.S.;
18 prohibiting a person from publishing specified
19 patient-consumer medical debts; providing an effective
20 date.

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22 Be It Enacted by the Legislature of the State of Florida:

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24 Section 1. Section 408.7072, Florida Statutes, is created
25 to read:

26 408.7072 Price transparency for health care services.—All
 27 entities in the state subject to the requirements of 45 C.F.R.
 28 part 180, in effect on July 1, 2022, shall comply with such
 29 requirements. An entity that fails to comply with this section
 30 is subject to a fine of \$500 for each instance and each day of
 31 noncompliance. The agency shall impose and collect the fines.

32 Section 2. Section 501.181, Florida Statutes, is created
 33 to read:

34 501.181 Patient-consumer credit protection.—

35 (1) DEFINITIONS.—As used in this section:

36 (a) "Consumer report" has the same meaning as in 15 U.S.C.
 37 s. 1681a(d), in effect on July 1, 2022.

38 (b) "Consumer reporting agency" has the same meaning as in
 39 15 U.S.C. s. 1681a(f), in effect on July 1, 2022.

40 (c) "Health benefit plan" means any individual, blanket,
 41 or group plan; policy; or contract for health care services
 42 issued in the state by an authorized health care insurer, health
 43 maintenance organization, hospital medical service corporation,
 44 or self-insured governmental or church plan in the state. The
 45 term does not include supplemental plans.

46 (d) "Health care provider" has the same meaning as in s.
 47 408.07.

48 (e) "Medical debt" means the outstanding balance a
 49 patient-consumer owes to a health care provider for health care
 50 services.

51 (f) "Patient-consumer" means any person who receives
52 health care services from a health care provider.

53 (2) PATIENT-CONSUMER CREDIT PROTECTION.-A consumer
54 reporting agency may not publish a consumer report with a credit
55 impairment resulting from the medical debt of a patient-consumer
56 if all of the following conditions apply:

57 (a) The patient-consumer was covered by a health benefit
58 plan when the health care services giving rise to the medical
59 debt were provided and such services were covered by the health
60 benefit plan.

61 (b) The medical debt is an outstanding balance after
62 copayments, deductibles, and coinsurance owed for health care
63 services have been fully paid or settled, or are being paid, by
64 the patient-consumer as part of a payment plan.

65 (3) EXPRESS CONSENT REQUIRED.-A consumer reporting agency
66 may not publish a consumer report with a credit impairment
67 resulting from the medical debt of a patient-consumer without
68 the express written consent of the health care provider.

69 (4) REMOVAL OF CREDIT IMPAIRMENT.-

70 (a) A consumer reporting agency shall remove any credit
71 impairment resulting from the medical debt of a patient-consumer
72 if the patient-consumer provides notification to the consumer
73 reporting agency that the medical debt has been fully paid or
74 settled, or that the patient-consumer is in compliance with a

75 payment plan, within 30 days after the date the notification was
76 received.

77 (b) Notification includes, but is not limited to,
78 documentation showing that the medical debt of the patient-
79 consumer is fully paid or settled or that the patient-consumer
80 is paying scheduled installments in a payment plan.

81 (c) A consumer reporting agency may not charge the
82 patient-consumer a fee to remove the credit impairment.

83 (5) PRIVATE RIGHT OF ACTION.-

84 (a) A patient-consumer who is aggrieved by a violation of
85 this section may bring an action to:

86 1. Enjoin such violation.

87 2. Recover actual damages or \$1,500, whichever is greater.

88 (b) In addition to any damages awarded, a patient-consumer
89 shall also be awarded reasonable attorney fees and court costs.

90 (c) A civil action brought pursuant to this section must
91 commence within 2 years after the date of the violation.

92 (d) All parties may agree upon arbitration to resolve the
93 medical debt dispute.

94 (6) RULEMAKING.-The Department of Agriculture and Consumer
95 Services shall adopt rules to implement this section.

96 Section 3. Subsection (20) is added to section 559.72,
97 Florida Statutes, to read:

98 559.72 Prohibited practices generally.-In collecting
99 consumer debts, no person shall:

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100 (20) Publish a patient-consumer medical debt in violation
101 of s. 501.181(2) and (3).

102 Section 4. This act shall take effect July 1, 2022.