

By Senator Garcia

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1 A bill to be entitled
2 An act relating to health care expenses; amending s.
3 395.301, F.S.; requiring a licensed facility to
4 establish, update, and make public a list of the
5 facility's charges for services which meets certain
6 federal requirements; requiring the Agency for Health
7 Care Administration to impose fines for violations of
8 the public disclosure requirements; creating s.
9 501.181, F.S.; defining terms; prohibiting consumer
10 reporting agencies from publishing a consumer report
11 containing a medical debt credit impairment under
12 certain circumstances; requiring the consumer
13 reporting agency to remove the credit impairment, free
14 of charge, under certain circumstances; requiring the
15 agency to obtain express written consent from a
16 patient-consumer's health care provider before
17 publishing a consumer report containing a medical debt
18 credit impairment; authorizing patient-consumers to
19 initiate legal proceedings for violations; providing
20 for damages and the award of attorney fees; requiring
21 such actions to commence within a specified timeframe;
22 authorizing the use of arbitration for disputes;
23 requiring the Department of Agriculture and Consumer
24 Services to adopt rules; amending s. 559.72, F.S.;
25 prohibiting persons from reporting certain consumer
26 debt to a consumer reporting agency without the
27 express written consent of the creditor; 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. Present paragraphs (b), (c), and (d) of
33 subsection (1) of section 395.301, Florida Statutes, are
34 redesignated as paragraphs (c), (d), and (e), respectively, and
35 a new paragraph (b) is added to subsection (1) of that section,
36 to read:

37 395.301 Price transparency; itemized patient statement or
38 bill; patient admission status notification.—

39 (1) A facility licensed under this chapter shall provide
40 timely and accurate financial information and quality of service
41 measures to patients and prospective patients of the facility,
42 or to patients' survivors or legal guardians, as appropriate.
43 Such information shall be provided in accordance with this
44 section and rules adopted by the agency pursuant to this chapter
45 and s. 408.05. Licensed facilities operating exclusively as
46 state facilities are exempt from this subsection.

47 (b) Each licensed facility shall establish, update, and
48 make public a list of the facility's standard charges for all
49 items and services provided by the facility, consistent with 45
50 C.F.R. part 180. The agency shall impose a fine of \$500 per day
51 per instance of noncompliance for a facility that is required to
52 comply with 45 C.F.R. part 180 and that violates this paragraph.

53 Section 2. Section 501.181, Florida Statutes, is created to
54 read:

55 501.181 Patient credit protection.—

56 (1) DEFINITIONS.—As used in this section, the term:

57 (a) "Consumer report" has the same meaning as in 15 U.S.C.
58 s. 1681a(d).

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59 (b) "Consumer reporting agency" has the same meaning as in
60 15 U.S.C. s. 1681a(f).

61 (c) "Health benefit plan" means any individual, blanket, or
62 group plan, policy, or contract for health care services issued
63 in this state by an authorized health care insurer, health
64 maintenance organization, hospital medical service corporation,
65 or self-insured plan in this state. The term does not include
66 supplemental plans.

67 (d) "Health care provider" means a person or an entity that
68 is licensed, certified, or otherwise authorized by the laws of
69 this state to provide health care services.

70 (e) "Medical debt" means the outstanding balance a patient-
71 consumer owes to a health care provider for health care
72 services.

73 (f) "Patient-consumer" means an individual who receives
74 health care services from a health care provider.

75 (2) CREDIT PROTECTION FOR PATIENT-CONSUMERS.—A consumer
76 reporting agency may not publish a consumer report containing a
77 credit impairment resulting from a patient-consumer's medical
78 debt if all of the following conditions apply:

79 (a) The patient-consumer was covered by a health benefit
80 plan when the health care services giving rise to the medical
81 debt were provided and such services were covered by the health
82 benefit plan.

83 (b) The patient-consumer's medical debt is an outstanding
84 balance after the patient-consumer's copayments, deductibles,
85 and coinsurance amounts owed for health care services were fully
86 paid or settled or are being paid as part of a payment plan.

87 (3) REMOVAL OF CREDIT IMPAIRMENT.—

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88 (a) If a consumer reporting agency receives notification
89 from a creditor indicating that a patient-consumer's medical
90 debt has been fully paid or settled or that the patient-consumer
91 is in compliance with a payment plan, the consumer reporting
92 agency must remove any credit impairment resulting from the
93 applicable medical debt within 30 days after receiving such
94 notification. Such notification may include, but is not limited
95 to, documentation showing the status of the patient-consumer's
96 medical debt.

97 (b) A consumer reporting agency may not charge the patient-
98 consumer a fee to remove the credit impairment.

99 (4) EXPRESS CONSENT.—A consumer reporting agency may not
100 publish a consumer report with a credit impairment resulting
101 from a patient-consumer's medical debt without the express
102 written consent of a patient-consumer's health care provider.

103 (5) PRIVATE RIGHT OF ACTION.—

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

106 1. Enjoin the violation.

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

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

110 (c) A civil action pursuant to this section must be
111 commenced within 2 years after the violation occurs.

112 (d) All parties to the action may agree to arbitration to
113 resolve the medical debt reporting dispute.

114 (6) RULEMAKING.—The Department of Agriculture and Consumer
115 Services shall adopt rules to implement this section.

116 Section 3. Subsection (20) is added to section 559.72,

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117 Florida Statutes, to read:

118 559.72 Prohibited practices generally.—In collecting
119 consumer debts, no person shall:

120 (20) Report a credit impairment resulting from a patient-
121 consumer's medical debt to a consumer reporting agency, as
122 defined in 15 U.S.C. s. 1681a(f), without the express written
123 consent of the creditor, if the creditor is a health care
124 provider who provided the patient-consumer with health care
125 services.

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