

By the Committee on Health, Aging and Long-Term Care; and
 Senator Myers

317-1781A-99

1 A bill to be entitled
 2 An act relating to governmental reorganization;
 3 amending s. 20.42, F.S.; reassigning the Agency
 4 for Health Care Administration to the
 5 Department of Health Care; requiring the
 6 Executive Director of Health Care
 7 Administration to be confirmed by the Senate;
 8 making changes in the organizational structure
 9 of the agency; amending s. 20.43, F.S.;
 10 redesignating the Department of Health as the
 11 Department of Health Care; repealing
 12 authorization for the Department of Health to
 13 contract with the Agency for Health Care
 14 Administration for certain services;
 15 transferring to the Department of Health Care
 16 the powers, duties, functions, and assets that
 17 relate to the consumer complaint services,
 18 investigations, and prosecutorial services that
 19 are performed by the Agency for Health Care
 20 Administration under contract with the
 21 Department of Health; providing for the
 22 appointment of and duties for an organizational
 23 efficiency advisory committee; providing for a
 24 reviser's bill; providing for the validity of
 25 judicial and administrative proceedings;
 26 providing an effective date.

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

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 30 Section 1. Section 20.42, Florida Statutes, 1998
 31 Supplement, is amended to read:

1 20.42 Agency for Health Care Administration.--There is
2 created the Agency for Health Care Administration within the
3 Department of Health Care ~~Business and Professional~~
4 ~~Regulation~~. The agency shall be a separate budget entity, and
5 the executive director of the agency shall be the agency head
6 for all purposes. The agency shall not be subject to control,
7 supervision, or direction by the Department of Health Care
8 ~~Business and Professional Regulation~~ in any manner, including,
9 but not limited to, personnel, purchasing, transactions
10 involving real or personal property, and budgetary matters.

11 (1) EXECUTIVE DIRECTOR OF HEALTH CARE
12 ADMINISTRATION.--The head of the agency is the Executive
13 Director of Health Care Administration, who shall be appointed
14 by the Governor. The executive director shall serve at the
15 pleasure of and report to the Governor, subject to
16 confirmation by the Senate. The requirement for Senate
17 confirmation applies to any person appointed on or after
18 October 1, 1999.

19 (2) ORGANIZATION OF THE AGENCY.--The agency shall be
20 organized as follows:

21 (a) The Division of Managed Care and Health Quality
22 Assurance, which shall be responsible for health facility
23 licensure and inspection, managed competition, managed care,
24 and certificate-of-need program.

25 ~~(b) The Division of Health Policy and Cost Control,~~
26 ~~which shall be responsible for health policy, the State Center~~
27 ~~for Health Statistics, the development of The Florida Health~~
28 ~~Plan, certificate of need, state and local health planning~~
29 ~~under s. 408.033, and research and analysis.~~

30 ~~(b)(c)~~ The Division of Medicaid, which ~~State Health~~
31 ~~Purchasing~~ shall be responsible for the Medicaid program. The

1 division shall also administer the Florida Kidcare program
2 ~~contracts with the Florida Health Access Corporation program~~
3 ~~and the Florida Health Care Purchasing Cooperative and the~~
4 contract with the Florida Healthy Kids Corporation.

5 ~~(c)(d)~~ The Division of Administration and Information
6 ~~Administrative Services~~, which shall be responsible for
7 finance and accounting revenue management, budget, personnel,
8 and general services, management information services, and the
9 State Center for Health Statistics.

10 (3) DEPUTY DIRECTOR FOR MANAGED CARE AND HEALTH
11 ~~QUALITY ASSURANCE~~.--The director shall appoint a Deputy
12 Director for Managed Care and Health Quality Assurance who
13 shall serve at the pleasure of, and be directly responsible
14 to, the executive director. The Deputy Director for Managed
15 Care and Health Quality Assurance shall be responsible for the
16 Division of Managed Care and Health Quality Assurance.

17 ~~(4) DEPUTY DIRECTOR FOR HEALTH POLICY AND COST~~
18 ~~CONTROL~~.--~~The director shall appoint a Deputy Director for~~
19 ~~Health Policy and Cost Control who shall serve at the pleasure~~
20 ~~of, and be directly responsible to, the director. The Deputy~~
21 ~~Director for Health Policy and Cost Control shall be~~
22 ~~responsible for the Division of Health Policy and Cost~~
23 ~~Control.~~

24 ~~(4)(5)~~ DEPUTY DIRECTOR FOR MEDICAID STATE HEALTH
25 ~~PURCHASING~~.--The executive director shall appoint a Deputy
26 Director for Medicaid State Health Purchasing who shall serve
27 at the pleasure of, and be directly responsible to, the
28 executive director. The Deputy Director for Medicaid State
29 Health Purchasing shall be responsible for the Division of
30 Medicaid State Health Purchasing.

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1 (5)(6) DEPUTY DIRECTOR FOR ADMINISTRATION AND
2 INFORMATION OF ADMINISTRATIVE SERVICES.--The executive
3 director shall appoint a Deputy Director for Administration
4 and Information of Administrative Services who shall serve at
5 the pleasure of, and be directly responsible to, the executive
6 director. The Deputy Director for Administration and
7 Information Services shall be responsible for the Division of
8 Administration and Information Administrative Services.

9 Section 2. Section 20.43, Florida Statutes, 1998
10 Supplement, is amended to read:

11 20.43 Department of Health Care.--There is created a
12 Department of Health Care.

13 (1) The purpose of the Department of Health Care is to
14 promote and protect the health of all residents and visitors
15 in the state through organized state and community efforts,
16 including cooperative agreements with counties. The
17 department shall:

18 (a) Prevent to the fullest extent possible, the
19 occurrence and progression of communicable and noncommunicable
20 diseases and disabilities.

21 (b) Maintain a constant surveillance of disease
22 occurrence and accumulate health statistics necessary to
23 establish disease trends and to design health programs.

24 (c) Conduct special studies of the causes of diseases
25 and formulate preventive strategies.

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

28 (e) Promote the maintenance and improvement of health
29 in the residents of the state.

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1 (f) Provide leadership, in cooperation with the public
2 and private sectors, in establishing statewide and community
3 public health delivery systems.

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

8 (h) Provide services to abused and neglected children
9 through child protection teams and sexual abuse treatment
10 programs.

11 (i) Develop working associations with all agencies and
12 organizations involved and interested in health and health
13 care delivery.

14 (j) Analyze trends in the evolution of health systems,
15 and identify and promote the use of innovative, cost-effective
16 health delivery systems.

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

27 (l) Biennially publish, and annually update, a state
28 health plan that assesses current health programs, systems,
29 and costs; makes projections of future problems and
30 opportunities; and recommends changes needed in the health
31 care system to improve the public health.

1 (m) Regulate health practitioners, to the extent
2 authorized by the Legislature, as necessary for the
3 preservation of the health, safety, and welfare of the public.

4 (2) The head of the Department of Health Care is the
5 Secretary of Health Care and State Health Officer. The
6 secretary must be a physician licensed under chapter 458 or
7 chapter 459 who has advanced training or extensive experience
8 in public health administration. The secretary is appointed
9 by the Governor subject to confirmation by the Senate. The
10 secretary serves at the pleasure of the Governor.

11 (3) The following divisions of the Department of
12 Health Care are established. Each division is under the direct
13 supervision of a division director appointed by the
14 secretary.+

15 (a) Division of Administration.

16 (b) Division of Environmental Health.

17 (c) Division of Disease Control.

18 (d) Division of Family Health Services.

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

20 (f) Division of Local Health Planning, Education, and
21 Workforce Development.

22 (g) Division of Medical Quality Assurance, which is
23 responsible for the following boards and professions
24 established within the division:

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

26 2. Health care services pools, as provided under s.
27 402.48.

28 3. The Board of Acupuncture, created under chapter
29 457.

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

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- 1 5. The Board of Osteopathic Medicine, created under
- 2 chapter 459.
- 3 6. The Board of Chiropractic Medicine, created under
- 4 chapter 460.
- 5 7. The Board of Podiatric Medicine, created under
- 6 chapter 461.
- 7 8. Naturopathy, as provided under chapter 462.
- 8 9. The Board of Optometry, created under chapter 463.
- 9 10. The Board of Nursing, created under chapter 464.
- 10 11. The Board of Pharmacy, created under chapter 465.
- 11 12. The Board of Dentistry, created under chapter 466.
- 12 13. Midwifery, as provided under chapter 467.
- 13 14. The Board of Speech-Language Pathology and
- 14 Audiology, created under part I of chapter 468.
- 15 15. The Board of Nursing Home Administrators, created
- 16 under part II of chapter 468.
- 17 16. The Board of Occupational Therapy, created under
- 18 part III of chapter 468.
- 19 17. Respiratory therapy, as provided under part V of
- 20 chapter 468.
- 21 18. Dietetics and nutrition practice, as provided
- 22 under part X of chapter 468.
- 23 19. Athletic trainers, as provided under part XIII of
- 24 chapter 468.
- 25 20. The Board of Orthotists and Prosthetists, created
- 26 under part XIV of chapter 468.
- 27 21. Electrolysis, as provided under chapter 478.
- 28 22. The Board of Massage Therapy, created under
- 29 chapter 480.
- 30 23. The Board of Clinical Laboratory Personnel,
- 31 created under part III of chapter 483.

1 24. Medical physicists, as provided under part IV of
2 chapter 483.

3 25. The Board of Opticianry, created under part I of
4 chapter 484.

5 26. The Board of Hearing Aid Specialists, created
6 under part II of chapter 484.

7 27. The Board of Physical Therapy Practice, created
8 under chapter 486.

9 28. The Board of Psychology, created under chapter
10 490.

11 29. School psychologists, as provided under chapter
12 490.

13 30. The Board of Clinical Social Work, Marriage and
14 Family Therapy, and Mental Health Counseling, created under
15 chapter 491.

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17 ~~The department may contract with the Agency for Health Care~~
18 ~~Administration who shall provide consumer complaint,~~
19 ~~investigative, and prosecutorial services required by the~~
20 ~~Division of Medical Quality Assurance, councils, or boards, as~~
21 ~~appropriate.~~

22 (4)(a) The members of each board within the department
23 shall be appointed by the Governor, subject to confirmation by
24 the Senate. Consumer members on the board shall be appointed
25 pursuant to paragraph (b). Members shall be appointed for
26 4-year terms, and such terms shall expire on October 31.
27 However, a term of less than 4 years may be used to ensure
28 that:

29 1. No more than two members' terms expire during the
30 same calendar year for boards consisting of seven or eight
31 members.

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

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

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7 A member whose term has expired shall continue to serve on the
8 board until such time as a replacement is appointed. A
9 vacancy on the board shall be filled for the unexpired portion
10 of the term in the same manner as the original appointment.
11 No member may serve for more than the remaining portion of a
12 previous member's unexpired term, plus two consecutive 4-year
13 terms of the member's own appointment thereafter.

14 (b) Each board with five or more members shall have at
15 least two consumer members who are not, and have never been,
16 members or practitioners of the profession regulated by such
17 board or of any closely related profession. Each board with
18 fewer than five members shall have at least one consumer
19 member who is not, and has never been, a member or
20 practitioner of the profession regulated by such board or of
21 any closely related profession.

22 (c) Notwithstanding any other provision of law, the
23 department is authorized to establish uniform application
24 forms and certificates of licensure for use by the boards
25 within the department. Nothing in this paragraph authorizes
26 the department to vary any substantive requirements, duties,
27 or eligibilities for licensure or certification as provided by
28 law.

29 (5) The department shall plan and administer its
30 public health programs through its county health departments
31 and may, for administrative purposes and efficient service

1 delivery, establish up to 15 service areas to carry out such
2 duties as may be prescribed by the secretary. The boundaries
3 of the service areas shall be the same as, or combinations of,
4 the districts of the health and human services boards
5 established in s. 20.19 and, to the extent practicable, shall
6 take into consideration the boundaries of the jobs and
7 education regional boards.

8 (6) The secretary and division directors are
9 authorized to appoint ad hoc advisory committees as necessary.
10 The issue or problem that the ad hoc committee shall address,
11 and the timeframe within which the committee is to complete
12 its work, shall be specified at the time the committee is
13 appointed. Ad hoc advisory committees shall include
14 representatives of groups or entities affected by the issue or
15 problem that the committee is asked to examine. Members of ad
16 hoc advisory committees shall receive no compensation, but
17 may, within existing departmental resources, receive
18 reimbursement for travel expenses as provided in s. 112.061.

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

21 (a) Provide incentives, including food coupons or
22 payment for travel expenses, for encouraging disease
23 prevention and patient compliance with medical treatment, such
24 as tuberculosis therapy.

25 (b) Plan and conduct health education campaigns for
26 the purpose of protecting or improving public health. The
27 department may purchase promotional items and advertising,
28 such as space on billboards or in publications or radio or
29 television time, for health information and promotional
30 messages that recognize that the following behaviors, among
31 others, are detrimental to public health: unprotected sexual

1 intercourse, other than with one's spouse; cigarette smoking;
2 alcohol consumption or other substance abuse during pregnancy;
3 alcohol abuse or other substance abuse; lack of exercise and
4 poor diet and nutrition habits; and failure to recognize and
5 address a genetic tendency to suffer from sickle-cell anemia,
6 diabetes, high blood pressure, cardiovascular disease, or
7 cancer. For purposes of activities under this paragraph, the
8 Department of Health may establish requirements for local
9 matching funds or in-kind contributions to create and
10 distribute advertisements, in either print or electronic
11 format, which are concerned with each of the targeted
12 behaviors, establish an independent evaluation and feedback
13 system for the public health communication campaign, and
14 monitor and evaluate the efforts to determine which of the
15 techniques and methodologies are most effective.

16 (c) Plan and conduct promotional campaigns to recruit
17 health professionals to be employed by the department or to
18 recruit participants in departmental programs for health
19 practitioners, such as scholarship, loan repayment, or
20 volunteer programs. To this effect the department may purchase
21 promotional items and advertising.

22 Section 3. (1) Effective July 1, 1999, all powers,
23 duties, functions, records, personnel, property, and
24 unexpended balances of appropriations, allocations, and other
25 funds of the Agency for Health Care Administration which
26 relate to consumer complaint services, investigations, and
27 prosecutorial services and which are currently provided by the
28 Agency for Health Care Administration under a contract with
29 the Department of Health, are transferred by a type two
30 transfer, as defined in section 20.06(2), Florida Statutes, to
31 the Department of Health Care. Any rules adopted by or for the

1 Agency for Health Care Administration for the purpose of
2 administering or operating such programs are included in this
3 transfer and shall remain in effect until specifically changed
4 in the manner provided by law.

5 (2)(a) All records, personnel, and funds of the
6 consumer complaint and investigative services units are
7 transferred and assigned to the Division of Medical Quality
8 Assurance of the Department of Health Care.

9 (b) All records, personnel, and funds of the
10 prosecutorial unit are transferred and assigned to the Office
11 of the General Counsel of the Department of Health Care.

12 Section 4. The Secretary of Health Care and the
13 Executive Director of Health Care Administration shall each
14 appoint four staff members to an Organizational Efficiency
15 Advisory Committee. Appointments must be made no later than
16 August 1, 1999. The Secretary of Health Care shall designate a
17 member of the committee to serve as committee chair. The
18 committee shall be assigned, for administrative purposes only,
19 to the Department of Health Care. The committee shall review
20 current activities and make recommendations regarding
21 consolidation of potentially duplicative functions,
22 particularly those relating to administrative services, legal
23 services, information and management information systems, and
24 data and planning services, and any needed modifications in
25 organizational structure. The committee shall report its
26 findings, including recommendations for changes in state
27 policy, rules, and statutes that will improve the
28 administrative efficiency of the Department of Health Care and
29 the Agency for Health Care Administration, to the Secretary of
30 Health Care, the Executive Director of Health Care
31 Administration, the Governor, the President of the Senate, and

1 the Speaker of the House of Representatives by January 15,
2 2000.

3 Section 5. The Division of Statutory Revision of the
4 Office of Legislative Services is requested to prepare a
5 reviser's bill for introduction at a subsequent session of the
6 Legislature to change the term "Department of Health" to
7 "Department of Health Care" in the Florida Statutes and to
8 make such further changes as are necessary to conform the
9 Florida Statutes to the organizational changes effected by
10 this act.

11 Section 6. This act does not affect the validity of
12 any judicial or administrative proceeding pending as of the
13 effective date of this act, and any entity to which are
14 transferred the powers, duties, and functions of any agency
15 relating to the pending proceedings shall be substituted as a
16 party in interest.

17 Section 7. This act shall take effect July 1, 1999.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 880

The Agency for Health Care Administration is reassigned from the Department of Business and Professional Regulation to the Department of Health Care rather than being transferred to the Department of Health Care and being incorporated as a division within the department.

The internal organizational structure of the Agency for Health Care Administration is modified and the Executive Director of Health Care Administration is made subject to Senate confirmation.

Effective July 1, 1999, consumer complaint services, investigations, and prosecutorial services relating to health care practitioners which are currently provided by the Agency for Health Care Administration under a contract with the Department of Health are transferred by a type two transfer from the agency to the department.

A provision is added to the bill that clarifies that the validity of judicial or administrative proceedings pending as of the effective date of the act are not affected by the transfer and that the Department of Health will be substituted as a party in interest in the pending proceedings.