

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 731 — Agency for Health Care Administration

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Perez (CS/CS/SB 1726 by Appropriations Committee; Health Policy Committee; and Senator Bean)

The bill addresses statutory authority and duties of the Agency for Health Care Administration (AHCA) relating to the regulation of health care facilities and providers. The bill:

- Extends until June 30, 2024, the deadline for Florida-based cancer centers seeking NCI-designation to achieve such designation, in order to continue participating in the Florida Consortium of National Cancer Institute Centers Program.
- Modifies annual birth center reporting to the AHCA.
- Removes outdated language relating to certificate of need, to allow hospital licenses to correctly reflect the actual bed categories provided by a licensee.
- Reinstates the AHCA's authority to require hospital adult cardiac programs to participate in national reporting and quality registries.
- Provides, by legislative fiat, rural hospital status to hospitals that were licensed as rural hospitals during the 2010-2011 or 2011-2012 fiscal years, regardless of whether such hospitals continue to qualify for rural status under statutory criteria. Under preexisting law, such legislative fiat would expire July 1, 2021. Under the bill, the deadline is extended through June 30, 2025.
- Repeals an unenforceable annual assessment from ambulatory surgical centers that was ruled unconstitutional.
- Removes provisions requiring fixed inspection time frames for nursing home facilities, hospices, assisted living facilities, and adult family care homes.
- Revises definitions and licensure requirements related to home health agencies.
- Creates an exemption to health care clinic licensure for federally certified providers.
- Removes the ability of a health care clinic to submit a surety bond instead of submitting certain documents as proof of financial ability to operate, in order to satisfy initial licensure requirements.
- Creates risk-based licensure inspections for nurse registries, home medical equipment providers, and health care clinics to provide the AHCA flexibility to inspect high-performing providers less frequently than poor performers.
- Authorizes the AHCA to adopt rules to waive a routine inspection, to waive an inspection for relicensure, or to allow an extended period between inspections for any provider type based upon specified factors.
- Authorizes the AHCA to issue a provisional license to all provider types.
- Revises requirements for the approval of comprehensive emergency management plans for newly-licensed facilities.
- Authorizes the AHCA to collect all legal fees incurred while defending a Medicaid case if the AHCA prevails.
- Clarifies the AHCA's existing statutory authority to conduct retrospective reviews of Medicaid hospital inpatient claims and recover overpayments.

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- Revises background screening regulations for health care provider staff.
- Eliminates the AHCA's authority to establish an alternative methodology to the DRG-based prospective payment system for setting reimbursement rates for class III psychiatric hospitals.
- Aligns the state Medicaid anti-kickback law with the federal anti-kickback law.
- Requires the AHCA to extend the term of contracts awarded to Statewide Medicaid Managed Care plans (the Managed Medical Assistance Program, Long-term Care Managed Care Program, and Dental Program) from five years to six years, effectively extending current contracts through December 31, 2024.
- Requires the Florida Center for Health Information and Transparency within the AHCA to publish an annual report identifying health care services with the most significant price variation at statewide and regional levels.
- Expands the list of shoppable health care services that qualify for a shared savings incentive for patients to include services with the most significant price variation. Allows cash and cash equivalent incentives in shared savings incentives.
- Repeals multiphasic health testing center licensure.
- Replaces several legislatively mandated reports with online publications and repeals obsolete reports.

If approved by the Governor, the bill takes effect July 1, 2020, except for the provisions to clarify the AHCA's existing authority to conduct retrospective reviews of Medicaid hospital inpatient claims and recover overpayments, which take effect upon the bill becoming a law.

Vote: Senate 38-0; House 100-14