

By Senator Myers

27-464-99

1 A bill to be entitled
2 An act relating to the Department of Health
3 Care; transferring powers, duties, functions,
4 and assets of the Agency for Health Care
5 Administration to the Department of Health
6 Care; amending s. 20.43, F.S.; redesignating
7 the Department of Health as the Department of
8 Health Care; adding to the department a
9 Division of Health Care Administration;
10 providing for the organization and
11 administration of this division; repealing s.
12 20.42, F.S., relating to the Agency for Health
13 Care Administration; providing for the
14 appointment of and duties for a transition
15 advisory committee; providing for a reviser's
16 bill; providing an effective date.

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

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20 Section 1. Effective July 1, 1999, all powers, duties,
21 functions, records, personnel, property, and unexpended
22 balances of appropriations, allocations, and other funds of
23 the Agency for Health Care Administration are transferred by a
24 type two transfer, as defined in section 20.06(2), Florida
25 Statutes, to the Department of Health Care. Any rules adopted
26 by or for the Agency for Health Care Administration for the
27 administration and operation of such programs are included in
28 this transfer and shall remain in effect until specifically
29 changed in the manner provided by law. The Department of
30 Health Care may organize, classify, and manage the positions

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1 transferred in a manner that will reduce duplication, achieve
2 maximum efficiency, and ensure accountability.

3 Section 2. Section 20.43, Florida Statutes, 1998
4 Supplement, is amended to read:

5 20.43 Department of Health Care.--There is created a
6 Department of Health Care.

7 (1) The purpose of the Department of Health Care is to
8 promote and protect the health of all residents and visitors
9 in the state through organized state and community efforts,
10 including cooperative agreements with counties. The
11 department shall:

12 (a) Prevent to the fullest extent possible, the
13 occurrence and progression of communicable and noncommunicable
14 diseases and disabilities.

15 (b) Maintain a constant surveillance of disease
16 occurrence and accumulate health statistics necessary to
17 establish disease trends and to design health programs.

18 (c) Conduct special studies of the causes of diseases
19 and formulate preventive strategies.

20 (d) Promote the maintenance and improvement of the
21 environment as it affects public health.

22 (e) Promote the maintenance and improvement of health
23 in the residents of the state.

24 (f) Provide leadership, in cooperation with the public
25 and private sectors, in establishing statewide and community
26 public health delivery systems.

27 (g) Provide health care and early intervention
28 services to infants, toddlers, children, adolescents, and
29 high-risk perinatal patients who are at risk for disabling
30 conditions or have chronic illnesses.

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1 (h) Provide services to abused and neglected children
2 through child protection teams and sexual abuse treatment
3 programs.

4 (i) Develop working associations with all agencies and
5 organizations involved and interested in health and health
6 care delivery.

7 (j) Analyze trends in the evolution of health systems,
8 and identify and promote the use of innovative, cost-effective
9 health delivery systems.

10 (k) Serve as the statewide repository of all aggregate
11 data accumulated by state agencies related to health care;
12 analyze that data and issue periodic reports and policy
13 statements, as appropriate; require that all aggregated data
14 be kept in a manner that promotes easy utilization by the
15 public, state agencies, and all other interested parties;
16 provide technical assistance as required; and work
17 cooperatively with the state's higher education programs to
18 promote further study and analysis of health care systems and
19 health care outcomes.

20 (1) Biennially publish, and annually update, a state
21 health plan that assesses current health programs, systems,
22 and costs; makes projections of future problems and
23 opportunities; and recommends changes needed in the health
24 care system to improve the public health.

25 (m) Regulate health practitioners, to the extent
26 authorized by the Legislature, as necessary for the
27 preservation of the health, safety, and welfare of the public.

28 (2) The head of the Department of Health Care is the
29 Secretary of Health Care and State Health Officer. The
30 secretary must be a physician licensed under chapter 458 or
31 chapter 459 who has advanced training or extensive experience

1 in public health administration. The secretary is appointed
2 by the Governor subject to confirmation by the Senate. The
3 secretary serves at the pleasure of the Governor.

4 (3) The following divisions of the Department of
5 Health Care are established. Except as otherwise provided,
6 each division is under the direct supervision of a division
7 director appointed by the secretary.†

8 (a) Division of Administration.

9 (b) Division of Environmental Health.

10 (c) Division of Disease Control.

11 (d) Division of Family Health Services.

12 (e) Division of Children's Medical Services.

13 (f) Division of Local Health Planning, Education, and
14 Workforce Development.

15 (g) Division of Medical Quality Assurance, which is
16 responsible for the following boards and professions
17 established within the division:

18 1. Nursing assistants, as provided under s. 400.211.

19 2. Health care services pools, as provided under s.
20 402.48.

21 3. The Board of Acupuncture, created under chapter
22 457.

23 4. The Board of Medicine, created under chapter 458.

24 5. The Board of Osteopathic Medicine, created under
25 chapter 459.

26 6. The Board of Chiropractic Medicine, created under
27 chapter 460.

28 7. The Board of Podiatric Medicine, created under
29 chapter 461.

30 8. Naturopathy, as provided under chapter 462.

31 9. The Board of Optometry, created under chapter 463.

- 1 10. The Board of Nursing, created under chapter 464.
- 2 11. The Board of Pharmacy, created under chapter 465.
- 3 12. The Board of Dentistry, created under chapter 466.
- 4 13. Midwifery, as provided under chapter 467.
- 5 14. The Board of Speech-Language Pathology and
- 6 Audiology, created under part I of chapter 468.
- 7 15. The Board of Nursing Home Administrators, created
- 8 under part II of chapter 468.
- 9 16. The Board of Occupational Therapy, created under
- 10 part III of chapter 468.
- 11 17. Respiratory therapy, as provided under part V of
- 12 chapter 468.
- 13 18. Dietetics and nutrition practice, as provided
- 14 under part X of chapter 468.
- 15 19. Athletic trainers, as provided under part XIII of
- 16 chapter 468.
- 17 20. The Board of Orthotists and Prosthetists, created
- 18 under part XIV of chapter 468.
- 19 21. Electrolysis, as provided under chapter 478.
- 20 22. The Board of Massage Therapy, created under
- 21 chapter 480.
- 22 23. The Board of Clinical Laboratory Personnel,
- 23 created under part III of chapter 483.
- 24 24. Medical physicists, as provided under part IV of
- 25 chapter 483.
- 26 25. The Board of Opticianry, created under part I of
- 27 chapter 484.
- 28 26. The Board of Hearing Aid Specialists, created
- 29 under part II of chapter 484.
- 30 27. The Board of Physical Therapy Practice, created
- 31 under chapter 486.

1 28. The Board of Psychology, created under chapter
2 490.

3 29. School psychologists, as provided under chapter
4 490.

5 30. The Board of Clinical Social Work, Marriage and
6 Family Therapy, and Mental Health Counseling, created under
7 chapter 491.

8 (h) Division of Health Care Administration. This
9 division shall be known as the Agency for Health Care
10 Administration. The head of the division is the Director of
11 Health Care Administration, who shall be appointed by the
12 Governor, subject to confirmation by the Senate. The director
13 shall serve at the pleasure of and report to the Governor. The
14 division shall be organized as follows:

15 1. The Bureau of Health Quality Assurance, which is
16 responsible for health facility licensure and inspection.

17 2. The Bureau of Health Policy and Cost Control, which
18 is responsible for health policy, the State Center for Health
19 Statistics, certificate of need, and research and analysis.

20 3. The Bureau of State Health Purchasing, which is
21 responsible for the Medicaid program. The division shall also
22 administer the contracts with the Florida Health Access
23 Corporation program and the Florida Health Care Purchasing
24 Cooperative and the Florida Healthy Kids Corporation.

25 4. The Bureau of Administrative Services, which is
26 responsible for revenue management, budget, personnel, and
27 general services.

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29 ~~The department may contract with the Agency for Health Care~~
30 ~~Administration who shall provide consumer complaint,~~
31 ~~investigative, and prosecutorial services required by the~~

1 ~~Division of Medical Quality Assurance, councils, or boards, as~~
2 ~~appropriate.~~

3 (4)(a) The members of each board within the department
4 shall be appointed by the Governor, subject to confirmation by
5 the Senate. Consumer members on the board shall be appointed
6 pursuant to paragraph (b). Members shall be appointed for
7 4-year terms, and such terms shall expire on October 31.
8 However, a term of less than 4 years may be used to ensure
9 that:

10 1. No more than two members' terms expire during the
11 same calendar year for boards consisting of seven or eight
12 members.

13 2. No more than 3 members' terms expire during the
14 same calendar year for boards consisting of 9 to 12 members.

15 3. No more than 5 members' terms expire during the
16 same calendar year for boards consisting of 13 or more
17 members.

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19 A member whose term has expired shall continue to serve on the
20 board until such time as a replacement is appointed. A
21 vacancy on the board shall be filled for the unexpired portion
22 of the term in the same manner as the original appointment.
23 No member may serve for more than the remaining portion of a
24 previous member's unexpired term, plus two consecutive 4-year
25 terms of the member's own appointment thereafter.

26 (b) Each board with five or more members shall have at
27 least two consumer members who are not, and have never been,
28 members or practitioners of the profession regulated by such
29 board or of any closely related profession. Each board with
30 fewer than five members shall have at least one consumer
31 member who is not, and has never been, a member or

1 practitioner of the profession regulated by such board or of
2 any closely related profession.

3 (c) Notwithstanding any other provision of law, the
4 department is authorized to establish uniform application
5 forms and certificates of licensure for use by the boards
6 within the department. Nothing in this paragraph authorizes
7 the department to vary any substantive requirements, duties,
8 or eligibilities for licensure or certification as provided by
9 law.

10 (5) The department shall plan and administer its
11 public health programs through its county health departments
12 and may, for administrative purposes and efficient service
13 delivery, establish up to 15 service areas to carry out such
14 duties as may be prescribed by the secretary. The boundaries
15 of the service areas shall be the same as, or combinations of,
16 the districts of the health and human services boards
17 established in s. 20.19 and, to the extent practicable, shall
18 take into consideration the boundaries of the jobs and
19 education regional boards.

20 (6) The secretary and division directors are
21 authorized to appoint ad hoc advisory committees as necessary.
22 The issue or problem that the ad hoc committee shall address,
23 and the timeframe within which the committee is to complete
24 its work, shall be specified at the time the committee is
25 appointed. Ad hoc advisory committees shall include
26 representatives of groups or entities affected by the issue or
27 problem that the committee is asked to examine. Members of ad
28 hoc advisory committees shall receive no compensation, but
29 may, within existing departmental resources, receive
30 reimbursement for travel expenses as provided in s. 112.061.

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1 (7) To protect and improve the public health, the
2 department may use state or federal funds to:

3 (a) Provide incentives, including food coupons or
4 payment for travel expenses, for encouraging disease
5 prevention and patient compliance with medical treatment, such
6 as tuberculosis therapy.

7 (b) Plan and conduct health education campaigns for
8 the purpose of protecting or improving public health. The
9 department may purchase promotional items and advertising,
10 such as space on billboards or in publications or radio or
11 television time, for health information and promotional
12 messages that recognize that the following behaviors, among
13 others, are detrimental to public health: unprotected sexual
14 intercourse, other than with one's spouse; cigarette smoking;
15 alcohol consumption or other substance abuse during pregnancy;
16 alcohol abuse or other substance abuse; lack of exercise and
17 poor diet and nutrition habits; and failure to recognize and
18 address a genetic tendency to suffer from sickle-cell anemia,
19 diabetes, high blood pressure, cardiovascular disease, or
20 cancer. For purposes of activities under this paragraph, the
21 Department of Health may establish requirements for local
22 matching funds or in-kind contributions to create and
23 distribute advertisements, in either print or electronic
24 format, which are concerned with each of the targeted
25 behaviors, establish an independent evaluation and feedback
26 system for the public health communication campaign, and
27 monitor and evaluate the efforts to determine which of the
28 techniques and methodologies are most effective.

29 (c) Plan and conduct promotional campaigns to recruit
30 health professionals to be employed by the department or to
31 recruit participants in departmental programs for health

1 practitioners, such as scholarship, loan repayment, or
2 volunteer programs. To this effect the department may purchase
3 promotional items and advertising.

4 Section 3. Section 20.42, Florida Statutes, 1998
5 Supplement, is repealed.

6 Section 4. The Secretary of Health Care and the
7 Director of Health Care Administration shall each appoint four
8 staff members to a Transition Advisory Committee. Appointments
9 must be made no later than August 1, 1999. The Secretary of
10 Health Care shall designate a member of the committee to serve
11 as committee chair. The committee shall be located, for
12 administrative purposes, in the Department of Health Care. The
13 committee shall review current activities and make
14 recommendations regarding consolidation of potentially
15 duplicative functions, particularly those relating to
16 administrative services, legal services, information and
17 management information systems, and data and planning
18 services, and any needed modifications in organizational
19 structure. The committee shall report its findings, including
20 recommendations for changes in state policy, rules, and
21 statutes that will improve the functioning of the Department
22 of Health Care, to the Secretary of Health Care, the Director
23 of Health Care Administration, the Governor, the President of
24 the Senate, and the Speaker of the House of Representatives by
25 January 15, 2000.

26 Section 5. The Division of Statutory Revision of the
27 Office of Legislative Services is requested to prepare a
28 reviser's bill for introduction at a subsequent session of the
29 Legislature to change the term "Department of Health" to
30 "Department of Health Care" in the Florida Statutes and to
31 make such further changes as are necessary to conform the

1 Florida Statutes to the organizational changes effected by
2 this act.

3 Section 6. This act shall take effect July 1, 1999.

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6 SENATE SUMMARY

7 Renames the Department of Health the Department of Health
8 Care and transfers to it the powers, duties, functions,
9 and assets of the Agency for Health Care Administration.
10 The head of the Division of Health Care Administration is
11 a director appointed by the Governor, subject to Senate
12 confirmation. Provides for a Transition Advisory
13 Committee to make recommendations with respect to the
14 incorporation of the agency's activities under the
15 department.

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