

By Representative Farkas

1                                   A bill to be entitled  
2           An act relating to the Agency for Health Care  
3           Administration; amending s. 20.42, F.S.;  
4           renaming and reorganizing the agency and  
5           removing it from under the Department of  
6           Business and Professional Regulation; creating  
7           the Department of Agency for Health Care  
8           Administration, also to be known as the Agency  
9           for Health Care Administration; providing for  
10          appointment of the Secretary for Health Care  
11          Administration by the Governor, subject to  
12          confirmation by the Senate; providing for  
13          responsibilities and administration of the  
14          department; transferring all powers, duties and  
15          functions, and funds of the Agency for Health  
16          Care Administration of the Department of  
17          Business and Professional Regulation to the  
18          Department of Agency for Health Care  
19          Administration; amending s. 440.134, F.S.;  
20          providing exclusive jurisdiction of the  
21          Department of Agency for Health Care  
22          Administration over workers' compensation  
23          managed care arrangements and investigations  
24          regarding medical services provided under such  
25          arrangements; providing for certain transfer of  
26          positions and funds from the Department of  
27          Labor and Employment Security; providing an  
28          effective date.

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30 Be It Enacted by the Legislature of the State of Florida:  
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1           Section 1. Section 20.42, Florida Statutes, is amended  
2 to read:

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

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

21           (2) ~~ORGANIZATION OF THE AGENCY.~~--The department is  
22 agency shall be organized as follows:

23           (a) ~~The Division of Health Quality Assurance, which~~  
24 shall be responsible for health facility licensure and  
25 inspection, consumer protection, certificates of need, health  
26 facility cost regulation, investigation of consumer  
27 complaints, and any other duty prescribed by statute or  
28 agreement. The department is responsible for health  
29 statistics, health policy and planning, workers' compensation  
30 medical-related functions, managed care, the Medicaid program,  
31 and the Florida Healthy Kids Corporation.

1           ~~(b) The Division of Health Policy and Cost Control,~~  
2 ~~which shall be responsible for health policy, the State Center~~  
3 ~~for Health Statistics, the development of The Florida Health~~  
4 ~~Plan, certificate of need, state and local health planning~~  
5 ~~under s. 408.033, and research and analysis.~~

6           ~~(c) The Division of State Health Purchasing shall be~~  
7 ~~responsible for the Medicaid program. The division shall also~~  
8 ~~administer the contracts with the Florida Health Access~~  
9 ~~Corporation program and the Florida Health Care Purchasing~~  
10 ~~Cooperative and the Florida Healthy Kids Corporation.~~

11           ~~(d) The Division of Administrative Services, which~~  
12 ~~shall be responsible for revenue management, budget,~~  
13 ~~personnel, and general services.~~

14           (3) The secretary, for the department, shall  
15 administer the affairs of the department and may allocate its  
16 human resources and technological resources as necessary to  
17 discharge the powers and duties of the department.

18           ~~(3) DEPUTY DIRECTOR FOR HEALTH QUALITY ASSURANCE.--The~~  
19 ~~director shall appoint a Deputy Director for Health Quality~~  
20 ~~Assurance who shall serve at the pleasure of, and be directly~~  
21 ~~responsible to, the director. The Deputy Director for Health~~  
22 ~~Quality Assurance shall be responsible for the Division of~~  
23 ~~Health Quality Assurance.~~

24           ~~(4) DEPUTY DIRECTOR FOR HEALTH POLICY AND COST~~  
25 ~~CONTROL.--The director shall appoint a Deputy Director for~~  
26 ~~Health Policy and Cost Control who shall serve at the pleasure~~  
27 ~~of, and be directly responsible to, the director. The Deputy~~  
28 ~~Director for Health Policy and Cost Control shall be~~  
29 ~~responsible for the Division of Health Policy and Cost~~  
30 ~~Control.~~

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1           ~~(5) DEPUTY DIRECTOR FOR STATE HEALTH PURCHASING.--The~~  
2 ~~director shall appoint a Deputy Director for State Health~~  
3 ~~Purchasing who shall serve at the pleasure of, and be directly~~  
4 ~~responsible to, the director. The Deputy Director for State~~  
5 ~~Health Purchasing shall be responsible for the Division of~~  
6 ~~State Health Purchasing.~~

7           ~~(6) DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES.--The~~  
8 ~~director shall appoint a Deputy Director of Administrative~~  
9 ~~Services who shall serve at the pleasure of, and be directly~~  
10 ~~responsible to, the director. The deputy director shall be~~  
11 ~~responsible for the Division of Administrative Services.~~

12           Section 2. All powers, duties and functions, rules,  
13 records, personnel, property, and unexpended balances of  
14 appropriations, allocations, or other funds of the Agency for  
15 Health Care Administration within the Department of Business  
16 and Professional Regulation are transferred by a type one  
17 transfer, as defined in s. 20.06(1), Florida Statutes, to the  
18 Department of Agency for Health Care Administration, as  
19 created by this act.

20           Section 3. Subsection (18) of section 440.134, Florida  
21 Statutes, is amended to read:

22           440.134 Workers' compensation managed care  
23 arrangement.--

24           (18) The agency shall have exclusive jurisdiction over  
25 workers' compensation managed care arrangements and to  
26 investigate the quality of medical services provided by a  
27 workers' compensation managed care arrangement.The agency may  
28 suspend the authority of an insurer to offer a workers'  
29 compensation managed care arrangement or order compliance  
30 within 60 days, if it finds that:

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1 (a) The insurer is in substantial violation of its  
2 contracts;

3 (b) The insurer is unable to fulfill its obligations  
4 under outstanding contracts entered into with its employers;

5 (c) The insurer knowingly utilizes a provider who is  
6 furnishing or has furnished health care services and who does  
7 not have an existing license or other authority to practice or  
8 furnish health care services in this state;

9 (d) The insurer no longer meets the requirements for  
10 the authorization as originally issued; or

11 (e) The insurer has violated any lawful rule or order  
12 of the agency or any provision of this section.

13 Section 4. Effective October 1, 2000, 20  
14 full-time-equivalent positions and \$686,835 in salaries and  
15 benefits, and \$135,138 in expenses, are transferred by a type  
16 two transfer, as defined in s. 20.06(2), Florida Statutes,  
17 from the Workers' Compensation Administrative Trust Fund of  
18 the Department of Labor and Employment Security to the Agency  
19 for Health Care Administration to carry out the agency's  
20 responsibilities under s. 440.134, Florida Statutes, relating  
21 to workers' compensation managed care arrangements.

22 Section 5. This act shall take effect October 1, 2000.  
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HOUSE SUMMARY

Creates the Department of Agency for Health Care Administration, also to be known as the Agency for Health Care Administration. Transfers the Agency for Health Care Administration of the Department of Business and Professional Regulation to the new department. Provides for appointment of the Secretary for Health Care Administration by the Governor, subject to confirmation by the Senate. Provides for administration and responsibilities of the department. Provides exclusive jurisdiction of the department over workers' compensation managed care arrangements and investigations regarding medical services provided under such arrangements. Provides for transfer of 20 positions, and funds for salaries, benefits, and expenses, from the Workers' Compensation Administrative Trust Fund of the Department of Labor and Employment Security to the department to carry out the department's responsibilities relating to workers' compensation managed care arrangements.