

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1575

Rural Health Care

SPONSOR(S): Coley

TIED BILLS:

IDEN./SIM. BILLS: SB 424

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Health Innovation</u>	<u>7 Y, 0 N</u>	<u>Ciccone</u>	<u>Calamas</u>
2) <u>Healthcare Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

House Bill 1575 provides legislative findings and intent regarding the efficient and effective delivery of health care services in rural areas and provides statutory changes regarding the state's rural health care networks and service delivery systems.

The bill expands duties and functions of the Office of Rural Health (office) within the Department of Health (department) to address the overall rural health care service delivery system. The bill directs the office to work with rural health care stakeholders to improve primary care access, pre-hospital emergency care, inpatient acute care and emergency medical services and coordination among these entities and services. The bill creates a ten-member advisory council within the department, with five members appointed by the department and five members appointed by the Agency for Health Care Administration (agency). The department is directed to staff the advisory council and to submit an annual report to the Governor, the Senate President and the Speaker of the House beginning July 1, 2008, summarizing the rural health office's activities including grants obtained or administered by the office, the status of rural health networks and rural hospitals, and provide recommendations to improve the rural health delivery system.

The bill requires county health department participation in a rural health network and requires each rural health network to have their principal place of business in the designated rural area and to have an independent governing board. The bill requires networks to coordinate with health education and planning entities regarding current technology, telemedicine, and long-distance learning. The bill specifies that rural health networks may qualify for certain funds, including funds to develop a strategic plan regarding joint contracting disease management under Medicaid requirements, regional quality improvement programs, specialty networks, regional broadband communications, and telemedicine and distance learning capacity.

The bill amends chapters 395, 408 and 409, F.S., regarding agency responsibilities for hospital regulation and Medicaid administration. Chapter 395, F.S., is revised to include the definition of "rural critical access hospital", to conform to federal regulation terminology. Rural primary care hospitals are redefined to authorize temporary inpatient care for a longer period of time from seventy-two hours to ninety-six hours. The bill further redefines rural primary care hospitals as having a minimum of six beds, rather than a maximum of six beds.

The bill provides increased annual funding for department grants to rural hospitals from \$100,000 to \$200,000, and establishes distribution requirements for remaining appropriated funds. Moreover, the bill provides a 10% bonus payment for Medicaid services provided by physicians in rural counties, and directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to study rural hospital financing options or replacing or changing the use of rural hospital facilities. Finally, the bill appropriates a total of \$19,860,475 (\$11,902,919 recurring and \$7,957,556 nonrecurring) for purposes of implementing provisions of this legislation.

The bill provides an effective date of July 1, 2007.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Limited government – The bill directs the Office of Rural Health within the Department of Health to coordinate rural health service delivery among existing and developing rural health care service providers. The bill directs the Office of Rural Health within the Department of Health to make recommendations to the Governor, the Senate President and the Speaker of the House to make recommendations regarding the status and evolution of rural health delivery systems and facilities.

B. EFFECT OF PROPOSED CHANGES:

House Bill 1575 reorganizes the Department of Health Office of Rural Health, rural health networks, and creates an advisory council to assist networks to develop administrative and clinical plans to coordinate health delivery services. Networks would be required to be actively involved with service providers in rural areas and develop model quality improvement plans, including distance learning, and use of telemedicine. Rural primary care hospitals would be authorized to provide inpatient care for a longer period of time from seventy-two hours to ninety-six hours. The bill allows rural primary care hospitals to increase bed capacity by redefining rural primary care hospitals as having a minimum of six beds, rather than a maximum of six beds.

The bill revises the language governing hospital regulation to more accurately reflect categories of hospitals and align the statutory definitions with Medicare and Medicaid regulations. Medicaid swing-bed reimbursement will be treated the same for rural primary care hospitals as for rural hospitals. Rural hospitals will be able to receive a grant of \$200,000 annually for facility improvement, rather than the current \$100,000 grant. Additional funds could be provided on the basis of hospitals providing evidence of financial stability and sustainability of proposed projects.

Physicians who provide services in rural areas would receive a 10 percent bonus in Medicaid reimbursement.

Background

Chapter 381, F.S., authorizes the Department of Health (department) to establish the Office of Rural Health (office) and create rural health networks to help alleviate problems with the availability of health care services in rural areas.

Section 395.602, F.S., defines rural hospitals and includes an obsolete definition based on prior federal regulations for rural primary care hospitals that authorize such facilities to have a maximum of six licensed acute care inpatient beds, to provide twenty-four hour emergency care and temporary inpatient care for up to seventy-two hours. The existing statutory section authorizes the agency to adopt rules to license a facility as a rural primary care hospital or emergency care hospital and rules to specify requirements for making 24-hour emergency care available in the event a licensed hospital has discontinued inpatient care.

Section 395.6061, F.S., establishes a capital improvement grant program for rural hospitals and requires that a grant application include a rural health network plan and the hospital's financial status. Current law provides for a minimum \$100,000 annual grant to each rural hospital that applies to the department.

C. SECTION DIRECTORY:

Section 1. Amends s. 381.0405, F.S., relating to the Office of Rural Health within the Department of Health, and creates new subsections (7), relating to the advisory council and (8), relating to the reporting requirements of the Office of Rural Health; rennumbers subsequent subsection.

Section 2. Amends s. 381.0406, F.S.; relating to rural health networks.

Section 3. Amends s. 395.602(2), F.S.; relating to rural hospital definitions.

Section 4. Amends s. 395.603(1), F.S.; relating to general hospital bed deactivation.

Section 5. Amends s. 395.604, F.S.; relating to rural primary care hospitals; creates new subsections (3) through (8), relating to rural primary care hospital bed reimbursement, primary care services and licensure.

Section 6. Amends s. 395.6061, F.S.; relating to rural hospital capital improvement.

Section 7. Amends s. 409.908(12), F.S.; relating to Medicaid provider reimbursement.

Section 8. Amends s. 408.07(43), F.S.; relating to rural hospital definitions.

Section 9. Amends s. 409.9116(6), F.S.; relating to rural hospital disproportionate share/financial assistance program.

Section 10. Amends s. 1009.65(b) (2), F.S.; relating to medical education reimbursement and loan repayment program.

Section 11. Creates an unnumbered section of statute relating the Office of Program Policy Analysis and Government Accountability (OPPAGA); providing for report to be submitted to the Legislature.

Section 12. Repeals s. 395.605, F.S.

Section 13. Provides a \$440,000 appropriation in nonrecurring general revenue from the General Revenue fund to the OPPAGA for the 2007-2008 fiscal year to implement section 11 of this act.

Section 14. Provides a \$4,638,709 appropriation in nonrecurring general revenue from the General Revenue fund and \$5,067,392 in recurring revenue from the Medical Care Trust Fund to the Agency for Health Care Administration for the 2007-2008 fiscal year to implement the 10 percent Medicaid fee schedule bonus payment to physicians providing health care services in rural areas.

Section 15. Provides \$3 million in recurring general revenue from the General Revenue Fund to the Department of Health for the 2007-2008 fiscal year to implement rural health network infrastructure development.

Section 16. Provides \$7.5 million in nonrecurring revenue from the General Revenue Fund to the Department of Health for the 2007-2008 fiscal year to implement the rural hospital capital improvement grant program.

Section 17. Provides \$196,818 in recurring revenue from the General Revenue fund and \$17,556 in nonrecurring revenue from the General Revenue Fund to the Department of Health, and three full-time equivalent positions and related salary rate of \$121,619.

Section 18. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

	<u>FY 2007-08</u>	<u>FY 2008-09</u>
Agency for Health Care Administration		
Recurring:		
Title XIX Medicaid Match	\$5,043,227	\$7,050,435
Federal Refugee Assistance	\$40,570	\$56,717
Total	\$5,083,797	\$7,107,152

2. Expenditures:

	<u>FY 2007-08</u>	<u>FY 2008-09</u>
Agency for Health Care Administration		
Recurring:		
Payment of 10% Medicaid bonus	\$8,706,101	\$12,171,136
Total	\$8,706,101	\$12,171,136¹
<i>Funding:</i>		
General Revenue Fund (41.61%)	\$3,622,304	\$5,063,984
Medical Care Trust Fund (57.93%)	\$5,043,227	\$7,050,435
Refugee Assistance Trust Fund (.47%)	\$40,570	\$56,717

Department of Health

Recurring		
To implement rural health network	\$3,000,000	\$3,000,000
Salary and Expenses (3 FTE)	\$196,818	\$196,818
Nonrecurring		
To implement rural hospital capital improvement grant program	\$7,500,000	\$0
Expenses	\$17,556	\$0
Total	\$10,714,374	\$3,196,818

The Office of Program Policy Analysis and Government Accountability

Nonrecurring General Revenue:		
Rural Hospital Facility Utilization Study	\$440,000	\$0

¹ This figure is annualized, and includes a 5% rate increase for growth.

Total	\$440,000	\$0
<u>GRAND TOTAL</u>		
Recurring	\$11,902,919	\$15,367,954
Nonrecurring	\$7,957,556	\$0
	<u>\$19,860,475</u>	<u>\$15,367,954</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Under HB 1575, rural hospitals will be able to receive a grant of \$200,000 annually for facility improvement, rather than the current \$100,000 grant.

D. FISCAL COMMENTS:

AHCA notes that the \$8,706,101 appropriated in HB 1575 for the purpose of payment of a 10% bonus over the Medicaid physician fee schedule excludes the Refugee Assistance Trust Fund as a funding source for this eligibility group. Accordingly, the bill's specified funding source amounts have been adjusted in this analysis to include the appropriate funding percent from the Refugee Assistance Trust Fund.

Additionally, the Department of Health reports that "[t]he General Counsel's Office expects increased litigation as a result of the changes in the rural health network statute that add Level I and II performance standards and the addition of infrastructure development grant funding." To handle this anticipated increased legal workload, the department recommends authorizing a .5 FTE senior attorney position and a .5 FTE staff assistant position. According to the analysis provided by the department, authorization of these positions would require \$75,458 in recurring revenue and \$8,959 in nonrecurring revenue.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

D. STATEMENT OF THE SPONSOR

No statement provided.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 20, 2007, the Health Innovation Committee adopted two amendments to the bill. These amendments:

- Created the Office of Minority Health within the Department of Health.
- Revised the effective date contingent upon a specific appropriation.

The bill was reported favorably with two amendments.