

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Health Care Services offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 20.42, Florida Statutes, is amended to read:

20.42 Agency for Health Care Administration.--

(1) There is created a department that,
notwithstanding the provisions of subsection 20.04(1), shall
be called the Agency for Health Care Administration within the
Department of Business and Professional Regulation. The agency
shall be a separate budget entity, and the director of the
agency shall be the agency head for all purposes. The agency
shall not be subject to control, supervision, or direction by
the Department of Business and Professional Regulation in any
manner, including, but not limited to, personnel, purchasing,
transactions involving real or personal property, and
budgetary matters.

(2)(1) DIRECTOR OF HEALTH CARE ADMINISTRATION.--The

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1 head of the department ~~agency~~ is the Secretary Director of
2 Health Care Administration, who shall be appointed by the
3 Governor, subject to confirmation by the Senate. The secretary
4 ~~director~~ shall serve at the pleasure of and report to the
5 Governor.

6 ~~(3)(2) ORGANIZATION OF THE AGENCY.--~~The department
7 ~~agency~~ shall be the chief health policy and planning entity
8 for the state. The department is responsible for health
9 facility licensure, inspection, and regulatory enforcement;
10 investigation of consumer complaints related to health care
11 facilities and managed care plans; the implementation of the
12 certificate of need program; the operation of the State Center
13 for Health Statistics; the administration of the Medicaid
14 program; the administration of the contracts with the Florida
15 Healthy Kids Corporation; the certification of health
16 maintenance organizations and prepaid health clinics as set
17 forth in ch. 641, part III; and any other duties prescribed by
18 statute or agreement.~~organized as follows:~~

19 ~~(a) The Division of Health Quality Assurance, which~~
20 ~~shall be responsible for health facility licensure and~~
21 ~~inspection.~~

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

27 ~~(c) The Division of State Health Purchasing shall be~~
28 ~~responsible for the Medicaid program. The division shall also~~
29 ~~administer the contracts with the Florida Health Access~~
30 ~~Corporation program and the Florida Health Care Purchasing~~
31 ~~Cooperative and the Florida Healthy Kids Corporation.~~

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1 ~~(d) The Division of Administrative Services, which~~
2 ~~shall be responsible for revenue management, budget,~~
3 ~~personnel, and general services.~~

4 ~~(3) DEPUTY DIRECTOR FOR HEALTH QUALITY ASSURANCE.--The~~
5 ~~director shall appoint a Deputy Director for Health Quality~~
6 ~~Assurance who shall serve at the pleasure of, and be directly~~
7 ~~responsible to, the director. The Deputy Director for Health~~
8 ~~Quality Assurance shall be responsible for the Division of~~
9 ~~Health Quality Assurance.~~

10 ~~(4) DEPUTY DIRECTOR FOR HEALTH POLICY AND COST~~
11 ~~CONTROL.--The director shall appoint a Deputy Director for~~
12 ~~Health Policy and Cost Control who shall serve at the pleasure~~
13 ~~of, and be directly responsible to, the director. The Deputy~~
14 ~~Director for Health Policy and Cost Control shall be~~
15 ~~responsible for the Division of Health Policy and Cost~~
16 ~~Control.~~

17 ~~(5) DEPUTY DIRECTOR FOR STATE HEALTH PURCHASING.--The~~
18 ~~director shall appoint a Deputy Director for State Health~~
19 ~~Purchasing who shall serve at the pleasure of, and be directly~~
20 ~~responsible to, the director. The Deputy Director for State~~
21 ~~Health Purchasing shall be responsible for the Division of~~
22 ~~State Health Purchasing.~~

23 ~~(6) DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.--The~~
24 ~~director shall appoint a Deputy Director of Administrative~~
25 ~~Services who shall serve at the pleasure of, and be directly~~
26 ~~responsible to, the director. The deputy director shall be~~
27 ~~responsible for the Division of Administrative Services.~~

28 Section 2. Paragraph (a) of subsection (2) of section
29 440.134, Florida Statutes, is amended to read:

30 440.134 Workers' compensation managed care
31 arrangement.--

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1 (2)(a) The agency shall, ~~beginning April 1, 1994,~~
2 authorize an insurer to offer or utilize a workers'
3 compensation managed care arrangement after the insurer files
4 a completed application along with the payment of a \$1,000
5 application fee, and upon the agency's being satisfied that
6 the applicant has the ability to provide quality of care
7 consistent with the prevailing professional standards of care
8 and the insurer and its workers' compensation managed care
9 arrangement otherwise meets the requirements of this section.
10 ~~Effective April 1, 1994,~~No insurer may offer or utilize a
11 managed care arrangement without such authorization. The
12 authorization, unless sooner suspended or revoked, shall
13 automatically expire 2 years after the date of issuance unless
14 renewed by the insurer. The authorization shall be renewed
15 upon application for renewal and payment of a renewal fee of
16 \$1,000, provided that the insurer is in compliance with the
17 requirements of this section and any rules adopted hereunder.
18 An application for renewal of the authorization shall be made
19 90 days prior to expiration of the authorization, on forms
20 provided by the agency. The renewal application shall not
21 require the resubmission of any documents previously filed
22 with the agency if such documents have remained valid and
23 unchanged since their original filing. The agency shall have
24 exclusive jurisdiction over workers' compensation managed care
25 arrangements and shall have exclusive authority to investigate
26 the quality of medical services provided by a workers'
27 compensation managed care arrangement. When reviewing the
28 quality of medical services offered by or provided through a
29 workers' compensation managed care arrangement, the agency
30 shall only review issues related to the managed care
31 arrangement as a whole, pertaining to the ability of the

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1 managed care arrangement to provide quality of care as
2 required herein. The agency shall not interpret managed care
3 arrangements pertaining to an individual employee.

4 Section 3. Subsection (15) of section 120.80, Florida
5 Statutes, is amended to read:

6 120.80 Exceptions and special requirements;
7 agencies.--

8 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.
9 120.57(1)(a), formal hearings may not be conducted by the
10 Secretary of Health, the Secretary of ~~director of the Agency~~
11 ~~for~~ Health Care Administration, or a board or member of a
12 board within the Department of Health or the Agency for Health
13 Care Administration for matters relating to the regulation of
14 professions, as defined by part II of chapter 455.
15 Notwithstanding s. 120.57(1)(a), hearings conducted within the
16 Department of Health in execution of the Special Supplemental
17 Nutrition Program for Women, Infants, and Children; Child Care
18 Food Program; Children's Medical Services Program; and the
19 exemption from disqualification reviews for certified nurse
20 assistants program need not be conducted by an administrative
21 law judge assigned by the division. The Department of Health
22 may contract with the Department of Children and Family
23 Services for a hearing officer in these matters.

24 Section 4. Paragraph (d) of subsection (4) of section
25 215.5601, Florida Statutes, is amended to read:

26 215.5601 Lawton Chiles Endowment Fund.--

27 (4) LAWTON CHILES ENDOWMENT FUND; CREATION; PURPOSES
28 AND USES.--

29 (d) The Secretary of Health, the Secretary of Children
30 and Family Services, the Secretary of Elderly Affairs, and the
31 Secretary ~~Director~~ of Health Care Administration shall conduct

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1 meetings to discuss program priorities for endowment funding
2 prior to submitting their budget requests to the Executive
3 Office of the Governor and the Legislature. The purpose of the
4 meetings shall be to gain consensus for priority requests and
5 recommended endowment funding levels for those priority
6 requests. An agency head may not designate a proxy for these
7 meetings.

8 Section 5. Subsections (2), (3) and (7) of section
9 381.0602, Florida Statutes, are amended to read:

10 381.0602 Organ Transplant Advisory Council;
11 membership; responsibilities.--

12 (2) The Secretary ~~Director~~ of Health Care
13 Administration shall appoint all members of the council to
14 serve a term of 2 years.

15 (3) The Secretary ~~Director~~ of Health Care
16 Administration shall fill each vacancy on the council for the
17 balance of the unexpired term. Priority consideration must be
18 given to the appointment of an individual whose primary
19 interest, experience, or expertise lies with clients of the
20 Department of Health and the agency. If an appointment is not
21 made within 120 days after a vacancy occurs on the council,
22 the vacancy must be filled by the majority vote of the
23 council.

24 (7) The council shall meet at least annually or upon
25 the call of the chairperson or the Secretary ~~Director~~ of
26 Health Care Administration.

27 Section 6. Subsection (1) of section 381.6023, Florida
28 Statutes, is amended to read:

29 381.6023 Organ and Tissue Procurement and
30 Transplantation Advisory Board; creation; duties.--

31 (1) There is hereby created the Organ and Tissue

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1 Procurement and Transplantation Advisory Board, which shall
2 consist of 14 members who are appointed by and report directly
3 to the Secretary ~~Director~~ of Health Care Administration. The
4 membership must be regionally distributed and must include:

5 (a) Two representatives who have expertise in vascular
6 organ transplant surgery;

7 (b) Two representatives who have expertise in vascular
8 organ procurement, preservation, and distribution;

9 (c) Two representatives who have expertise in
10 musculoskeletal tissue transplant surgery;

11 (d) Two representatives who have expertise in
12 musculoskeletal tissue procurement, processing, and
13 distribution;

14 (e) A representative who has expertise in eye and
15 cornea transplant surgery;

16 (f) A representative who has expertise in eye and
17 cornea procurement, processing, and distribution;

18 (g) A representative who has expertise in bone marrow
19 procurement, processing, and transplantation;

20 (h) A representative from the Florida Pediatric
21 Society;

22 (i) A representative from the Florida Society of
23 Pathologists; and

24 (j) A representative from the Florida Medical
25 Examiners Commission.

26 Section 7. Subsection (3) of section 381.90, Florida
27 Statutes, is amended to read:

28 381.90 Health Information Systems Council; legislative
29 intent; creation, appointment, duties.--

30 (3) The council shall be composed of the following
31 members or their senior executive-level designees:

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- 1 (a) The secretary of the Department of Health;
2 (b) The secretary of the Department of Business and
3 Professional Regulation;
4 (c) The secretary of the Department of Children and
5 Family Services;
6 (d) The secretary of ~~director of the Agency for~~ Health
7 Care Administration;
8 (e) The secretary of the Department of Corrections;
9 (f) The Attorney General;
10 (g) The executive director of the Correctional Medical
11 Authority;
12 (h) Two members representing county health
13 departments, one from a small county and one from a large
14 county, appointed by the Governor;
15 (i) A representative from the Florida Association of
16 Counties;
17 (j) The State Treasurer and Insurance Commissioner;
18 (k) A representative from the Florida Healthy Kids
19 Corporation;
20 (l) A representative from a school of public health
21 chosen by the Board of Regents;
22 (m) The Commissioner of Education;
23 (n) The secretary of the Department of Elderly
24 Affairs; and
25 (o) The secretary of the Department of Juvenile
26 Justice.

27
28 Representatives of the Federal Government may serve without
29 voting rights.

30 Section 8. Paragraph (a) of subsection (1) of section
31 395.0163, Florida Statutes, is amended to read:

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1 395.0163 Construction inspections; plan submission and
2 approval; fees.--

3 (1)(a) The agency shall make, or cause to be made,
4 such construction inspections and investigations as it deems
5 necessary. The agency may prescribe by rule that any licensee
6 or applicant desiring to make specified types of alterations
7 or additions to its facilities or to construct new facilities
8 shall, before commencing such alteration, addition, or new
9 construction, submit plans and specifications therefor to the
10 agency for preliminary inspection and approval or
11 recommendation with respect to compliance with agency rules
12 and standards. The agency shall approve or disapprove the
13 plans and specifications within 60 days after receipt of the
14 fee for review of plans as required in subsection (2). The
15 agency may be granted one 15-day extension for the review
16 period if the secretary ~~director~~ of the agency approves the
17 extension. If the agency fails to act within the specified
18 time, it shall be deemed to have approved the plans and
19 specifications. When the agency disapproves plans and
20 specifications, it shall set forth in writing the reasons for
21 its disapproval. Conferences and consultations may be provided
22 as necessary.

23 Section 9. Section 395.10972, Florida Statutes, is
24 amended to read:

25 395.10972 Health Care Risk Manager Advisory
26 Council.--The Secretary ~~Director~~ of Health Care Administration
27 may appoint a five-member advisory council to advise the
28 agency on matters pertaining to health care risk managers. The
29 members of the council shall serve at the pleasure of the
30 secretary ~~director~~. The council shall designate a chair. The
31 council shall meet at the call of the secretary ~~director~~ or at

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1 those times as may be required by rule of the agency. The
2 members of the advisory council shall receive no compensation
3 for their services, but shall be reimbursed for travel
4 expenses as provided in s. 112.061. The council shall consist
5 of individuals representing the following areas:

6 (1) Two shall be active health care risk managers.

7 (2) One shall be an active hospital administrator.

8 (3) One shall be an employee of an insurer or
9 self-insurer of medical malpractice coverage.

10 (4) One shall be a representative of the
11 health-care-consuming public.

12 Section 10. Paragraph (h) of subsection (2) of section
13 400.0067, Florida Statutes, is amended to read:

14 400.0067 Establishment of State Long-Term Care
15 Ombudsman Council; duties; membership.--

16 (2) The State Long-Term Care Ombudsman Council shall:

17 (h) Prepare an annual report describing the activities
18 carried out by the ombudsman and the State Long-Term Care
19 Ombudsman Council in the year for which the report is
20 prepared. The State Long-Term Care Ombudsman Council shall
21 submit the report to the Commissioner of the United States
22 Administration on Aging, the Governor, the President of the
23 Senate, the Speaker of the House of Representatives, the
24 minority leaders of the House and Senate, the chairpersons of
25 appropriate House and Senate committees, the Secretaries of
26 Elderly Affairs and Children and Family Services, and the
27 Secretary ~~Director~~ of Health Care Administration. The report
28 shall be submitted at least 30 days before the convening of
29 the regular session of the Legislature and shall, at a
30 minimum:

31 1. Contain and analyze data collected concerning

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1 complaints about and conditions in long-term care facilities.

2 2. Evaluate the problems experienced by residents of
3 long-term care facilities.

4 3. Contain recommendations for improving the quality
5 of life of the residents and for protecting the health,
6 safety, welfare, and rights of the residents.

7 4. Analyze the success of the ombudsman program during
8 the preceding year and identify the barriers that prevent the
9 optimal operation of the program. The report of the program's
10 successes shall also address the relationship between the
11 state long-term care ombudsman program, the Department of
12 Elderly Affairs, the Agency for Health Care Administration,
13 and the Department of Children and Family Services, and an
14 assessment of how successfully the state long-term care
15 ombudsman program has carried out its responsibilities under
16 the Older Americans Act.

17 5. Provide policy and regulatory and legislative
18 recommendations to solve identified problems; resolve
19 residents' complaints; improve the quality of care and life of
20 the residents; protect the health, safety, welfare, and rights
21 of the residents; and remove the barriers to the optimal
22 operation of the state long-term care ombudsman program.

23 6. Contain recommendations from the district ombudsman
24 councils regarding program functions and activities.

25 7. Include a report on the activities of the legal
26 advocate and other legal advocates acting on behalf of the
27 district and state councils.

28 Section 11. Paragraph (a) of subsection (3) of section
29 400.235, Florida Statutes, is amended to read:

30 400.235 Nursing home quality and licensure status;
31 Gold Seal Program.--

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1 (3)(a) The Gold Seal Program shall be developed and
2 implemented by the Governor's Panel on Excellence in Long-Term
3 Care which shall operate under the authority of the Executive
4 Office of the Governor. The panel shall be composed of three
5 persons appointed by the Governor, to include a consumer
6 advocate for senior citizens and two persons with expertise in
7 the fields of quality management, service delivery excellence,
8 or public sector accountability; three persons appointed by
9 the Secretary of Elderly Affairs, to include an active member
10 of a nursing facility family and resident care council and a
11 member of the University Consortium on Aging; the State
12 Long-Term Care Ombudsman; one person appointed by the Florida
13 Life Care Residents Association; one person appointed by the
14 Secretary of Health; two persons appointed by the Secretary
15 ~~Director~~ of Health Care Administration, to include the Deputy
16 Director for State Health Purchasing; one person appointed by
17 the Florida Association of Homes for the Aging; and one person
18 appointed by the Florida Health Care Association. ~~All members~~
19 ~~of the panel shall be appointed by October 1, 1999, and the~~
20 ~~panel shall hold its organizational meeting no later than~~
21 ~~December 10, 1999.~~ Vacancies on the panel shall be filled in
22 the same manner as the original appointments. No member shall
23 serve for more than 4 consecutive years from the date of
24 appointment.

25 Section 12. Subsection (1) of section 400.4415,
26 Florida Statutes, is amended to read:

27 400.4415 Assisted living facilities advisory
28 committee.--

29 (1) There is created the assisted living facilities
30 advisory committee, which shall assist the agency in
31 developing and implementing a pilot rating system for

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1 facilities. The committee shall consist of nine members who
2 are to be appointed by, and report directly to, the secretary
3 ~~director~~ of the agency. The membership is to include:
4 (a) One researcher from a university center on aging.
5 (b) One representative from the Florida Health Care
6 Association.
7 (c) One representative from the Florida Assisted
8 Living Association.
9 (d) One representative from the Florida Association of
10 Homes for the Aging.
11 (e) One representative from the Agency for Health Care
12 Administration.
13 (f) One representative from the adult services program
14 of the Department of Children and Family Services.
15 (g) One representative from the alcohol, drug abuse,
16 and mental health program of the Department of Children and
17 Family Services.
18 (h) One representative from the Department of Elderly
19 Affairs.
20 (i) One consumer representative from a district
21 long-term care ombudsman council.
22 Section 13. Subsection (5) of section 400.967, Florida
23 Statutes, is amended to read:
24 400.967 Rules and classification of deficiencies.--
25 (5) The agency shall approve or disapprove the plans
26 and specifications within 60 days after receipt of the final
27 plans and specifications. The agency may be granted one 15-day
28 extension for the review period, if the secretary ~~director~~ of
29 the agency so approves. If the agency fails to act within the
30 specified time, it is deemed to have approved the plans and
31 specifications. When the agency disapproves plans and

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1 specifications, it must set forth in writing the reasons for
2 disapproval. Conferences and consultations may be provided as
3 necessary.

4 Section 14. Subsection (3) of section 408.036, Florida
5 Statutes, is amended to read:

6 408.036 Projects subject to review.--

7 (3) EXEMPTIONS.--Upon request, supported by such
8 documentation as the agency requires, the agency shall grant
9 an exemption from the provisions of subsection (1):

10 (a) For the initiation or expansion of obstetric
11 services.

12 (b) For any expenditure to replace or renovate any
13 part of a licensed health care facility, provided that the
14 number of licensed beds will not increase and, in the case of
15 a replacement facility, the project site is the same as the
16 facility being replaced.

17 (c) For providing respite care services. An individual
18 may be admitted to a respite care program in a hospital
19 without regard to inpatient requirements relating to admitting
20 order and attendance of a member of a medical staff.

21 (d) For hospice services or home health services
22 provided by a rural hospital, as defined in s. 395.602, or for
23 swing beds in such rural hospital in a number that does not
24 exceed one-half of its licensed beds.

25 (e) For the conversion of licensed acute care hospital
26 beds to Medicare and Medicaid certified skilled nursing beds
27 in a rural hospital as defined in s. 395.602, so long as the
28 conversion of the beds does not involve the construction of
29 new facilities. The total number of skilled nursing beds,
30 including swing beds, may not exceed one-half of the total
31 number of licensed beds in the rural hospital as of July 1,

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1 1993. Certified skilled nursing beds designated under this
2 paragraph, excluding swing beds, shall be included in the
3 community nursing home bed inventory. A rural hospital which
4 subsequently decertifies any acute care beds exempted under
5 this paragraph shall notify the agency of the decertification,
6 and the agency shall adjust the community nursing home bed
7 inventory accordingly.

8 (f) For the addition of nursing home beds at a skilled
9 nursing facility that is part of a retirement community that
10 provides a variety of residential settings and supportive
11 services and that has been incorporated and operated in this
12 state for at least 65 years on or before July 1, 1994. All
13 nursing home beds must not be available to the public but must
14 be for the exclusive use of the community residents.

15 (g) For an increase in the bed capacity of a nursing
16 facility licensed for at least 50 beds as of January 1, 1994,
17 under part II of chapter 400 which is not part of a continuing
18 care facility if, after the increase, the total licensed bed
19 capacity of that facility is not more than 60 beds and if the
20 facility has been continuously licensed since 1950 and has
21 received a superior rating on each of its two most recent
22 licensure surveys.

23 (h) For the establishment of a Medicare-certified home
24 health agency by a facility certified under chapter 651; a
25 retirement community, as defined in s. 400.404(2)(g); or a
26 residential facility that serves only retired military
27 personnel, their dependents, and the surviving dependents of
28 deceased military personnel. Medicare-reimbursed home health
29 services provided through such agency shall be offered
30 exclusively to residents of the facility or retirement
31 community or to residents of facilities or retirement

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1 communities owned, operated, or managed by the same corporate
2 entity. Each visit made to deliver Medicare-reimbursable home
3 health services to a home health patient who, at the time of
4 service, is not a resident of the facility or retirement
5 community shall be a deceptive and unfair trade practice and
6 constitutes a violation of ss. 501.201-501.213.

7 (i) For the establishment of a Medicare-certified home
8 health agency. This paragraph shall take effect 90 days after
9 the adjournment sine die of the next regular session of the
10 Legislature occurring after the legislative session in which
11 the Legislature receives a report from the Secretary ~~Director~~
12 of Health Care Administration certifying that the federal
13 Health Care Financing Administration has implemented a
14 per-episode prospective pay system for Medicare-certified home
15 health agencies.

16 (j) For an inmate health care facility built by or for
17 the exclusive use of the Department of Corrections as provided
18 in chapter 945. This exemption expires when such facility is
19 converted to other uses.

20 (k) For an expenditure by or on behalf of a health
21 care facility to provide a health service exclusively on an
22 outpatient basis.

23 (l) For the termination of a health care service.

24 (m) For the delicensure of beds. An application
25 submitted under this paragraph must identify the number, the
26 classification, and the name of the facility in which the beds
27 to be delicensed are located.

28 (n) For the provision of adult inpatient diagnostic
29 cardiac catheterization services in a hospital.

30 1. In addition to any other documentation otherwise
31 required by the agency, a request for an exemption submitted

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1 under this paragraph must comply with the following criteria:

2 a. The applicant must certify it will not provide
3 therapeutic cardiac catheterization pursuant to the grant of
4 the exemption.

5 b. The applicant must certify it will meet and
6 continuously maintain the minimum licensure requirements
7 adopted by the agency governing such programs pursuant to
8 subparagraph 2.

9 c. The applicant must certify it will provide a
10 minimum of 2 percent of its services to charity and Medicaid
11 patients.

12 2. The agency shall adopt licensure requirements by
13 rule which govern the operation of adult inpatient diagnostic
14 cardiac catheterization programs established pursuant to the
15 exemption provided in this paragraph. The rules shall ensure
16 that such programs:

17 a. Perform only adult inpatient diagnostic cardiac
18 catheterization services authorized by the exemption and will
19 not provide therapeutic cardiac catheterization or any other
20 services not authorized by the exemption.

21 b. Maintain sufficient appropriate equipment and
22 health personnel to ensure quality and safety.

23 c. Maintain appropriate times of operation and
24 protocols to ensure availability and appropriate referrals in
25 the event of emergencies.

26 d. Maintain appropriate program volumes to ensure
27 quality and safety.

28 e. Provide a minimum of 2 percent of its services to
29 charity and Medicaid patients each year.

30 3.a. The exemption provided by this paragraph shall
31 not apply unless the agency determines that the program is in

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1 compliance with the requirements of subparagraph 1. and that
2 the program will, after beginning operation, continuously
3 comply with the rules adopted pursuant to subparagraph 2. The
4 agency shall monitor such programs to ensure compliance with
5 the requirements of subparagraph 2.

6 b.(I) The exemption for a program shall expire
7 immediately when the program fails to comply with the rules
8 adopted pursuant to sub-subparagraphs 2.a., b., and c.

9 (II) Beginning 18 months after a program first begins
10 treating patients, the exemption for a program shall expire
11 when the program fails to comply with the rules adopted
12 pursuant to sub-subparagraphs 2.d. and e.

13 (III) If the exemption for a program expires pursuant
14 to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the
15 agency shall not grant an exemption pursuant to this paragraph
16 for an adult inpatient diagnostic cardiac catheterization
17 program located at the same hospital until 2 years following
18 the date of the determination by the agency that the program
19 failed to comply with the rules adopted pursuant to
20 subparagraph 2.

21 4. The agency shall not grant any exemption under this
22 paragraph until the adoption of the rules required under this
23 paragraph, or until March 1, 1998, whichever comes first.
24 However, if final rules have not been adopted by March 1,
25 1998, the proposed rules governing the exemptions shall be
26 used by the agency to grant exemptions under the provisions of
27 this paragraph until final rules become effective.

28 (o) For any expenditure to provide mobile surgical
29 facilities and related health care services under contract
30 with the Department of Corrections or a private correctional
31 facility operating pursuant to chapter 957.

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1 (p) For state veterans' nursing homes operated by or
2 on behalf of the Florida Department of Veterans' Affairs in
3 accordance with part II of chapter 296 for which at least 50
4 percent of the construction cost is federally funded and for
5 which the Federal Government pays a per diem rate not to
6 exceed one-half of the cost of the veterans' care in such
7 state nursing homes. These beds shall not be included in the
8 nursing home bed inventory.

9
10 A request for exemption under this subsection may be made at
11 any time and is not subject to the batching requirements of
12 this section.

13 Section 15. Paragraph (a) of subsection (8) of section
14 408.05, Florida Statutes, is amended to read:

15 408.05 State Center for Health Statistics.--

16 (8) STATE COMPREHENSIVE HEALTH INFORMATION SYSTEM
17 ADVISORY COUNCIL.--

18 (a) There is established in the agency the State
19 Comprehensive Health Information System Advisory Council to
20 assist the center in reviewing the comprehensive health
21 information system and to recommend improvements for such
22 system. The council shall consist of the following members:

23 1. An employee of the Executive Office of the
24 Governor, to be appointed by the Governor.

25 2. An employee of the Department of Insurance, to be
26 appointed by the Insurance Commissioner.

27 3. An employee of the Department of Education, to be
28 appointed by the Commissioner of Education.

29 4. Ten persons, to be appointed by the Secretary
30 ~~Director~~ of Health Care Administration, representing other
31 state and local agencies, state universities, the Florida

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1 Association of Business/Health Coalitions, local health
2 councils, professional health-care-related associations,
3 consumers, and purchasers.

4 Section 16. Subsection (1) of section 408.902, Florida
5 Statutes, is amended to read:

6 408.902 MedAccess program; creation; program title.--

7 (1) Effective July 1, 1994, there is hereby created
8 the MedAccess program to be administered by the Agency for
9 Health Care Administration. The MedAccess program shall not
10 be subject to the requirements of the Department of Insurance
11 or chapter 627. The secretary ~~director~~ of the agency shall
12 appoint an administrator of the MedAccess program which shall
13 be located in the Division of State Health Purchasing.

14 Section 17. Subsection (2) of section 409.8132,
15 Florida Statutes, is amended to read:

16 409.8132 Medikids program component.--

17 (2) ADMINISTRATION.--The secretary ~~director~~ of the
18 agency shall appoint an administrator of the Medikids program
19 component, which shall be located in the Division of State
20 Health Purchasing. The Agency for Health Care Administration
21 is designated as the state agency authorized to make payments
22 for medical assistance and related services for the Medikids
23 program component of the Florida Kidcare program. Payments
24 shall be made, subject to any limitations or directions in the
25 General Appropriations Act, only for covered services provided
26 to eligible children by qualified health care providers under
27 the Florida Kidcare program.

28 Section 18. Subsection (1) of section 430.710, Florida
29 Statutes, is amended to read:

30 430.710 Long-term care interagency advisory council.--

31 (1) The long-term care interagency advisory council is

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1 created within the Department of Elderly Affairs to advise the
2 secretary of the department on matters related to the
3 long-term care community diversion pilot projects. The
4 department and the agency shall provide staff support to the
5 council, as determined by the secretary of the department and
6 the secretary ~~director~~ of the agency.

7 (a) The Secretary of the Department of Children and
8 Family Services shall appoint four members, one each to
9 represent the following:

10 1. Consumers, or family or guardians of consumers, of
11 optional state supplementation, adult protective services,
12 developmental services, or mental health services from the
13 department.

14 2. Providers of community-based services.

15 3. Consumer advocacy organizations.

16 4. Consumers, or representatives of consumers, who
17 have nonage related physical disabilities.

18 (b) The Secretary of the Department of Elderly Affairs
19 shall appoint five members, one each to represent the
20 following:

21 1. The nursing home industry.

22 2. The assisted living industry.

23 3. Consumers of long-term care services.

24 4. Providers of community-based services.

25 5. Area Agencies on Aging.

26 (c) The Commissioner of Insurance shall appoint one
27 member to represent the insurance industry.

28 (d) The Secretary of ~~Director of the Agency for~~ Health
29 Care Administration shall appoint three members, one each to
30 represent the following:

31 1. The hospital industry.

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1 2. The home health industry.
2 3. Health maintenance organizations.
3 Section 19. Paragraph (c) of subsection (4) of section
4 478.44, Florida Statutes, is amended to read:

5 478.44 Electrolysis Council; creation; function;
6 powers and duties.--

7 (4)

8 (c) Unless otherwise provided by law, a council member
9 shall be compensated \$50 for each day the member attends an
10 official meeting of the council or participates in official
11 council business. A council member is also entitled to
12 reimbursement for expenses pursuant to s. 112.061. Travel out
13 of state requires the prior approval of the Secretary ~~Director~~
14 of Health ~~Care Administration~~.

15 Section 20. Subsection (3) of section 627.4236,
16 Florida Statutes, is amended to read:

17 627.4236 Coverage for bone marrow transplant
18 procedures.--

19 (3)(a) The Agency for Health Care Administration shall
20 adopt rules specifying the bone marrow transplant procedures
21 that are accepted within the appropriate oncological specialty
22 and are not experimental for purposes of this section. The
23 rules must be based upon recommendations of an advisory panel
24 appointed by the secretary ~~director~~ of the agency, composed
25 of:

26 1. One adult oncologist, selected from a list of three
27 names recommended by the Florida Medical Association;

28 2. One pediatric oncologist, selected from a list of
29 three names recommended by the Florida Pediatric Society;

30 3. One representative of the J. Hillis Miller Health
31 Center at the University of Florida;

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- 1 4. One representative of the H. Lee Moffitt Cancer
2 Center and Research Institute, Inc.;
- 3 5. One consumer representative, selected from a list
4 of three names recommended by the Insurance Commissioner;
- 5 6. One representative of the Health Insurance
6 Association of America;
- 7 7. Two representatives of health insurers, one of whom
8 represents the insurer with the largest Florida health
9 insurance premium volume and one of whom represents the
10 insurer with the second largest Florida health insurance
11 premium volume; and
- 12 8. One representative of the insurer with the largest
13 Florida small group health insurance premium volume.
- 14 (b) The director shall also appoint a member of the
15 advisory panel to serve as chairperson.
- 16 (c) The agency shall provide, within existing
17 resources, staff support to enable the panel to carry out its
18 responsibilities under this section.
- 19 (d) In making recommendations and adopting rules under
20 this section, the advisory panel and the director shall:
- 21 1. Take into account findings, studies, or research of
22 the federal Agency for Health Care Policy, National Cancer
23 Institute, National Academy of Sciences, Health Care Financing
24 Administration, and Congressional Office of Technology
25 Assessment, and any other relevant information.
- 26 2. Consider whether the federal Food and Drug
27 Administration or National Cancer Institute are conducting or
28 sponsoring assessment procedures to determine the safety and
29 efficacy of the procedure or substantially similar procedures,
30 or of any part of such procedures.
- 31 3. Consider practices of providers with respect to

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1 requesting or requiring patients to sign a written
2 acknowledgment that a bone marrow transplant procedure is
3 experimental.

4 (e) The advisory panel shall conduct, at least
5 biennially, a review of scientific evidence to ensure that its
6 recommendations are based on current research findings and
7 that insurance policies offer coverage for the latest
8 medically acceptable bone marrow transplant procedures.

9 Section 21. Section 641.454, Florida Statutes, is
10 amended to read:

11 641.454 Civil action to enforce prepaid health clinic
12 contract; attorney's fees; court costs.--In any civil action
13 brought to enforce the terms and conditions of a prepaid
14 health clinic contract, the prevailing party is entitled to
15 recover reasonable attorney's fees and court costs. This
16 section shall not be construed to authorize a civil action
17 against the department, its employees, or the Insurance
18 Commissioner and Treasurer or against the Agency for Health
19 Care Administration, the employees of the Agency for Health
20 Care Administration, or the Secretary ~~Director~~ of Health Care
21 Administration.

22 Section 22. Paragraph (f) of subsection (6) of section
23 641.60, Florida Statutes, is amended to read:

24 641.60 Statewide Managed Care Ombudsman Committee.--

25 (6) The statewide committee or a member of the
26 committee:

27 (f) Shall conduct meetings at least two times a year
28 at the call of the chairperson and at other times at the call
29 of the secretary of the agency ~~director~~ or by written request
30 of three members.

31 Section 23. Subsection (3) of section 641.70, Florida

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1 Statutes, is amended to read:

2 641.70 Agency duties relating to the Statewide Managed
3 Care Ombudsman Committee and the district managed care
4 ombudsman committees.--

5 (3) The secretary ~~director~~ of the agency shall ensure
6 the full cooperation and assistance of agency employees with
7 members of the statewide committee and district committees.

8 Section 24. Subsections (3) and (5) of section
9 732.9216, Florida Statutes, are amended to read:

10 732.9216 Organ and tissue donor education panel.--

11 (3) All members of the panel shall be appointed by the
12 Secretary ~~Director~~ of Health Care Administration to serve a
13 term of 2 years, except that, initially, six members shall be
14 appointed for 1-year terms and six members shall be appointed
15 for 2-year terms.

16 (5) The panel shall meet at least semiannually or upon
17 the call of the chairperson or the Secretary ~~Director~~ of
18 Health Care Administration.

19 Section 25. Section 408.001, Florida Statutes, is
20 repealed effective December 31, 2000, or upon dissolution of
21 the Florida Health Care Purchasing Cooperative, whichever
22 occurs first.

23 Section 26. All powers, duties, and functions and
24 rules, records, personnel, property, and unexpended balances
25 of appropriations, allocations, or other funds of the Agency
26 for Health Care Administration within the Department of
27 Business and Professional Regulation are transferred by a type
28 one transfer, as defined in s. 20.06(1), Florida Statutes, to
29 the Agency for Health Care Administration, as created by this
30 act.

31 Section 27. Twenty full-time-equivalent positions and

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1 \$686,835 in salaries and benefits, and \$135,138 in expenses,
2 are transferred by a type two transfer, as defined in section
3 20.06(2), Florida Statutes, from the Department of Labor and
4 Employment Security to the Agency for Health Care
5 Administration to carry out the agency's responsibilities
6 under sections 440.13 and 440.134, Florida Statutes, relating
7 to workers' compensation managed care arrangements.

8 Section 28. This act shall take effect October 1,
9 2000.

10

11

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

13 And the title is amended as follows:

14 On page ,
15 remove from the title of the bill: all of said lines

16

17 and insert in lieu thereof:

18 An act relating to the Agency for Health Care
19 Administration; amending s. 20.42, F.S.;
20 designating the agency as a department;
21 reorganizing the agency and removing it from
22 under the Department of Business and
23 Professional Regulation; providing for
24 appointment of the Secretary of Health Care
25 Administration by the Governor, subject to
26 confirmation by the Senate; providing for
27 responsibilities and administration of the
28 department; amending s. 440.134, F.S.;
29 providing exclusive jurisdiction of the Agency
30 for Health Care Administration over workers'
31 compensation managed care arrangements and

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1 exclusive authority to investigate medical
2 services provided under such arrangements;
3 limiting the agency's duties relating to
4 quality of medical care; amending ss. 120.80,
5 215.5601, 381.6023, 381.90, 395.0163,
6 395.10972, 400.0067, 400.235, 400.4415,
7 400.967, 408.036, 408.05, 408.902, 409.8132,
8 430,710, 478.44, 627.4236, 641.454, 641.60,
9 641.70, 732.9216, to conform provisions to
10 changes made by the act; repealing s. 408.001,
11 F.S., relating to the Florida Health Care
12 Purchasing Cooperative; providing for repeal on
13 a date certain or upon the occurrence of a
14 contingency; transferring all powers, duties,
15 and functions and funds of the Agency for
16 Health Care Administration of the Department of
17 Business and Professional Regulation to the new
18 department; providing for certain transfer of
19 positions and funds from the Department of
20 Labor and Employment Security; providing an
21 effective date.

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