

**POVERTY
HEALTH LAW
CONFERENCE**



FLORIDA HEALTH JUSTICE PROJECT

**Uninsured Indigent
Floridians:**

*Legal Authority, Advocacy &
Creating Local Resource*

**Miriam Harmatz
Of Counsel**

harmatz@floridahealthjustice.org

Presentation Outline

- Legal authority relating to local primary care and hospital charity care
- Advocacy strategies:
 - Admin complaint to IRS re nonprofit hospitals/ACA
 - Appeal FAP denial
 - Request for reconsideration of FAP denial
- Create local resource for clients who are uninsured or facing unpaid hospital bills
 - https://floridahealthjustice.org/wp-content/uploads/2025/10/V2_Uninsured-in-Miami-Dade.pdf
 - New Guide
- Import of consumer lawyers

Primary Care - Florida Department of Health (DOH)

Florida Statute Chapter 154, Public Health Facilities

- Department of Health “shall” contract with county governing bodies to expand primary care coverage for low-income residents.
- County Delivery Options for Services:
 - County Health Departments
 - County Public Hospitals (e.g., Jackson Health System in Miami-Dade)
- Primary Care: acute and preventive services for "well and sick persons who are unable to obtain such services due to lack of income or other barriers."
 - *Examples:* Acute care, chronic disease treatment, maternal and child health, family planning, dental services.

Sliding Scale Rule

Sliding Fee Scale (DOH Rule): (F.A.C. 64F-16.006)

- Persons with incomes at or below 100% of the Federal Poverty Level (FPL) shall pay no fee.

sliding scale based on income for persons above 100% FPL.

- *Note on Rule:* Not unclear in actual services covered (does not reference primary care; only integrated family health and communicable disease)
- Prenatal care: pregnant women below poverty level are eligible for prenatal care. 64F-25.001

Other DOH programs/resources

- Chapter 110 Volunteer Health Care Provider Program:

<https://www.floridahealth.gov/provider-and-partner-resources/volunteer-health-services-opportunities/Chapter-110-Volunteer-Program/index.html>

- Private health care providers volunteer free services to Florida residents and receive sovereign immunity.
- “Access to Health Care Act” allows government contractors, such as county health departments, to partner with providers who deliver free care and in return have protection against medical malpractice actions);
- List of local providers:
<https://azapps.floridahealth.gov/VHCPP/VolunteerProviderListing>

Other Primary Care Options/Resources

- Federally Qualified Health Centers (FQHCs): Services are based on a sliding scale with co-payments.

<https://findahealthcenter.hrsa.gov/>

- Free Clinics: Provide care to low-income residents.

<https://www.fafcc.org/>

Hospital Assistance Plans: *Nonprofit Hospitals (ACA)*

Affordable Care Act (ACA) / IRS Rules for tax-exempt hospitals.

Core Requirement: Financial Assistance Plan (FAP)

- Eligibility criteria
- Basis for calculating patient charges
- Method of applying for assistance
- Billing and collections policy
- Measures to widely publicize the policy

Nonprofit Hospital Assistance Plans (FAP): *Publicity Requirements*

- Hospital's website
- Paper distribution
- Conspicuous public displays in the facility (e.g., ER, admissions)
- Community notices

Nonprofit Hospital:

Requirements before collections

Extraordinary Collection Actions (ECAs): Prohibited until "Reasonable Efforts" Made:

- ECAs Defined: Legal action, selling the bill to a collection agency, reporting to a credit agency, or denying/deferring medically necessary care due to nonpayment of prior care.
- Reasonable Efforts: Includes Notification

Notification Requirements:

1. Provide FAP summary and application upon discharge.
2. Include FAP summary in at least three billing statements and all other communications.
3. Inform individual about FAP when discussing the bill.
4. Provide a written notice about possible ECAs at least 30 days *prior* to the ECA deadline.
 - Application Window: An individual may apply for assistance up to 240 days after the first billing statement.

For-profit Hospitals:

Financial assistance plans requirements

Must post FAP on their website and FAP must include:

- application process
- payment plans
- discounts
- facility's charity care policy and collection procedures.

For-profit Hospitals:

Collections restrictions

Before undertaking extraordinary collection action” for payment of services hospital must: make **“reasonable efforts to determine whether the individual is eligible for assistance under its financial assistance plan...**

Prohibition against ECA include::

- Before providing the patient with an itemized statement or bill;
- While a grievance process or claim appeal is ongoing;
- Before billing the patient’s insurer and allowing the insurer to adjudicate the claim;
- While the patient is negotiating the final bill in good faith, or complies with the payment plan of the facility

Sample IRS Complaint

**MEMORANDUM IN SUPPORT OF IRS FORM 13909 TAX-EXEMPT
ORGANIZATION COMPLAINT (REFERRAL) FORM**

Internal Revenue Service Exempt Organizations (EO) Classification
Mail Code 4910DAL
1100 Commerce Street
Dallas, TX 75242-1198
Fax: (214) 413-5415
eoclass@irs.gov

**RE: JACKSON HEALTH SYSTEM'S FAILURE TO COMPLY WITH THE
REQUIREMENTS OF 26 U.S.C. § 501(R).**

Complaint:

<https://app.box.com/s/qqeim6e93ezzevyeg8ywsdzmprdwhj38>

Letter:

<https://app.box.com/s/t1vf2h3q4u2n1jiny5x4qlxsxo1u1kqg>

Appeal from Denial of Financial Assistance Program

Jacksonville Area Legal Aid, Inc.

A Wealth of Justice for Those Who Have Neither

□222 San Marco Avenue
St. Augustine, FL 32084
Phone: (904) 827-9921
Fax: (904) 827-9978

✓126 W. Adams Street
Jacksonville, FL 32202-3849
Phone: (904) 356-8371
Fax: (904) 224-1587

□825 N. Orange Ave., Rm. 303
Green Cove Springs, FL 32043
Phone: (904) 284-8410
Fax: (904) 284-8485

June 20, 2017

Patient Access Director
655 West 8th Street
Jacksonville, Florida 32209

Via Certified Mail

RE: [REDACTED] & [REDACTED] – Appeal from denial of eligibility for UF Health Jacksonville’s Financial Assistance Program

To Whom It May Concern:

I represent [REDACTED] and [REDACTED] in their appeal of UF Health – Jacksonville’s finding that they are ineligible for a Shands Card under the Indigent City Contract Program. They bring this appeal pursuant to Section III of UF Health Jacksonville’s Policy regarding the Financial Assistance Program (“FAP policy”). A copy of the FAP policy is attached hereto as Ex. #1.

FACTS

<https://app.box.com/s/3ykmzn7sy pcs5cjt ki6sgqtzhlqhe6ar>

Reconsideration of Charity Care Application

Jacksonville Area Legal Aid, Inc.

A Wealth of Justice for Those Who Have Neither

☐ 222 San Marco Avenue
St. Augustine, FL 32084
(904) 827-9921
FAX: (904) 827-9978
Toll Free: 1-877-827-9921

✓ 126 W. Adams Street
Jacksonville, FL 32202-3849
(904) 356-8371
FAX: (904) 356-8285
Toll Free: 1-866-356-8371

☐ 825 N. Orange Avenue, Rm 308
Green Cove Springs, FL 32043
(904) 284-8410
FAX: (904) 284-8485
Toll Free: 1-866-284-8410

June 10, 2020

Randall C. Jenkins, Esq.
Office of General Counsel
UF Health
PO Box 112735
Gainesville, FL 32611-2735
jenkinsr@ufl.edu

Re: Reconsideration of Charity Care Application for [REDACTED] ([REDACTED])

Via Electronic Mail

Dear Mr. Jenkins:

I represent Mr. [REDACTED], a former patient of UF Health Jacksonville (UFHealth). Currently, UFHealth is charging Mr. [REDACTED] \$61,159.28 for an inpatient admission to the hospital that occurred from January 19, 2020 to January 22, 2022 to treat Mr. [REDACTED]' heart attack. Mr. [REDACTED] applied for financial assistance but UFHealth determined him ineligible on the basis of earned income received in the four weeks prior to his heart

<https://app.box.com/s/tgiual4resbnuvhc8cpedqgn0ynreamx>



Challenge in Accessing Care: Case example

- MDC resident enrolled in FAP was denied prescribed service
- Obtain relevant policies
 - Public Records Request
<https://app.box.com/s/gonyi6see64qn2vcntqy6crypdn0kyyq>
- Identify issues, e.g. transparency, inconsistency; no definition of “medically necessary”
- Document issues and request discussion
 - Emails with hospital VP for population health
<https://app.box.com/s/w36le8qqujxoo4ktduy153memac1k1sy>

Create Local Resource: *Miami-Dade County Template*

PRIMARY CARE

In Miami-Dade County, free or reduced-cost primary, as well as prenatal care, is provided to eligible county residents through the Jackson Health System (JHS).

[This link](#) provides information on how to apply for free or reduced-cost care at JHS. If you are a county resident and your application for a Jackson Prime Card has been denied or delayed, you can contact Florida Health Project (FHJP).

In addition to primary and prenatal care through JHS, uninsured county residents can seek care through free clinics or federally qualified health centers (FQHCs). For FQHCs, services are based on a sliding scale. Contact information for FQHCs and other clinics is listed below:

[Free, Affordable Medical and Dental Clinics in Miami-Dade, FL County](#)

[Federally Qualified Health Centers](#)

FINANCIAL ASSISTANCE AT NON-PROFIT HOSPITALS

Under the Affordable Care Act (ACA), the following Miami-Dade County public and non-profit hospitals have financial assistance plans (FAP) and must follow rules before certain collection actions can be taken against you for an unpaid hospital bill. More information can be found on the [IRS website here](#).

https://floridahealthjustice.org/wp-content/uploads/2025/10/V2_Uninsured-in-Miami-Dade.pdf

Drafting Section on DOH Services:

Primary care (or other outpatient services)

1. Identify relevant Entity: e.g. County Health Dept. or public hospital that receives funding to provide primary care and is subject to the DOH Sliding Scale Rule (free care for $\leq 100\%$ FPL).
2. Provide Contact/Application Info: on how to apply for free/reduced-cost care at that entity. (e.g., Jackson Prime Card in Miami-Dade).
3. Free Clinics: Create a link to your county's free clinics (https://freeclinicdirectory.org/florida_care.html).
4. FQHCs: Clients can use the *HRSA Find a Health Center* link to find a nearby FQHC (<https://findahealthcenter.hrsa.gov>).

What if I don't know which entity provides free primary care to local indigent patients?

- Contacts at local health departments and/or local public hospitals likely know this information.
- County government officials should also have this information.

DOH website: “[c]ounty health departments shall enter into an annual contract with the local Board of County commissioners which specifies the services to be provided and revenue that will fund those services.”

<https://www.floridahealth.gov/programs-and-services/county-health-departments/index.html>

Free Clinics and Federally Qualified Health Centers (FQHCs)

- Free clinics: create a link to your county's free clinics which can be found at this site: https://freeclinicdirectory.org/florida_care.html#google_vignette
- FQHCs: note that clients can find the Federally Qualified Health Center(s) near them by entering their zip code at this link: <https://findahealthcenter.hrsa.gov>

Hospital Charity Care: *Nonprofit hospitals*

- Find the nonprofit hospitals in your county at [this site](#).

<https://app.box.com/s/mk2budq0pp5kssvaxm4yy4ac5eufzsil>

- Check hospital's website and link to their financial assistance plan (FAP).

Hospital Charity Care:

For-profit hospitals

- Find the hospitals in your county at [this link](#)

<https://app.box.com/s/oqz5l1xwb55j48fhmnicj382kpivm66x>

- Search hospital's website for charity care; generally in section on pricing and transparency
- Many for-profit hospitals in Florida are either HCA or HSA hospitals.
 - The standard HCA charity plan can be found here;
<https://www.hcafloridahealthcare.com/patient-resources/patient-financial-resources/financial-assistance>
 - The standard HSA plan can be found here.
<https://northshoremc.org/wp-content/uploads/2025/06/Charity-Care-Financial-Assistance-Policy-Florida-Facilities.pdf>

Annie Rodriguez, Jacksonville Area Legal Aid Medical Debt Presentation

DEFENSIVE STRATEGIES

MEDICAL DEBT

Annie Rodriguez
Staff Attorney
Consumer Advocacy and Litigation Unit
Jacksonville Area Legal Aid Inc.
Direct Line (904) 405-1980
Annie.Rodriguez@JaxLegalAid.org



JACKSONVILLE AREA
Legal Aid

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Annie Rodriguez, JALA Medical Debt Presentation, excerpt: *JUST TRY! DON'T OVERCOMPLICATE IT.*

- Don't discount the fundamentals:
 - foundation,
 - hearsay,
 - admissibility of documents,
 - rules of evidence
- Add some humanity: it may be the little thing that pushes the judge in your direction.
- Set some depos!
- Getting lucky: failure to prepare their case, sending coverage counsel that knows nothing, failure to prepare their witness or present a witness, and failure to know the law.



You're Invited



SAVE THE DATE

**2026 FLORIDA CONSUMER
LAW & HOUSING UMBRELLA
GROUP CONFERENCE**

**JANUARY 14-16, 2026
STETSON UNIVERSITY COLLEGE OF LAW
GULFPORT, FL**

Registration to follow



STETSON LAW



**2026 Florida Consumer Law and
Housing Umbrella Group (HUG)
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ADVOCATE'S GUIDE:

HELPING UNINSURED INDIGENT FLORIDIANS

November
2025

[Advocate's Guide: Helping
Uninsured Indigent Floridians](#)

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If questions/suggestions, please contact:

Miriam Harmatz, harmatz@floridahealthjustice.org

THANK YOU!