

By Senator Negrón

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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
6 offered to patients; requiring a primary care
7 provider's estimates of charges for medical services
8 to be consistent with the posted schedule; amending
9 ss. 458.331, 459.015, and 461.013, F.S.; providing
10 additional acts that constitute grounds for denial of
11 a license or disciplinary action against certain
12 physicians, osteopathic physicians, or podiatric
13 physicians, to which penalties apply; providing
14 construction with respect to the doctrine of
15 incorporation by reference; providing an effective
16 date.

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

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20 Section 1. Subsection (2) and paragraph (c) of subsection
21 (4) of section 381.026, Florida Statutes, are amended to read:
22 381.026 Florida Patient's Bill of Rights and
23 Responsibilities.—

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

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

27 (b) "Health care facility" means a facility licensed under
28 chapter 395.

29 (c) "Health care provider" means a physician licensed under

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chapter 458, an osteopathic physician licensed under 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 patients. The schedule must include the prices charged to an

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59 uninsured person paying for such services by cash, check, credit
60 card, or debit card. The schedule must be posted in a
61 conspicuous place in the reception area of the provider's
62 office.

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

79 5.4. Each licensed facility not operated by the state shall
80 make available to the public on its Internet website or by other
81 electronic means a description of and a link to the performance
82 outcome and financial data that is published by the agency
83 pursuant to s. 408.05(3)(k). The facility shall place a notice
84 in the reception area that such information is available
85 electronically and the website address. The licensed facility
86 may indicate that the pricing information is based on a
87 compilation of charges for the average patient and that each

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88 patient's bill may vary from the average depending upon the
89 severity of illness and individual resources consumed. The
90 licensed facility may also indicate that the price of service is
91 negotiable for eligible patients based upon the patient's
92 ability to pay.

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

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

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

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

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

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

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

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

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

119 (tt) Failing to publish or post a schedule of charges for
120 the medical services offered to patients as required in s.
121 381.026(4)(c)3. This paragraph applies only to an osteopathic
122 physician who is a "primary care provider" as defined in s.
123 381.026(2).

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

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

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

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

136 (dd) Failing to publish or post a schedule of charges for
137 the medical services offered to patients as required in s.
138 381.026(4)(c)3. This paragraph applies only to a podiatric
139 physician who is a "primary care provider" as defined in s.
140 381.026(2).

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

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