

Bill No. CS for SB 2220

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

5			
6			
7			
8			
9			

11 Senator Saunders moved the following amendment:

12
13 **Senate Amendment (with title amendment)**

14 On page 55, between lines 16 and 17,

15
16 insert:

17 Section 34. Section 455.557, Florida Statutes, 1998
18 Supplement, is amended to read:

19 455.557 Standardized credentialing for health care
20 practitioners.--

21 (1) INTENT.--The Legislature recognizes that an
22 efficient and effective health care practitioner credentialing
23 program helps to ensure access to quality health care and also
24 recognizes that health care practitioner credentialing
25 activities have increased significantly as a result of health
26 care reform and recent changes in health care delivery and
27 reimbursement systems. Moreover, the resulting duplication of
28 health care practitioner credentialing activities is
29 unnecessarily costly and cumbersome for both the practitioner
30 and the entity granting practice privileges. Therefore, it is
31 the intent of this section that a ~~mandatory~~ credentials

Bill No. CS for SB 2220

Amendment No. ____

1 collection ~~verification~~ program be established which provides
 2 that, once a health care practitioner's core credentials data
 3 are collected, ~~validated, maintained, and stored,~~ they need
 4 not be collected again, except for corrections, updates, and
 5 modifications thereto. ~~Participation Mandatory credentialing~~
 6 under this section shall initially include those individuals
 7 licensed under chapter 458, chapter 459, chapter 460, or
 8 chapter 461. However, the department shall, with the approval
 9 of the applicable board, include other professions under the
 10 jurisdiction of the Division of Medical Quality Assurance in
 11 this ~~credentialing~~ program, provided they meet the
 12 requirements of s. 455.565.

13 (2) DEFINITIONS.--As used in this section, the term:

14 (a) "Advisory council" or "council" means the
 15 Credentials ~~Verification~~ Advisory Council.

16 ~~(b) "Applicant" means an individual applying for~~
 17 ~~licensure or a current licensee applying for credentialing.~~

18 ~~(b)(c)~~ "Certified" or "accredited," as applicable,
 19 means approved by a quality assessment program, from the
 20 National Committee for Quality Assurance, the Joint Commission
 21 on Accreditation of Healthcare Organizations, the American
 22 Accreditation HealthCare Commission/URAC ~~Utilization Review~~
 23 ~~Accreditation Commission~~, or any such other nationally
 24 recognized and accepted organization authorized by the
 25 department, used to assess and certify any credentials
 26 verification program, entity, or organization that verifies
 27 the credentials of any health care practitioner.

28 ~~(c)(d)~~ "Core credentials data" means the following
 29 data: current name, any former name, and any alias, any
 30 professional education, professional training, ~~peer~~
 31 ~~references,~~ licensure, current Drug Enforcement Administration

Bill No. CS for SB 2220

Amendment No. ____

1 certification, social security number, specialty board
 2 certification, Educational Commission for Foreign Medical
 3 Graduates certification information, hospital or affiliations,
 4 ~~managed care organization affiliations~~, other institutional
 5 affiliations, ~~professional society memberships~~, evidence of
 6 professional liability coverage or evidence of financial
 7 responsibility as required by s. 458.320 or s. 459.0085
 8 ~~insurance~~, history of claims, suits, judgments, or
 9 settlements, final disciplinary action reported pursuant to s.
 10 455.565(1)(a)8., and Medicare or Medicaid sanctions, ~~civil or~~
 11 ~~criminal law violations~~, ~~practitioner profiling data~~, ~~special~~
 12 ~~conditions of impairment~~, or regulatory exemptions not
 13 previously reported to the department in accordance with both
 14 s. 455.565 and the initial licensure reporting requirements
 15 specified in the applicable practice act.

16 (d)(e) "Credential" or "credentialing" means the
 17 process of assessing and verifying ~~validating~~ the
 18 qualifications of a licensed health care practitioner or
 19 applicant for licensure as a health care practitioner.

20 (e)(f) "Credentials verification organization entity"
 21 means any ~~program, entity, or organization that is organized~~
 22 ~~and certified or accredited as a credentials verification~~
 23 organization for the express purpose of collecting, verifying,
 24 ~~maintaining, storing, and providing to health care entities a~~
 25 ~~health care practitioner's total core credentials data,~~
 26 ~~including all corrections, updates, and modifications thereto,~~
 27 ~~as authorized by the health care practitioner and in~~
 28 ~~accordance with the provisions of this including all~~
 29 ~~corrections, updates, and modifications thereto, as authorized~~
 30 ~~by the health care practitioner and in accordance with the~~
 31 ~~provisions of this section. The division, once certified,~~

Bill No. CS for SB 2220

Amendment No. ____

1 ~~shall be considered a credentials verification entity for all~~
2 ~~health care practitioners.~~

3 ~~(f)(g)~~ "Department" means the Department of Health,
4 Division of Medical Quality Assurance.

5 ~~(g)(h)~~ "Designated credentials verification
6 organization entity" means the credentials verification
7 ~~program, entity, or organization organized and certified or~~
8 ~~accredited for the express purpose of collecting, verifying,~~
9 ~~maintaining, storing, and providing to health care entities a~~
10 ~~health care practitioner's total core credentials data,~~
11 ~~including all corrections, updates, and modifications thereto,~~
12 ~~which is selected by the health care practitioner as the~~
13 ~~credentials verification entity for all inquiries into his or~~
14 ~~her credentials, if the health care practitioner chooses to~~
15 ~~make such a designation. Notwithstanding any such designation~~
16 ~~by a health care practitioner, the division, once certified,~~
17 ~~shall also be considered a designated credentials verification~~
18 ~~entity for that health care practitioner.~~

19 ~~(h)~~ "Drug Enforcement Administration certification"
20 means certification issued by the Drug Enforcement
21 Administration for purposes of administration or prescription
22 of controlled substances. Submission of such certification
23 under this section must include evidence that the
24 certification is current and must also include all current
25 addresses to which the certificate is issued.

26 ~~(i)~~ "~~Division~~" means the ~~Division of Medical Quality~~
27 ~~Assurance within the Department of Health.~~

28 ~~(i)(j)~~ "Health care entity" means:

29 1. Any health care facility or other health care
30 organization licensed or certified to provide approved medical
31 and allied health services in this state Florida; or

Bill No. CS for SB 2220

Amendment No. ____

1 2. Any entity licensed by the Department of Insurance
2 as a prepaid health care plan or health maintenance
3 organization or as an insurer to provide coverage for health
4 care services through a network of providers; or

5 3. Any accredited medical school in this state.

6 (j)(*) "Health care practitioner" means any person
7 licensed, or, for credentialing purposes only, any person
8 applying for licensure, under chapter 458, chapter 459,
9 chapter 460, or chapter 461 or any person licensed or applying
10 for licensure under a chapter subsequently made subject to
11 this section by the department with the approval of the
12 applicable board.

13 (k) "Hospital or other institutional affiliations"
14 means each hospital or other institution for which the health
15 care practitioner or applicant has provided medical services.
16 Submission of such information under this section must
17 include, for each hospital or other institution, the name and
18 address of the hospital or institution, the staff status of
19 the health care practitioner or applicant at that hospital or
20 institution, and the dates of affiliation with that hospital
21 or institution.

22 (1) "National accrediting organization" means an
23 organization that awards accreditation or certification to
24 hospitals, managed care organizations, credentials
25 verification organizations, or other health care
26 organizations, including, but not limited to, the Joint
27 Commission on Accreditation of Healthcare Organizations, the
28 American Accreditation HealthCare Commission/URAC, and the
29 National Committee for Quality Assurance.

30 (m) "Professional training" means any internship,
31 residency, or fellowship relating to the profession for which

Bill No. CS for SB 2220

Amendment No. ____

1 the health care practitioner is licensed or seeking licensure.

2 (n) "Specialty board certification" means
3 certification in a specialty issued by a specialty board
4 recognized by the board in this state that regulates the
5 profession for which the health care practitioner is licensed
6 or seeking licensure.

7 ~~(m) "Primary source verification" means verification~~
8 ~~of professional qualifications based on evidence obtained~~
9 ~~directly from the issuing source of the applicable~~
10 ~~qualification.~~

11 ~~(n) "Recredentialing" means the process by which a~~
12 ~~credentials verification entity verifies the credentials of a~~
13 ~~health care practitioner whose core credentials data,~~
14 ~~including all corrections, updates, and modifications thereto,~~
15 ~~are currently on file with the entity.~~

16 ~~(o) "Secondary source verification" means confirmation~~
17 ~~of a professional qualification by means other than primary~~
18 ~~source verification, as outlined and approved by national~~
19 ~~accrediting organizations.~~

20 (3) STANDARDIZED CREDENTIALS VERIFICATION PROGRAM.--

21 (a) Every health care practitioner shall:

22 1. Report all core credentials data to the department
23 which is not already on file with the department, either by
24 designating a credentials verification organization to submit
25 the data or by submitting the data directly.

26 2. Notify the department within 45 days of any
27 corrections, updates, or modifications to the core credentials
28 data either through his or her designated credentials
29 verification organization or by submitting the data directly.
30 Corrections, updates, and modifications to the core
31 credentials data provided the department under this section

Bill No. CS for SB 2220

Amendment No. ____

1 shall comply with the updating requirements of s. 455.565(3)
2 related to profiling.

3 ~~(b)(a) In accordance with the provisions of this~~
4 ~~section,The department shall:~~

5 1. Maintain a complete, current file of core
6 credentials data on each health care practitioner, which shall
7 include all updates provided in accordance with subparagraph
8 (3)(a)2.

9 2. Release the core credentials data that is otherwise
10 confidential or exempt from the provisions of chapter 119 and
11 s. 24(a), Art. I of the State Constitution and any
12 corrections, updates, and modifications thereto, if authorized
13 by the health care practitioner.

14 3. Charge a fee to access the core credentials data,
15 which may not exceed the actual cost, including prorated setup
16 and operating costs, pursuant to the requirements of chapter
17 119. The actual cost shall be set in consultation with the
18 advisory council.

19 4. Develop, in consultation with the advisory council,
20 standardized forms to be used by the health care practitioner
21 or designated credentials verification organization for the
22 initial reporting of core credentials data, for the health
23 care practitioner to authorize the release of core credentials
24 data, and for the subsequent reporting of corrections,
25 updates, and modifications thereto ~~develop standardized forms~~
26 ~~necessary for the creation of a standardized system as well as~~
27 ~~guidelines for collecting, verifying, maintaining, storing,~~
28 ~~and providing core credentials data on health care~~
29 ~~practitioners through credentials verification entities,~~
30 ~~except as otherwise provided in this section, for the purpose~~
31 ~~of eliminating duplication. Once the core credentials data are~~

Bill No. CS for SB 2220

Amendment No. ____

1 ~~submitted, the health care practitioner is not required to~~
2 ~~resubmit this initial data when applying for practice~~
3 ~~privileges with health care entities. However, as provided in~~
4 ~~paragraph (d), each health care practitioner is responsible~~
5 ~~for providing any corrections, updates, and modifications to~~
6 ~~his or her core credentials data, to ensure that all~~
7 ~~credentialing data on the practitioner remains current.~~
8 ~~Nothing in this paragraph prevents the designated credentials~~
9 ~~verification entity from obtaining all necessary attestation~~
10 ~~and release form signatures and dates.~~

11 5.(b) Establish ~~There is established~~ a Credentials
12 ~~Verification~~ Advisory Council, consisting of 13 members, to
13 assist the department as provided in this section ~~with the~~
14 ~~development of guidelines for establishment of the~~
15 ~~standardized credentials verification program.~~ The secretary,
16 or his or her designee, shall serve as one member and chair of
17 the council and shall appoint the remaining 12 members. Except
18 for any initial lesser term required to achieve staggering,
19 such appointments shall be for 4-year staggered terms, with
20 one 4-year reappointment, as applicable. Three members shall
21 represent hospitals, and two members shall represent health
22 maintenance organizations. One member shall represent health
23 insurance entities. One member shall represent the credentials
24 verification industry. Two members shall represent physicians
25 licensed under chapter 458. One member shall represent
26 osteopathic physicians licensed under chapter 459. One member
27 shall represent chiropractic physicians licensed under chapter
28 460. One member shall represent podiatric physicians licensed
29 under chapter 461.

30 (c) A registered credentials verification organization
31 may be designated by a health care practitioner to assist the

Bill No. CS for SB 2220

Amendment No. ____

1 health care practitioner to comply with the requirements of
2 subsection (3)(a)2. A designated credentials verification
3 organization shall:

4 1. Timely comply with the requirements of subsection
5 (3)(a)2., pursuant to rules adopted by the department.

6 2. Not provide the health care practitioner's core
7 data, including all corrections, updates, and modifications,
8 without the authorization of the practitioner.

9 ~~(c) The department, in consultation with the advisory~~
10 ~~council, shall develop standard forms for the initial~~
11 ~~reporting of core credentials data for credentialing purposes~~
12 ~~and for the subsequent reporting of corrections, updates, and~~
13 ~~modifications thereto for recredentialing purposes.~~

14 ~~(d) Each health care practitioner licensed under~~
15 ~~chapter 458, chapter 459, chapter 460, or chapter 461, or any~~
16 ~~person licensed under a chapter subsequently made subject to~~
17 ~~this section, must report any action or information as defined~~
18 ~~in paragraph (2)(d), including any correction, update, or~~
19 ~~modification thereto, as soon as possible but not later than~~
20 ~~30 days after such action occurs or such information is known,~~
21 ~~to the department or his or her designated credentials~~
22 ~~verification entity, if any, who must report it to the~~
23 ~~department. In addition, a licensee must update, at least~~
24 ~~quarterly, his or her data on a form prescribed by the~~
25 ~~department.~~

26 ~~(e) An individual applying for licensure under chapter~~
27 ~~458, chapter 459, chapter 460, or chapter 461, or any person~~
28 ~~applying for licensure under a chapter subsequently made~~
29 ~~subject to this section, must submit the individual's initial~~
30 ~~core credentials data to a credentials verification entity, if~~
31 ~~such information has not already been submitted to the~~

Bill No. CS for SB 2220

Amendment No. ____

1 ~~department or the appropriate licensing board or to any other~~
2 ~~credentials verification entity.~~

3 ~~(f) Applicants may decide which credentials~~
4 ~~verification entity they want to process and store their core~~
5 ~~credentials data; however, such data shall at all times be~~
6 ~~maintained by the department. An applicant may choose not to~~
7 ~~designate a credentials verification entity, provided the~~
8 ~~applicant has a written agreement with the health care entity~~
9 ~~or entities that are responsible for his or her credentialing.~~
10 ~~In addition, any licensee may choose to move his or her core~~
11 ~~credentials data from one credentials verification entity to~~
12 ~~another.~~

13 ~~(g) Any health care entity that employs, contracts~~
14 ~~with, or allows health care practitioners to treat its~~
15 ~~patients must use the designated credentials verification~~
16 ~~entity to obtain core credentials data on a health care~~
17 ~~practitioner applying for privileges with that entity, if the~~
18 ~~health care practitioner has made such a designation, or may~~
19 ~~use the division in lieu thereof as the designated credentials~~
20 ~~verification entity required for obtaining core credentials~~
21 ~~data on such health care practitioner. Any additional~~
22 ~~information required by the health care entity's credentialing~~
23 ~~process may be collected from the primary source of that~~
24 ~~information either by the health care entity or its contractee~~
25 ~~or by the designated credentials verification entity.~~

26 ~~(h) Nothing in this section may be construed to~~
27 ~~restrict the right of any health care entity to request~~
28 ~~additional information necessary for credentialing.~~

29 ~~(i) Nothing in this section may be construed to~~
30 ~~restrict access to the National Practitioner Data Bank by the~~
31 ~~department, any health care entity, or any credentials~~

Bill No. CS for SB 2220

Amendment No.

1 ~~verification entity.~~

2 ~~(d)(j) Nothing in This section shall not~~ may be
3 construed to restrict in any way the authority of the health
4 care entity to credential and to approve or deny an
5 application for hospital staff membership, clinical
6 privileges, or managed care network participation.

7 ~~(4) DELEGATION BY CONTRACT. -- A health care entity may~~
8 ~~contract with any credentials verification entity to perform~~
9 ~~the functions required under this section. The submission of~~
10 ~~an application for health care privileges with a health care~~
11 ~~entity shall constitute authorization for the health care~~
12 ~~entity to access the applicant's core credentials data with~~
13 ~~the department or the applicant's designated credentials~~
14 ~~verification entity, if the applicant has made such a~~
15 ~~designation.~~

16 ~~(5) AVAILABILITY OF DATA COLLECTED. --~~

17 ~~(a) The department shall make available to a health~~
18 ~~care entity or credentials verification entity registered with~~
19 ~~the department all core credentials data it collects on any~~
20 ~~licensee that is otherwise confidential and exempt from the~~
21 ~~provisions of chapter 119 and s. 24(a), Art. I of the State~~
22 ~~Constitution, including corrections, updates, and~~
23 ~~modifications thereto, if a health care entity submits proof~~
24 ~~of the licensee's current pending application for purposes of~~
25 ~~credentialing the applicant based on the core credentials data~~
26 ~~maintained by the department.~~

27 ~~(b) Each credentials verification entity shall make~~
28 ~~available to a health care entity the licensee has authorized~~
29 ~~to receive the data, and to the department at the credentials~~
30 ~~verification entity's actual cost of providing the data, all~~
31 ~~core credentials data it collects on any licensee, including~~

Bill No. CS for SB 2220

Amendment No. ____

1 ~~all corrections, updates, and modifications thereto.~~

2 ~~(c) The department shall charge health care entities~~
3 ~~and other credentials verification entities a reasonable fee,~~
4 ~~pursuant to the requirements of chapter 119, to access all~~
5 ~~credentialing data it maintains on applicants and licensees.~~
6 ~~The fee shall be set in consultation with the advisory council~~
7 ~~and may not exceed the actual cost of providing the data.~~

8 (4)(6) DUPLICATION OF DATA PROHIBITED.--

9 (a) A health care entity or credentials verification
10 organization is prohibited from collecting or attempting may
11 not collect or attempt to collect duplicate core credentials
12 data from any individual health care practitioner or from any
13 primary source if the information is available from already on
14 file with the department or with any credentials verification
15 entity. This section shall not be construed to restrict the
16 right of any health care entity or credentials verification
17 organization to collect additional information from the health
18 care practitioner which is not included in the core
19 credentials data file. This section shall not be construed to
20 prohibit a health care entity or credentials verification
21 organization from obtaining all necessary attestation and
22 release form signatures and dates.

23 (b) Effective July 1, 2002, a state agency in this
24 state which credentials health care practitioners may not
25 collect or attempt to collect duplicate core credentials data
26 from any individual health care practitioner if the
27 information is already available from the department. This
28 section shall not be construed to restrict the right of any
29 such state agency to request additional information not
30 included in the core credential data file, but which is deemed
31 necessary for the agency's specific credentialing purposes.

Bill No. CS for SB 2220

Amendment No. ____

1 ~~(b) A credentials verification entity other than the~~
2 ~~department may not attempt to collect duplicate core~~
3 ~~credentials data from any individual health care practitioner~~
4 ~~if the information is already on file with another credentials~~
5 ~~verification entity or with the appropriate licensing board of~~
6 ~~another state, provided the other state's credentialing~~
7 ~~program meets national standards and is certified or~~
8 ~~accredited, as outlined by national accrediting organizations,~~
9 ~~and agrees to provide all data collected under such program on~~
10 ~~that health care practitioner.~~

11 ~~(7) RELIABILITY OF DATA.--Any credentials verification~~
12 ~~entity may rely upon core credentials data, including all~~
13 ~~corrections, updates, and modifications thereto, from the~~
14 ~~department if the department certifies that the information~~
15 ~~was obtained in accordance with primary source verification~~
16 ~~procedures; and the department may rely upon core credentials~~
17 ~~data, including all corrections, updates, and modifications~~
18 ~~thereto, from any credentials verification entity if the~~
19 ~~designated credentials verification entity certifies that the~~
20 ~~information was obtained in accordance with primary source~~
21 ~~verification procedures.~~

22 ~~(5)(8) STANDARDS AND REGISTRATION.--~~

23 ~~(a) The department's credentials verification~~
24 ~~procedures must meet national standards, as outlined by~~
25 ~~national accrediting organizations.~~

26 ~~(b) Any credentials verification organization entity~~
27 ~~that does business in this state Florida must be fully~~
28 ~~accredited or certified as a credentials verification~~
29 ~~organization meet national standards, as outlined by a~~
30 ~~national accrediting organization as specified in paragraph~~
31 ~~(2)(b) organizations, and must register with the department.~~

Bill No. CS for SB 2220

Amendment No. ____

1 The department may charge a reasonable registration fee, set
 2 in consultation with the advisory council, not to exceed an
 3 amount sufficient to cover its actual expenses in providing
 4 and enforcing for such registration. The department shall
 5 establish by rule for biennial renewal of such registration.
 6 Failure by a registered Any credentials verification
 7 organization to maintain full accreditation or certification,
 8 to provide data as authorized by the health care practitioner,
 9 to report to the department changes, updates, and
 10 modifications to a health care practitioner's records within
 11 the time period specified in subparagraph (3)(a)2., or to
 12 comply with the prohibition against collection of duplicate
 13 core credentials data from a practitioner may result in denial
 14 of an application for renewal of registration or in revocation
 15 or suspension of a registration entity that fails to meet the
 16 standards required to be certified or accredited, fails to
 17 register with the department, or fails to provide data
 18 collected on a health care practitioner may not be selected as
 19 the designated credentials verification entity for any health
 20 care practitioner.

21 (6)(9) LIABILITY.--No civil, criminal, or
 22 administrative action may be instituted, and there shall be no
 23 liability, against any registered credentials verification
 24 organization or health care entity on account of its reliance
 25 on any data obtained directly from the department a
 26 credentials verification entity.

27 (10) REVIEW.--Before releasing a health care
 28 practitioner's core credentials data from its data bank, a
 29 designated credentials verification entity other than the
 30 department must provide the practitioner up to 30 days to
 31 review such data and make any corrections of fact.

Bill No. CS for SB 2220

Amendment No. ____

1 ~~(11) VALIDATION OF CREDENTIALS.--Except as otherwise~~
2 ~~acceptable to the health care entity and applicable certifying~~
3 ~~or accrediting organization listed in paragraph (2)(c), the~~
4 ~~department and all credentials verification entities must~~
5 ~~perform primary source verification of all credentialing~~
6 ~~information submitted to them pursuant to this section;~~
7 ~~however, secondary source verification may be utilized if~~
8 ~~there is a documented attempt to contact primary sources. The~~
9 ~~validation procedures used by the department and credentials~~
10 ~~verification entities must meet the standards established by~~
11 ~~rule pursuant to this section.~~

12 ~~(7)(12) LIABILITY INSURANCE REQUIREMENTS.--The~~
13 ~~department, in consultation with the Credentials Verification~~
14 ~~Advisory Council, shall establish the minimum liability~~
15 ~~insurance requirements for Each credentials verification~~
16 ~~organization entity doing business in this state shall~~
17 ~~maintain liability insurance appropriate to meet the~~
18 ~~certification or accreditation requirements established in~~
19 ~~this section.~~

20 ~~(8)(13) RULES.--The department, in consultation with~~
21 ~~the advisory council applicable board, shall adopt rules~~
22 ~~necessary to develop and implement the standardized core~~
23 ~~credentials data collection verification program established~~
24 ~~by this section.~~

25 ~~(9) COUNCIL ABOLISHED; DEPARTMENT AUTHORITY.--The~~
26 ~~council shall be abolished October 1, 1999. After the council~~
27 ~~is abolished, all duties of the department required under this~~
28 ~~section to be in consultation with the council may be carried~~
29 ~~out by the department on its own.~~

30

31 (Redesignate subsequent sections.)

Bill No. CS for SB 2220

Amendment No. ____

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 4, line 1, after the semicolon,

4

5 insert:

6 amending s. 455.557, F.S.; revising the
7 credentials collection program for health care
8 practitioners; revising and providing
9 definitions; providing requirements for health
10 care practitioners and the Department of Health
11 under the program; renaming the advisory
12 council and abolishing it at a future date;
13 prohibiting duplication of data available from
14 the department; authorizing collection of
15 certain other information; revising
16 requirements for registration of credentials
17 verification organizations; providing for
18 biennial renewal of registration; providing
19 grounds for suspension or revocation of
20 registration; revising liability insurance
21 requirements; revising rulemaking authority;
22 specifying authority of the department after
23 the council is abolished;

24

25

26

27

28

29

30

31