

1 A bill to be entitled
2 An act relating to ambulatory surgical centers;
3 amending s. 395.301, F.S.; providing a penalty for
4 failure by an ambulatory surgical center to timely
5 provide a good faith estimate; requiring the Agency
6 for Health Care Administration to notify the Division
7 of Law Revision upon the adoption of certain federal
8 rules; providing an effective date.

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

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12 **Section 1. Paragraph (c) of subsection (1) of section**
13 **395.301, Florida Statutes, is amended to read:**

14 395.301 Price transparency; itemized patient statement or
15 bill; patient admission status notification.—

16 (1) A facility licensed under this chapter shall provide
17 timely and accurate financial information and quality of service
18 measures to patients and prospective patients of the facility,
19 or to patients' survivors or legal guardians, as appropriate.
20 Such information shall be provided in accordance with this
21 section and rules adopted by the agency pursuant to this chapter
22 and s. 408.05. Licensed facilities operating exclusively as
23 state facilities are exempt from this subsection.

24 (c)1. Before providing any nonemergency medical services,
25 each licensed facility shall provide in writing or by electronic

means a good faith estimate of reasonably anticipated charges by the facility for the treatment of a patient's or prospective patient's specific condition. The facility is not required to adjust the estimate for any potential insurance coverage. The facility must provide the estimate to the patient's health insurer, as defined in s. 627.446(1), and the patient at least 3 business days before the date such service is to be provided, but no later than 1 business day after the date such service is scheduled or, in the case of a service scheduled at least 10 business days in advance, no later than 3 business days after the date the service is scheduled. The facility must provide the estimate to the patient no later than 3 business days after the date the patient requests an estimate. The estimate may be based on the descriptive service bundles developed by the agency under s. 408.05(3)(c) unless the patient or prospective patient requests a more personalized and specific estimate that accounts for the specific condition and characteristics of the patient or prospective patient. The facility shall inform the patient or prospective patient that he or she may contact his or her health insurer for additional information concerning cost-sharing responsibilities.

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

51 policy and collection procedures.

52 3. The estimate shall clearly identify any facility fees
53 and, if applicable, include a statement notifying the patient or
54 prospective patient that a facility fee is included in the
55 estimate, the purpose of the fee, and that the patient may pay
56 less for the procedure or service at another facility or in
57 another health care setting.

58 4. The facility shall notify the patient or prospective
59 patient of any revision to the estimate.

60 5. In the estimate, the facility must notify the patient
61 or prospective patient that services may be provided in the
62 health care facility by the facility as well as by other health
63 care providers that may separately bill the patient, if
64 applicable.

65 6. Failure to timely provide the estimate pursuant to this
66 paragraph by a hospital shall result in a daily fine of \$1,000
67 until the estimate is provided to the patient or prospective
68 patient and the health insurer. The total fine per patient
69 estimate may not exceed \$10,000.

70 7. Failure to timely provide the estimate pursuant to this
71 paragraph by an ambulatory surgical center shall result in a
72 daily fine of \$250 until the estimate is provided to the patient
73 or prospective patient and the health insurer. The total fine
74 per patient estimate may not exceed \$2,500.

75 **Section 2.** The changes made by this act to s. 395.301,

76 Florida Statutes, are not effective until the United States
77 Department of Health and Human Services, the United States
78 Department of Labor, and the United States Department of the
79 Treasury issue a final rule pertaining to good faith estimates
80 required by section 2799B-6 of the Public Health Services Act.
81 The Agency for Health Care Administration shall notify the
82 Division of Law Revision upon the adoption of the final rule.

83 **Section 3.** This act shall take effect upon becoming a law.