

By Senator Lee

23-737B-00

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; providing
 7 for the agency head to be the Secretary of
 8 Health Care Administration; revising duties of
 9 the agency; deleting references to deputy
 10 directors; requiring a study of quality
 11 performance indicators; requiring a report;
 12 providing for rules; amending s. 440.134, F.S.;
 13 providing for fines for certain insurers
 14 providing workers' compensation without agency
 15 authorization; providing an effective date.

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

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

21 20.42 Agency for Health Care Administration.--There is
 22 created a department called the Department of the Agency for
 23 Health Care Administration ~~within the Department of Business~~
 24 ~~and Professional Regulation. The agency shall be a separate~~
 25 ~~budget entity, and the director of the agency shall be the~~
 26 ~~agency head for all purposes. The agency shall not be subject~~
 27 ~~to control, supervision, or direction by the Department of~~
 28 ~~Business and Professional Regulation in any manner, including,~~
 29 ~~but not limited to, personnel, purchasing, transactions~~
 30 ~~involving real or personal property, and budgetary matters.~~

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1 (1) ~~DIRECTOR OF HEALTH CARE ADMINISTRATION.~~ The head
2 of the department agency is the Secretary for Director of
3 Health Care Administration, who shall be appointed by the
4 Governor. The secretary director shall serve at the pleasure
5 of and report to the Governor, subject to confirmation by the
6 Senate. The requirement for Senate confirmation applies to any
7 person appointed on or after October 1, 1999.

8 (2) ~~ORGANIZATION OF THE AGENCY.~~ The department is
9 agency shall be organized as follows:

10 (a) ~~The Division of Health Quality Assurance, which~~
11 ~~shall be~~ responsible for health facility licensure and
12 inspection, consumer protection, certificates of need, health
13 facility cost regulation, investigation of consumer
14 complaints, and any other duty prescribed by statute or
15 agreement. The department is responsible for health
16 statistics, health policy and planning, workers' compensation
17 medical-related functions, managed care, the Medicaid program,
18 the Florida Healthy Kids Corporation, and the Florida Health
19 Access Corporation program.

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

25 (c) ~~The Division of State Health Purchasing shall be~~
26 ~~responsible for the Medicaid program. The division shall also~~
27 ~~administer the contracts with the Florida Health Access~~
28 ~~Corporation program and the Florida Health Care Purchasing~~
29 ~~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) The secretary, for the department, shall
5 administer the affairs of the department and may allocate its
6 human resources and technological resources as necessary to
7 discharge the powers and duties of the department.

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

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

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

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

1 Section 2. The Department of the Agency for Health
2 Care Administration shall conduct a study in conjunction with
3 all stakeholders to identify quality performance indicators,
4 including, but not limited to, structure, outcomes, and
5 process, and the cost of implementing a quality performance
6 measurement program. The department may collect data necessary
7 to conduct the study and implement the workers' compensation
8 medical performance measurement program. The department shall
9 adopt rules to implement the workers' compensation medical
10 performance measurement program. The department shall report
11 the study findings to the Legislature by July 1, 2001.

12 Section 3. Present subsections (23)-(25) of section
13 440.134, Florida Statutes, are renumbered as subsections
14 (24)-(26), respectively, and a new subsection (23) is added to
15 that section, to read:

16 440.134 Workers' compensation managed care
17 arrangement.--

18 (23) Any insurer that provides workers' compensation
19 medical services to employees injured after January 1, 1997,
20 and that has not obtained authorization for a workers'
21 compensation managed care arrangement and therefore is in
22 violation of paragraph (2)(b) is subject to a fine by the
23 agency in accordance with this section. With respect to any
24 nonwillful violation, such fine may not exceed \$2,500 a day.
25 In no event may such fine exceed an aggregate amount of
26 \$10,000 for all nonwillful violations arising out of the same
27 action. With respect to any knowing and willful violation, the
28 agency may impose a fine on the insurer in an amount not to
29 exceed \$20,000 a day. In no event may such fine exceed an
30 aggregate amount of \$100,000 for all knowing and willful
31 violations arising out of the same action.

1 Section 4. All powers, duties, functions, rules,
2 records, personnel, property, and unexpended balances of
3 appropriations, allocations, and other funds of the Division
4 of Workers' Compensation related to medical services and
5 supplies, dispute resolution, and medical data reporting
6 requirements, as established in chapter 440, Florida Statutes,
7 are transferred by a type two transfer, as defined in section
8 20.06, Florida Statutes, to the Agency for Health Care
9 Administration.

10 Section 5. This act shall take effect October 1, 2000.

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13 SENATE SUMMARY

14 Reorganizes the Agency for Health Care Administration so
15 that it is no longer under the Department of Business and
16 Professional Regulation and renames it the Department of
17 the Agency for Health Care Administration. Changes the
18 agency head to a Secretary of Health Care Administration.
19 Transfers to the agency those duties of the Division of
20 Workers' Compensation relating to medical services and
21 supplies, dispute resolution, and medical data reporting
22 requirements. Requires the agency to conduct a study of
23 quality performance indicators. Provides for fines for
24 certain insurers providing workers' compensation coverage
25 who have not obtained authorization for managed care
26 arrangements.