

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to health care information; providing a
7 short title; providing purpose; amending s. 408.05, F.S.;
8 renaming the State Center for Health Statistics; revising
9 criteria for collection and use of certain health-related
10 data; providing responsibilities of the Agency for Health
11 Care Administration; providing for agency consultation
12 with the State Consumer Health Information and Policy
13 Advisory Council for the dissemination of certain consumer
14 information; requiring the Florida Center for Health
15 Information and Policy Analysis to provide certain
16 technical assistance services; authorizing the agency to
17 monitor certain grants; removing a provision that
18 establishes the Comprehensive Health Information System
19 Trust Fund as the repository of certain funds; renaming
20 the State Comprehensive Health Information System Advisory
21 Council; providing for duties and responsibilities of the
22 State Consumer Health Information and Policy Advisory
23 Council; providing for membership, terms, officers, and

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24 meetings; amending s. 408.061, F.S.; providing for health
 25 care providers to submit additional data to the agency;
 26 correcting a reference; amending s. 408.062, F.S.;
 27 revising provisions relating to availability of specified
 28 information on the agency's Internet website; requiring a
 29 report; removing an obsolete provision; authorizing the
 30 agency to develop an electronic health information
 31 network; amending ss. 20.42, 381.001, 395.602, 395.6025,
 32 408.07, and 408.18, F.S.; conforming references to changes
 33 made by the act; amending ss. 381.026, 395.301, 627.6499,
 34 and 641.54, F.S.; conforming a cross-reference; amending
 35 s. 465.0244, F.S.; conforming a cross-reference;
 36 prohibiting pharmacies from entering into contracts with
 37 insurers and health maintenance organizations under
 38 certain circumstances; providing communication criteria
 39 for insurers and health maintenance organizations;
 40 providing an effective date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43
 44 Section 1. This act may be cited as the "Coordinated
 45 Health Care Information and Transparency Act of 2006."

46 Section 2. The purpose of this act is to provide better
 47 coordination of health information for purposes of public
 48 health, policy analysis, and transparency of consumer health
 49 care information.

50 Section 3. Section 408.05, Florida Statutes, is amended to
 51 read:

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52 408.05 Florida State Center for Health Information and
53 Policy Analysis Statistics.--

54 (1) ESTABLISHMENT.--The agency shall establish a Florida
55 State Center for Health Information and Policy Analysis
56 Statistics. The center shall establish a comprehensive health
57 information system to provide for the collection, compilation,
58 coordination, analysis, indexing, dissemination, and utilization
59 of both purposefully collected and extant health-related data
60 and statistics. The center shall be staffed with public health
61 experts, biostatisticians, information system analysts, health
62 policy experts, economists, and other staff necessary to carry
63 out its functions.

64 (2) HEALTH-RELATED DATA STATISTICS.--The comprehensive
65 health information system operated by the Florida State Center
66 for Health Information and Policy Analysis Statistics shall
67 identify the best available data sources and coordinate the
68 compilation of extant health-related data and statistics and
69 purposefully collect data on:

70 (a) The extent and nature of illness and disability of the
71 state population, including life expectancy, the incidence of
72 various acute and chronic illnesses, and infant and maternal
73 morbidity and mortality.

74 (b) The impact of illness and disability of the state
75 population on the state economy and on other aspects of the
76 well-being of the people in this state.

77 (c) Environmental, social, and other health hazards.

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78 (d) Health knowledge and practices of the people in this
79 state and determinants of health and nutritional practices and
80 status.

81 (e) Health resources, including physicians, dentists,
82 nurses, and other health professionals, by specialty and type of
83 practice and acute, long-term care and other institutional care
84 facility supplies and specific services provided by hospitals,
85 nursing homes, home health agencies, and other health care
86 facilities.

87 (f) Utilization of health care by type of provider.

88 (g) Health care costs and financing, including trends in
89 health care prices and costs, the sources of payment for health
90 care services, and federal, state, and local expenditures for
91 health care.

92 (h) Family formation, growth, and dissolution.

93 (i) The extent of public and private health insurance
94 coverage in this state.

95 (j) The quality of care provided by various health care
96 providers.

97 (3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.--In order to
98 produce comparable and uniform health information and statistics
99 for the development of policy recommendations, the agency shall
100 perform the following functions:

101 (a) Coordinate the activities of state agencies involved
102 in the design and implementation of the comprehensive health
103 information system.

104 (b) Undertake research, development, and evaluation
105 respecting the comprehensive health information system.

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106 (c) Review the statistical activities of state agencies to
107 ensure ~~the Department of Health to assure~~ that they are
108 consistent with the comprehensive health information system.

109 (d) Develop written agreements with local, state, and
110 federal agencies for the sharing of health-care-related data or
111 using the facilities and services of such agencies. State
112 agencies, local health councils, and other agencies under state
113 ~~contract with the Department of Health~~ shall assist the center
114 in obtaining, compiling, and transferring health-care-related
115 data maintained by state and local agencies. Written agreements
116 must specify the types, methods, and periodicity of data
117 exchanges and specify the types of data that will be transferred
118 to the center.

119 (e) ~~The agency shall~~ Establish by rule the types of data
120 collected, compiled, processed, used, or shared. Decisions
121 regarding center data sets should be made based on consultation
122 with the State Consumer Comprehensive Health Information and
123 Policy System Advisory Council and other public and private
124 users regarding the types of data which should be collected and
125 their uses.

126 ~~(f)~~ The center shall establish standardized means for
127 collecting health information and statistics under laws and
128 rules administered by the agency.

129 (f) ~~(g)~~ Establish minimum health-care-related data sets
130 which are necessary on a continuing basis to fulfill the
131 collection requirements of the center and which shall be used by
132 state agencies in collecting and compiling health-care-related
133 data. The agency shall periodically review ongoing health care

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134 data collections of the Department of Health and other state
135 agencies to determine if the collections are being conducted in
136 accordance with the established minimum sets of data.

137 (g)~~(h)~~ Establish advisory standards to ensure ~~assure~~ the
138 quality of health statistical and epidemiological data
139 collection, processing, and analysis by local, state, and
140 private organizations.

141 (h)~~(i)~~ Prescribe standards for the publication of health-
142 care-related data reported pursuant to this section which ensure
143 the reporting of accurate, valid, reliable, complete, and
144 comparable data. Such standards should include advisory warnings
145 to users of the data regarding the status and quality of any
146 data reported by or available from the center.

147 (i)~~(j)~~ Prescribe standards for the maintenance and
148 preservation of the center's data. This should include methods
149 for archiving data, retrieval of archived data, and data editing
150 and verification.

151 (j)~~(k)~~ Ensure that strict quality control measures are
152 maintained for the dissemination of data through publications,
153 studies, or user requests.

154 (k)~~(l)~~ Develop, in conjunction with the State Consumer
155 Comprehensive Health Information and Policy System ~~System~~ Advisory
156 Council, and implement a long-range plan for making available
157 health care quality measures performance outcome ~~performance outcome~~ and financial
158 data that will allow consumers to compare health care services.
159 The health care quality measures performance outcomes ~~performance outcomes~~ and
160 financial data the agency must make available shall include, but
161 is not limited to, pharmaceuticals, physicians, health care

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162 facilities, and health plans and managed care entities. The
163 agency shall submit the initial plan to the Governor, the
164 President of the Senate, and the Speaker of the House of
165 Representatives by January 1, 2006, and shall update the plan
166 and report on the status of its implementation annually
167 thereafter. The agency shall also make the plan and status
168 report available to the public on its Internet website. As part
169 of the plan, the agency shall identify the process and
170 timeframes for implementation, any barriers to implementation,
171 and recommendations of changes in the law that may be enacted by
172 the Legislature to eliminate the barriers. As preliminary
173 elements of the plan, the agency shall:

174 1. Make available patient-safety indicators, inpatient
175 quality indicators, and performance outcome and patient charge
176 data collected from health care facilities pursuant to s.
177 408.061(1)(a) and (2). The terms "patient-safety indicators" and
178 "inpatient quality indicators" shall be as defined by the
179 Centers for Medicare and Medicaid Services, the National Quality
180 Forum, the Joint Commission on Accreditation of Healthcare
181 Organizations, the Agency for Healthcare Research and Quality,
182 the Centers for Disease Control and Prevention, or a similar
183 national entity that establishes standards to measure the
184 performance of health care providers, or by other states. The
185 agency shall determine which conditions, ~~and~~ procedures, health
186 care quality measures ~~performance outcomes~~, and patient charge
187 data to disclose based upon input from the council. When
188 determining which conditions and procedures are to be disclosed,
189 the council and the agency shall consider variation in costs,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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190 variation in outcomes, and magnitude of variations and other
 191 relevant information. When determining which health care quality
 192 measures ~~performance outcomes~~ to disclose, the agency:

193 a. Shall consider such factors as volume of cases; average
 194 patient charges; average length of stay; complication rates;
 195 mortality rates; and infection rates, among others, which shall
 196 be adjusted for case mix and severity, if applicable.

197 b. May consider such additional measures that are adopted
 198 by the Centers for Medicare and Medicaid Studies, National
 199 Quality Forum, the Joint Commission on Accreditation of
 200 Healthcare Organizations, the Agency for Healthcare Research and
 201 Quality, Centers for Disease Control and Prevention, or a
 202 similar national entity that establishes standards to measure
 203 the performance of health care providers, or by other states.
 204

205 When determining which patient charge data to disclose, the
 206 agency shall consider such measures as average charge, average
 207 net revenue per adjusted patient day, average cost per adjusted
 208 patient day, and average cost per admission, among others.

209 2. Make available performance measures, benefit design,
 210 and premium cost data from health plans licensed pursuant to
 211 chapter 627 or chapter 641. The agency shall determine which
 212 health care quality measures ~~performance outcome~~ and member and
 213 subscriber cost data to disclose, based upon input from the
 214 council. When determining which data to disclose, the agency
 215 shall consider information that may be required by either
 216 individual or group purchasers to assess the value of the
 217 product, which may include membership satisfaction, quality of

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218 care, current enrollment or membership, coverage areas,
219 accreditation status, premium costs, plan costs, premium
220 increases, range of benefits, copayments and deductibles,
221 accuracy and speed of claims payment, credentials of physicians,
222 number of providers, names of network providers, and hospitals
223 in the network. Health plans shall make available to the agency
224 any such data or information that is not currently reported to
225 the agency or the office.

226 3. Determine the method and format for public disclosure
227 of data reported pursuant to this paragraph. The agency shall
228 make its determination based upon input from the State Consumer
229 Comprehensive Health Information and Policy System ~~System~~ Advisory
230 Council. At a minimum, the data shall be made available on the
231 agency's Internet website in a manner that allows consumers to
232 conduct an interactive search that allows them to view and
233 compare the information for specific providers. The website must
234 include such additional information as is determined necessary
235 to ensure that the website enhances informed decisionmaking
236 among consumers and health care purchasers, which shall include,
237 at a minimum, appropriate guidance on how to use the data and an
238 explanation of why the data may vary from provider to provider.
239 The data specified in subparagraph 1. shall be released no later
240 than January 1, 2006, for the reporting of infection rates, and
241 no later than October 1, 2005, for mortality rates and
242 complication rates. The data specified in subparagraph 2. shall
243 be released no later than October 1, 2006.

244 (4) TECHNICAL ASSISTANCE.--

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245 (a) The center shall provide technical assistance to
246 persons or organizations engaged in health planning activities
247 in the effective use of statistics collected and compiled by the
248 center. The center shall also provide the following additional
249 technical assistance services:

250 1.(a) Establish procedures identifying the circumstances
251 under which, the places at which, the persons from whom, and the
252 methods by which a person may secure data from the center,
253 including procedures governing requests, the ordering of
254 requests, timeframes for handling requests, and other procedures
255 necessary to facilitate the use of the center's data. To the
256 extent possible, the center should provide current data timely
257 in response to requests from public or private agencies.

258 2.(b) Provide assistance to data sources and users in the
259 areas of database design, survey design, sampling procedures,
260 statistical interpretation, and data access to promote improved
261 health-care-related data sets.

262 3.(e) Identify health care data gaps and provide technical
263 assistance to ~~seek cooperative agreements with~~ other public or
264 private organizations for meeting documented health care data
265 needs.

266 4.(d) Assist other organizations in developing statistical
267 abstracts of their data sets that could be used by the center.

268 5.(e) Provide statistical support to state agencies with
269 regard to the use of databases maintained by the center.

270 6.(f) To the extent possible, respond to multiple requests
271 for information not currently collected by the center or
272 available from other sources by initiating data collection.

273 ~~7.(g)~~ Maintain detailed information on data maintained by
 274 other local, state, federal, and private agencies in order to
 275 advise those who use the center of potential sources of data
 276 which are requested but which are not available from the center.

277 ~~8.(h)~~ Respond to requests for data which are not available
 278 in published form by initiating special computer runs on data
 279 sets available to the center.

280 9. Monitor innovations in health information technology,
 281 informatics, and the exchange of health information and maintain
 282 a repository of technical resources to support the development
 283 of a health information network.

284 (b) The agency shall administer, manage, and monitor
 285 grants to not-for-profit organizations, regional health
 286 information organizations, public health departments, or state
 287 agencies that submit proposals for planning, implementation, or
 288 training projects to advance the development of a health
 289 information network. Any grant contract shall be evaluated to
 290 ensure the effective outcome of the health information project.

291 (c) The agency shall initiate, oversee, manage, and
 292 evaluate the integration of health care data from each state
 293 agency that collects, stores, and reports on health care issues
 294 and make that data available to any health care practitioner
 295 through a state health information network.

296 (5) PUBLICATIONS; REPORTS; SPECIAL STUDIES.--The center
 297 shall provide for the widespread dissemination of data which it
 298 collects and analyzes. The center shall have the following
 299 publication, reporting, and special study functions:

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300 (a) The center shall publish and make available
301 periodically to agencies and individuals health statistics
302 publications of general interest, including health plan consumer
303 reports and health maintenance organization member satisfaction
304 surveys ~~HMO report cards~~; publications providing health
305 statistics on topical health policy issues; publications that
306 provide health status profiles of the people in this state; and
307 other topical health statistics publications.

308 (b) The center shall publish, make available, and
309 disseminate, promptly and as widely as practicable, the results
310 of special health surveys, health care research, and health care
311 evaluations conducted or supported under this section. Any
312 publication by the center must include a statement of the
313 limitations on the quality, accuracy, and completeness of the
314 data.

315 (c) The center shall provide indexing, abstracting,
316 translation, publication, and other services leading to a more
317 effective and timely dissemination of health care statistics.

318 (d) The center shall be responsible for publishing and
319 disseminating an annual report on the center's activities.

320 (e) The center shall be responsible, to the extent
321 resources are available, for conducting a variety of special
322 studies and surveys to expand the health care information and
323 statistics available for health policy analyses, particularly
324 for the review of public policy issues. The center shall develop
325 a process by which users of the center's data are periodically
326 surveyed regarding critical data needs and the results of the
327 survey considered in determining which special surveys or

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328 studies will be conducted. The center shall select problems in
 329 health care for research, policy analyses, or special data
 330 collections on the basis of their local, regional, or state
 331 importance; the unique potential for definitive research on the
 332 problem; and opportunities for application of the study
 333 findings.

334 (6) PROVIDER DATA REPORTING.--This section does not confer
 335 on the agency the power to demand or require that a health care
 336 provider or professional furnish information, records of
 337 interviews, written reports, statements, notes, memoranda, or
 338 data other than as expressly required by law.

339 (7) BUDGET; FEES; ~~TRUST FUND~~.--

340 (a) The Legislature intends that funding for the Florida
 341 State Center for Health Information and Policy Analysis
 342 Statistics be appropriated from the General Revenue Fund.

343 (b) The Florida State Center for Health Information and
 344 Policy Analysis Statistics may apply for and receive and accept
 345 grants, gifts, and other payments, including property and
 346 services, from any governmental or other public or private
 347 entity or person and make arrangements as to the use of same,
 348 including the undertaking of special studies and other projects
 349 relating to health-care-related topics. Funds obtained pursuant
 350 to this paragraph may not be used to offset annual
 351 appropriations from the General Revenue Fund.

352 (c) The center may charge such reasonable fees for
 353 services as the agency prescribes by rule. The established fees
 354 may not exceed the reasonable cost for such services. Fees

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355 collected may not be used to offset annual appropriations from
356 the General Revenue Fund.

357 ~~(d) The agency shall establish a Comprehensive Health~~
358 ~~Information System Trust Fund as the repository of all funds~~
359 ~~appropriated to, and fees and grants collected for, services of~~
360 ~~the State Center for Health Statistics. Any funds, other than~~
361 ~~funds appropriated to the center from the General Revenue Fund,~~
362 ~~which are raised or collected by the agency for the operation of~~
363 ~~the center and which are not needed to meet the expenses of the~~
364 ~~center for its current fiscal year shall be available to the~~
365 ~~agency in succeeding years.~~

366 (8) STATE CONSUMER ~~COMPREHENSIVE~~ HEALTH INFORMATION AND
367 POLICY ~~SYSTEM~~ ADVISORY COUNCIL.--

368 (a) There is established in the agency the State Consumer
369 Comprehensive Health Information and Policy System Advisory
370 Council to assist the center in reviewing the comprehensive
371 health information system, including the identification,
372 collection, standardization, sharing, and coordination of
373 health-related data, fraud and abuse data, and professional and
374 facility licensing data among federal, state, local, and private
375 entities and to recommend improvements for purposes of public
376 health, policy analysis, and transparency of consumer health
377 care information ~~such system~~. The council shall consist of the
378 following members:

379 1. An employee of the Executive Office of the Governor, to
380 be appointed by the Governor.

381 2. An employee of the Office of Insurance Regulation, to
382 be appointed by the director of the office.

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383 3. An employee of the Department of Education, to be
384 appointed by the Commissioner of Education.

385 4. Ten persons, to be appointed by the Secretary of Health
386 Care Administration, representing other state and local
387 agencies, state universities, business and health ~~the Florida~~
388 ~~Association of Business/Health~~ coalitions, local health
389 councils, professional health-care-related associations,
390 consumers, and purchasers.

391 (b) Each member of the council shall be appointed to serve
392 for a term of 2 4 years following ~~from~~ the date of appointment,
393 except the term of appointment shall end 3 years following the
394 date of appointment for members appointed in 2003, 2004, and
395 2005. ~~that~~ A vacancy shall be filled by appointment for the
396 remainder of the term, and each appointing authority retains the
397 right to reappoint members whose terms of appointment have
398 expired. ~~and except that:~~

399 ~~1. Three of the members initially appointed by the~~
400 ~~Director of Health Care Administration shall each be appointed~~
401 ~~for a term of 3 years.~~

402 ~~2. Two of the members initially appointed by the Director~~
403 ~~of Health Care Administration shall each be appointed for a term~~
404 ~~of 2 years.~~

405 ~~3. Two of the members initially appointed by the Director~~
406 ~~of Health Care Administration shall each be appointed for a term~~
407 ~~of 1 year.~~

408 (c) The council may meet at the call of its chair, at the
409 request of the agency ~~department~~, or at the request of a

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410 majority of its membership, but the council must meet at least
411 quarterly.

412 (d) Members shall elect a chair and vice chair annually.

413 (e) A majority of the members constitutes a quorum, and
414 the affirmative vote of a majority of a quorum is necessary to
415 take action.

416 (f) The council shall maintain minutes of each meeting and
417 shall make such minutes available to any person.

418 (g) Members of the council shall serve without
419 compensation but shall be entitled to receive reimbursement for
420 per diem and travel expenses as provided in s. 112.061.

421 (h) The council's duties and responsibilities include, but
422 are not limited to, the following:

423 1. To develop a mission statement, goals, and a plan of
424 action based on the guiding principles specified in s. 282.3032
425 for the identification, collection, standardization, sharing,
426 and coordination of health-related data across federal, state,
427 and local government and private-sector entities.

428 2. To develop a review process to ensure cooperative
429 planning among agencies that collect or maintain health-related
430 data.

431 3. To create ad hoc issue-oriented technical workgroups on
432 an as-needed basis to make recommendations to the council.

433 (9) APPLICATION TO OTHER AGENCIES.--Nothing in this
434 section shall limit, restrict, affect, or control the
435 collection, analysis, release, or publication of data by any
436 state agency pursuant to its statutory authority, duties, or
437 responsibilities.

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438 Section 4. Paragraph (b) of subsection (1) and subsection
439 (10) of section 408.061, Florida Statutes, are amended to read:

440 408.061 Data collection; uniform systems of financial
441 reporting; information relating to physician charges;
442 confidential information; immunity.--

443 (1) The agency shall require the submission by health care
444 facilities, health care providers, and health insurers of data
445 necessary to carry out the agency's duties. Specifications for
446 data to be collected under this section shall be developed by
447 the agency with the assistance of technical advisory panels
448 including representatives of affected entities, consumers,
449 purchasers, and such other interested parties as may be
450 determined by the agency.

451 (b) Data to be submitted by health care providers may
452 include, but are not limited to: professional organization and
453 specialty board affiliations, Medicare and Medicaid
454 participation, types of services offered to patients, amount of
455 revenue and expenses of the health care provider, and such other
456 data which are reasonably necessary to study utilization
457 patterns. Data submitted shall be certified by the appropriate
458 duly authorized representative or employee of the health care
459 provider that the information submitted is true and accurate.

460 (10) The agency shall be the primary source for collection
461 and dissemination of health care data. No other agency of state
462 government may gather data from a health care provider licensed
463 or regulated under this chapter without first determining if the
464 data is currently being collected by the agency and
465 affirmatively demonstrating that it would be more cost-effective

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466 | for an agency of state government other than the agency to
 467 | gather the health care data. The secretary ~~director~~ shall ensure
 468 | that health care data collected by the divisions within the
 469 | agency is coordinated. It is the express intent of the
 470 | Legislature that all health care data be collected by a single
 471 | source within the agency and that other divisions within the
 472 | agency, and all other agencies of state government, obtain data
 473 | for analysis, regulation, and public dissemination purposes from
 474 | that single source. Confidential information may be released to
 475 | other governmental entities or to parties contracting with the
 476 | agency to perform agency duties or functions as needed in
 477 | connection with the performance of the duties of the receiving
 478 | entity. The receiving entity or party shall retain the
 479 | confidentiality of such information as provided for herein.

480 | Section 5. Paragraphs (h) and (j) of subsection (1) and
 481 | subsections (2) and (5) of section 408.062, Florida Statutes,
 482 | are amended to read:

483 | 408.062 Research, analyses, studies, and reports.--

484 | (1) The agency shall conduct research, analyses, and
 485 | studies relating to health care costs and access to and quality
 486 | of health care services as access and quality are affected by
 487 | changes in health care costs. Such research, analyses, and
 488 | studies shall include, but not be limited to:

489 | (h) The collection of a statistically valid sample of data
 490 | on the retail prices charged by pharmacies for the 100 ~~50~~ most
 491 | frequently prescribed medicines from any pharmacy licensed by
 492 | this state as a special study authorized by the Legislature to
 493 | be performed by the agency quarterly. If the drug is available

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494 generically, price data shall be reported for the generic drug
495 and price data of a brand-named drug for which the generic drug
496 is the equivalent shall be reported. The agency shall make
497 available on its Internet website for each pharmacy, no later
498 than October 1, 2006 ~~2005~~, drug prices for a 30-day supply at a
499 standard dose. The data collected shall be reported for each
500 drug by pharmacy and by metropolitan statistical area or region
501 and updated quarterly.

502 (j) The making available on its Internet website beginning
503 no later than October 1, 2004, and in a hard-copy format upon
504 request, of patient charge, volumes, length of stay, and
505 performance ~~outcome~~ indicators collected from health care
506 facilities pursuant to s. 408.061(1)(a) for specific medical
507 conditions, surgeries, and procedures provided in inpatient and
508 outpatient facilities as determined by the agency. In making the
509 determination of specific medical conditions, surgeries, and
510 procedures to include, the agency shall consider such factors as
511 volume, severity of the illness, urgency of admission,
512 individual and societal costs, and whether the condition is
513 acute or chronic. Performance ~~outcome~~ indicators shall be risk
514 adjusted or severity adjusted, as applicable, using nationally
515 recognized risk adjustment methodologies or software consistent
516 with the standards of the Agency for Healthcare Research and
517 Quality and as selected by the agency. The website shall also
518 provide an interactive search that allows consumers to view and
519 compare the information for specific facilities, a map that
520 allows consumers to select a county or region, definitions of
521 all of the data, descriptions of each procedure, and an

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522 explanation about why the data may differ from facility to
523 facility. Such public data shall be updated quarterly. The
524 agency shall submit an annual status report on the collection of
525 data and publication of health care quality measures performance
526 ~~outcome indicators~~ to the Governor, the Speaker of the House of
527 Representatives, the President of the Senate, and the
528 substantive legislative committees with the first status report
529 due January 1, 2005.

530 (2) The agency may assess annually the caesarean section
531 rate in Florida hospitals using the analysis methodology that
532 the agency determines most appropriate. The data from this
533 assessment shall be published periodically on the agency's
534 Internet website. ~~To assist the agency in determining the impact~~
535 ~~of this chapter on Florida hospitals' caesarean section rates,~~
536 ~~each provider hospital, as defined in s. 383.336, shall notify~~
537 ~~the agency of the date of implementation of the practice~~
538 ~~parameters and the date of the first meeting of the hospital~~
539 ~~peer review board created pursuant to this chapter. The agency~~
540 ~~shall use these dates in monitoring any change in provider~~
541 ~~hospital caesarean section rates. An annual report based on this~~
542 ~~monitoring and assessment shall be submitted to the Governor,~~
543 ~~the Speaker of the House of Representatives, and the President~~
544 ~~of the Senate by the agency, with the first annual report due~~
545 ~~January 1, 1993.~~

546 (5) The agency shall develop and implement a strategy for
547 the adoption and use of electronic health records, including the
548 development of an electronic health information network for the
549 sharing of electronic health records among health care

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550 facilities, health care providers, and health insurers. The
551 agency may develop rules to facilitate the functionality and
552 protect the confidentiality of electronic health records. The
553 agency shall report to the Governor, the Speaker of the House of
554 Representatives, and the President of the Senate on legislative
555 recommendations to protect the confidentiality of electronic
556 health records.

557 Section 6. Subsection (3) of section 20.42, Florida
558 Statutes, is amended to read:

559 20.42 Agency for Health Care Administration.--

560 (3) The department shall be the chief health policy and
561 planning entity for the state. The department is responsible for
562 health facility licensure, inspection, and regulatory
563 enforcement; investigation of consumer complaints related to
564 health care facilities and managed care plans; the
565 implementation of the certificate of need program; the operation
566 of the Florida State Center for Health Information and Policy
567 Analysis Statistics; the administration of the Medicaid program;
568 the administration of the contracts with the Florida Healthy
569 Kids Corporation; the certification of health maintenance
570 organizations and prepaid health clinics as set forth in part
571 III of chapter 641; and any other duties prescribed by statute
572 or agreement.

573 Section 7. Subsection (3) of section 381.001, Florida
574 Statutes, is amended to read:

575 381.001 Legislative intent; public health system.--

576 (3) It is, furthermore, the intent of the Legislature that
577 the public health system include comprehensive planning, data

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578 collection, technical support, and health resource development
579 functions. These functions include, but are not limited to,
580 state laboratory and pharmacy services, the state vital
581 statistics system, the Florida State Center for Health
582 Information and Policy Analysis Statistics, emergency medical
583 services coordination and support, and recruitment, retention,
584 and development of preventive and primary health care
585 professionals and managers.

586 Section 8. Paragraph (e) of subsection (2) of section
587 395.602, Florida Statutes, is amended to read:

588 395.602 Rural hospitals.--

589 (2) DEFINITIONS.--As used in this part:

590 (e) "Rural hospital" means an acute care hospital licensed
591 under this chapter, having 100 or fewer licensed beds and an
592 emergency room, which is:

593 1. The sole provider within a county with a population
594 density of no greater than 100 persons per square mile;

595 2. An acute care hospital, in a county with a population
596 density of no greater than 100 persons per square mile, which is
597 at least 30 minutes of travel time, on normally traveled roads
598 under normal traffic conditions, from any other acute care
599 hospital within the same county;

600 3. A hospital supported by a tax district or subdistrict
601 whose boundaries encompass a population of 100 persons or fewer
602 per square mile;

603 4. A hospital in a constitutional charter county with a
604 population of over 1 million persons that has imposed a local
605 option health service tax pursuant to law and in an area that

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606 | was directly impacted by a catastrophic event on August 24,
607 | 1992, for which the Governor of Florida declared a state of
608 | emergency pursuant to chapter 125, and has 120 beds or less that
609 | serves an agricultural community with an emergency room
610 | utilization of no less than 20,000 visits and a Medicaid
611 | inpatient utilization rate greater than 15 percent;

612 | 5. A hospital with a service area that has a population of
613 | 100 persons or fewer per square mile. As used in this
614 | subparagraph, the term "service area" means the fewest number of
615 | zip codes that account for 75 percent of the hospital's
616 | discharges for the most recent 5-year period, based on
617 | information available from the hospital inpatient discharge
618 | database in the Florida State Center for Health Information and
619 | Policy Analysis Statistics ~~Statistics~~ at the Agency for Health Care
620 | Administration; or

621 | 6. A hospital designated as a critical access hospital, as
622 | defined in s. 408.07(15).

623 |
624 | Population densities used in this paragraph must be based upon
625 | the most recently completed United States census. A hospital
626 | that received funds under s. 409.9116 for a quarter beginning no
627 | later than July 1, 2002, is deemed to have been and shall
628 | continue to be a rural hospital from that date through June 30,
629 | 2012, if the hospital continues to have 100 or fewer licensed
630 | beds and an emergency room, or meets the criteria of
631 | subparagraph 4. An acute care hospital that has not previously
632 | been designated as a rural hospital and that meets the criteria
633 | of this paragraph shall be granted such designation upon

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634 application, including supporting documentation to the Agency
635 for Health Care Administration.

636 Section 9. Section 395.6025, Florida Statutes, is amended
637 to read:

638 395.6025 Rural hospital replacement
639 facilities.--Notwithstanding the provisions of s. 408.036, a
640 hospital defined as a statutory rural hospital in accordance
641 with s. 395.602, or a not-for-profit operator of rural
642 hospitals, is not required to obtain a certificate of need for
643 the construction of a new hospital located in a county with a
644 population of at least 15,000 but no more than 18,000 and a
645 density of less than 30 persons per square mile, or a
646 replacement facility, provided that the replacement, or new,
647 facility is located within 10 miles of the site of the currently
648 licensed rural hospital and within the current primary service
649 area. As used in this section, the term "service area" means the
650 fewest number of zip codes that account for 75 percent of the
651 hospital's discharges for the most recent 5-year period, based
652 on information available from the hospital inpatient discharge
653 database in the Florida State Center for Health Information and
654 Policy Analysis Statistics ~~Statistics~~ at the Agency for Health Care
655 Administration.

656 Section 10. Paragraph (d) of subsection (43) of section
657 408.07, Florida Statutes, is amended to read:

658 408.07 Definitions.--As used in this chapter, with the
659 exception of ss. 408.031-408.045, the term:

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660 (43) "Rural hospital" means an acute care hospital
661 licensed under chapter 395, having 100 or fewer licensed beds
662 and an emergency room, and which is:

663 (d) A hospital with a service area that has a population
664 of 100 persons or fewer per square mile. As used in this
665 paragraph, the term "service area" means the fewest number of
666 zip codes that account for 75 percent of the hospital's
667 discharges for the most recent 5-year period, based on
668 information available from the hospital inpatient discharge
669 database in the Florida State Center for Health Information and
670 Policy Analysis Statistics ~~Statistics~~ at the Agency for Health Care
671 Administration; or

672
673 Population densities used in this subsection must be based upon
674 the most recently completed United States census. A hospital
675 that received funds under s. 409.9116 for a quarter beginning no
676 later than July 1, 2002, is deemed to have been and shall
677 continue to be a rural hospital from that date through June 30,
678 2012, if the hospital continues to have 100 or fewer licensed
679 beds and an emergency room, or meets the criteria of s.
680 395.602(2)(e)4. An acute care hospital that has not previously
681 been designated as a rural hospital and that meets the criteria
682 of this subsection shall be granted such designation upon
683 application, including supporting documentation, to the Agency
684 for Health Care Administration.

685 Section 11. Paragraph (a) of subsection (4) of section
686 408.18, Florida Statutes, is amended to read:

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687 408.18 Health Care Community Antitrust Guidance Act;
688 antitrust no-action letter; market-information collection and
689 education.--

690 (4) (a) Members of the health care community who seek
691 antitrust guidance may request a review of their proposed
692 business activity by the Attorney General's office. In
693 conducting its review, the Attorney General's office may seek
694 whatever documentation, data, or other material it deems
695 necessary from the Agency for Health Care Administration, the
696 Florida State Center for Health Information and Policy Analysis
697 ~~Statistics~~, and the Office of Insurance Regulation of the
698 Financial Services Commission.

699 Section 12. Paragraph (c) of subsection (4) of section
700 381.026, Florida Statutes, is amended to read:

701 381.026 Florida Patient's Bill of Rights and
702 Responsibilities.--

703 (4) RIGHTS OF PATIENTS.--Each health care facility or
704 provider shall observe the following standards:

705 (c) Financial information and disclosure.--

706 1. A patient has the right to be given, upon request, by
707 the responsible provider, his or her designee, or a
708 representative of the health care facility full information and
709 necessary counseling on the availability of known financial
710 resources for the patient's health care.

711 2. A health care provider or a health care facility shall,
712 upon request, disclose to each patient who is eligible for
713 Medicare, in advance of treatment, whether the health care
714 provider or the health care facility in which the patient is

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715 receiving medical services accepts assignment under Medicare
716 reimbursement as payment in full for medical services and
717 treatment rendered in the health care provider's office or
718 health care facility.

719 3. A health care provider or a health care facility shall,
720 upon request, furnish a person, prior to provision of medical
721 services, a reasonable estimate of charges for such services.
722 Such reasonable estimate shall not preclude the health care
723 provider or health care facility from exceeding the estimate or
724 making additional charges based on changes in the patient's
725 condition or treatment needs.

726 4. Each licensed facility not operated by the state shall
727 make available to the public on its Internet website or by other
728 electronic means a description of and a link to the performance
729 outcome and financial data that is published by the agency
730 pursuant to s. 408.05(3) (k) ~~(1)~~. The facility shall place a
731 notice in the reception area that such information is available
732 electronically and the website address. The licensed facility
733 may indicate that the pricing information is based on a
734 compilation of charges for the average patient and that each
735 patient's bill may vary from the average depending upon the
736 severity of illness and individual resources consumed. The
737 licensed facility may also indicate that the price of service is
738 negotiable for eligible patients based upon the patient's
739 ability to pay.

740 5. A patient has the right to receive a copy of an
741 itemized bill upon request. A patient has a right to be given an
742 explanation of charges upon request.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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743 Section 13. Subsection (10) of section 395.301, Florida
744 Statutes, is amended to read:

745 395.301 Itemized patient bill; form and content prescribed
746 by the agency.--

747 (10) Each licensed facility shall make available on its
748 Internet website a link to the performance outcome and financial
749 data that is published by the Agency for Health Care
750 Administration pursuant to s. 408.05(3) (k)~~(l)~~. The facility
751 shall place a notice in the reception area that the information
752 is available electronically and the facility's Internet website
753 address.

754 Section 14. Section 465.0244, Florida Statutes, is amended
755 to read:

756 465.0244 Information disclosure.--

757 (1) Every pharmacy shall make available on its Internet
758 website a link to the performance outcome and financial data
759 that is published by the Agency for Health Care Administration
760 pursuant to s. 408.05(3) (k)~~(l)~~ and shall place in the area where
761 customers receive filled prescriptions notice that such
762 information is available electronically and the address of its
763 Internet website.

764 (2) A pharmacy may not enter into a contract with an
765 insurer or health maintenance organization that in any way
766 prohibits, restricts, or discourages the insurer or health
767 maintenance organization from communicating to enrollees or
768 providers any information on the prices of medications charged
769 by the pharmacy.

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770 Section 15. Subsection (2) of section 627.6499, Florida
771 Statutes, is amended to read:

772 627.6499 Reporting by insurers and third-party
773 administrators.--

774 (2) Each health insurance issuer shall make available on
775 its Internet website a link to the performance outcome and
776 financial data that is published by the Agency for Health Care
777 Administration pursuant to s. 408.05(3) (k) ~~(l)~~ and shall include
778 in every policy delivered or issued for delivery to any person
779 in the state or any materials provided as required by s.
780 627.64725 notice that such information is available
781 electronically and the address of its Internet website.

782 Section 16. Subsection (7) of section 641.54, Florida
783 Statutes, is amended to read:

784 641.54 Information disclosure.--

785 (7) Each health maintenance organization shall make
786 available on its Internet website a link to the performance
787 outcome and financial data that is published by the Agency for
788 Health Care Administration pursuant to s. 408.05(3) (k) ~~(l)~~ and
789 shall include in every policy delivered or issued for delivery
790 to any person in the state or any materials provided as required
791 by s. 627.64725 notice that such information is available
792 electronically and the address of its Internet website.

793 Section 17. This act shall take effect upon becoming a
794 law.