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1 A bill to be entitled
2 An act relating to health care price transparency;
3 amending s. 381.026, F.S.; providing a definition;
4 requiring primary care providers to publish and post a
5 schedule of certain charges for medical services offered
6 to patients; requiring a primary care provider's estimates
7 of charges for medical services to be consistent with the
8 posted schedule; amending ss. 458.331, 459.015, and
9 461.013, F.S.; providing additional acts that constitute
10 grounds for denial of a license or disciplinary action
11 against certain physicians, osteopathic physicians, or
12 podiatric physicians, to which penalties apply; providing
13 construction with respect to the doctrine of incorporation
14 by reference; providing an effective date.

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

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18 Section 1. Subsection (2) and paragraph (c) of subsection
19 (4) of section 381.026, Florida Statutes, are amended to read:
20 381.026 Florida Patient's Bill of Rights and
21 Responsibilities.—

22 (2) DEFINITIONS.—As used in this section and s. 381.0261,
23 the term:

24 (a) "Department" means the Department of Health.

25 (b) "Health care facility" means a facility licensed under
26 chapter 395.

27 (c) "Health care provider" means a physician licensed
28 under chapter 458, an osteopathic physician licensed under

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chapter 459, or a podiatric physician licensed under chapter 461.

(d) "Primary care provider" means a health care provider who provides medical services to patients which are commonly provided without referral from another health care provider, including family and general practice, general pediatrics, obstetrics and gynecology, and general internal medicine.

(e)~~(d)~~ "Responsible provider" means a health care provider who is primarily responsible for patient care in a health care facility or provider's office.

(4) RIGHTS OF PATIENTS.—Each health care facility or provider shall observe the following standards:

(c) Financial information and disclosure.—

1. A patient has the right to be given, upon request, by the responsible provider, his or her designee, or a representative of the health care facility full information and necessary counseling on the availability of known financial resources for the patient's health care.

2. A health care provider or a health care facility shall, upon request, disclose to each patient who is eligible for Medicare, before ~~in advance of~~ treatment, whether the health care provider or the health care facility in which the patient is receiving medical services accepts assignment under Medicare reimbursement as payment in full for medical services and treatment rendered in the health care provider's office or health care facility.

3. A primary care provider shall publish a schedule of charges for the medical services that the provider offers to

57 patients. The schedule must include the prices charged to an
58 uninsured person paying for such services by cash, check, credit
59 card, or debit card. The schedule must be posted in a
60 conspicuous place in the reception area of the provider's
61 office.

62 ~~4.3.~~ A health care provider or a health care facility
63 shall, upon request, furnish a person, before the ~~prior to~~
64 provision of medical services, a reasonable estimate of charges
65 for such services. The health care provider or the health care
66 facility shall provide an uninsured person, before ~~prior to~~ the
67 provision of a planned nonemergency medical service, a
68 reasonable estimate of charges for such service and information
69 regarding the provider's or facility's discount or charity
70 policies for which the uninsured person may be eligible. Such
71 estimates by a primary care provider must be consistent with the
72 schedule posted under subparagraph 3. Estimates shall, to the
73 extent possible, be written in a language comprehensible to an
74 ordinary layperson. Such reasonable estimate does ~~shall~~ not
75 preclude the health care provider or health care facility from
76 exceeding the estimate or making additional charges based on
77 changes in the patient's condition or treatment needs.

78 ~~5.4.~~ Each licensed facility not operated by the state
79 shall make available to the public on its Internet website or by
80 other electronic means a description of and a link to the
81 performance outcome and financial data that is published by the
82 agency pursuant to s. 408.05(3)(k). The facility shall place a
83 notice in the reception area that such information is available
84 electronically and the website address. The licensed facility

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85 may indicate that the pricing information is based on a
86 compilation of charges for the average patient and that each
87 patient's bill may vary from the average depending upon the
88 severity of illness and individual resources consumed. The
89 licensed facility may also indicate that the price of service is
90 negotiable for eligible patients based upon the patient's
91 ability to pay.

92 ~~6.5-~~ A patient has the right to receive a copy of an
93 itemized bill upon request. A patient has a right to be given an
94 explanation of charges upon request.

95 Section 2. Paragraph (rr) is added to subsection (1) of
96 section 458.331, Florida Statutes, and subsection (11) is added
97 to that section, to read:

98 458.331 Grounds for disciplinary action; action by the
99 board and department.—

100 (1) The following acts constitute grounds for denial of a
101 license or disciplinary action, as specified in s. 456.072(2):

102 (rr) Failing to publish or post a schedule of charges for
103 the medical services offered to patients as required in s.
104 381.026(4)(c)3. This paragraph applies only to a physician who
105 is a "primary care provider" as defined in s. 381.026(2).

106 (11) The purpose of this section is to facilitate uniform
107 discipline for those acts made punishable under this section
108 and, to this end, a reference to this section constitutes a
109 general reference under the doctrine of incorporation by
110 reference.

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111 Section 3. Paragraph (tt) is added to subsection (1) of
112 section 459.015, Florida Statutes, and subsection (11) is added
113 to that section, to read:

114 459.015 Grounds for disciplinary action; action by the
115 board and department.—

116 (1) The following acts constitute grounds for denial of a
117 license or disciplinary action, as specified in s. 456.072(2):

118 (tt) Failing to publish or post a schedule of charges for
119 the medical services offered to patients as required in s.
120 381.026(4)(c)3. This paragraph applies only to an osteopathic
121 physician who is a "primary care provider" as defined in s.
122 381.026(2).

123 (11) The purpose of this section is to facilitate uniform
124 discipline for those acts made punishable under this section
125 and, to this end, a reference to this section constitutes a
126 general reference under the doctrine of incorporation by
127 reference.

128 Section 4. Paragraph (dd) is added to subsection (1) of
129 section 461.013, Florida Statutes, and subsection (7) is added
130 to that section, to read:

131 461.013 Grounds for disciplinary action; action by the
132 board; investigations by department.—

133 (1) The following acts constitute grounds for denial of a
134 license or disciplinary action, as specified in s. 456.072(2):

135 (dd) Failing to publish or post a schedule of charges for
136 the medical services offered to patients as required in s.
137 381.026(4)(c)3. This paragraph applies only to a podiatric

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138 physician who is a "primary care provider" as defined in s.
139 381.026(2).

140 (7) The purpose of this section is to facilitate uniform
141 discipline for those acts made punishable under this section
142 and, to this end, a reference to this section constitutes a
143 general reference under the doctrine of incorporation by
144 reference.

145 Section 5. This act shall take effect July 1, 2011.