

By Senator Perry

8-01170-17

20171434__

1 A bill to be entitled
2 An act relating to patient safety culture surveys;
3 amending s. 408.05, F.S.; requiring the Agency for
4 Health Care Administration to develop surveys to
5 assess patient safety culture in certain health care
6 facilities; amending s. 408.061, F.S.; revising
7 requirements for the submission of health care data to
8 the agency; amending s. 408.810, F.S.; requiring the
9 submission of patient safety culture survey data as a
10 condition of licensure; amending ss. 400.991,
11 408.8065, and 408.820, F.S.; conforming cross-
12 references; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraphs (d) through (i) of subsection (3) of
17 section 408.05, Florida Statutes, are redesignated as paragraphs
18 (e) through (j), respectively, present paragraph (j) is
19 redesignated as paragraph (k) and amended, and a new paragraph
20 (d) is added to that subsection, to read:

21 408.05 Florida Center for Health Information and
22 Transparency.—

23 (3) HEALTH INFORMATION TRANSPARENCY.—In order to
24 disseminate and facilitate the availability of comparable and
25 uniform health information, the agency shall perform the
26 following functions:

27 (d) Design a patient safety culture survey or surveys to be
28 completed annually by each hospital and ambulatory surgical
29 center licensed under chapter 395. The survey shall be designed

8-01170-17

20171434__

30 to measure aspects of patient safety culture, including
31 frequency of adverse events, quality of handoffs and
32 transitions, comfort in reporting a potential problem or error,
33 the level of teamwork within hospital units and the facility as
34 a whole, staff compliance with patient safety regulations and
35 guidelines, staff perception of facility support for patient
36 safety, and staff opinions on whether the staff member would
37 undergo a health care service or procedure at the facility. The
38 survey shall be anonymous to encourage staff employed by or
39 working in the facility to complete the survey. The agency shall
40 review and analyze nationally recognized patient safety culture
41 survey products, including, but not limited to, the patient
42 safety surveys developed by the federal Agency for Healthcare
43 Research and Quality and the Safety Attitudes Questionnaire
44 developed by the University of Texas, to develop the patient
45 safety culture survey. This paragraph does not apply to licensed
46 facilities operating exclusively as state facilities.

47 (k)~~(j)~~ Conduct and make available the results of special
48 health surveys, including facility patient safety culture
49 surveys, health care research, and health care evaluations
50 conducted or supported under this section. Each year the center
51 shall select and analyze one or more research topics that can be
52 investigated using the data available pursuant to paragraph (c).
53 The selected topics must focus on producing actionable
54 information for improving quality of care and reducing costs.
55 The first topic selected by the center must address preventable
56 hospitalizations.

57 Section 2. Paragraph (a) of subsection (1) of section
58 408.061, Florida Statutes, is amended to read:

8-01170-17

20171434__

59 408.061 Data collection; uniform systems of financial
60 reporting; information relating to physician charges;
61 confidential information; immunity.—

62 (1) The agency shall require the submission by health care
63 facilities, health care providers, and health insurers of data
64 necessary to carry out the agency's duties and to facilitate
65 transparency in health care pricing data and quality measures.
66 Specifications for data to be collected under this section shall
67 be developed by the agency and applicable contract vendors, with
68 the assistance of technical advisory panels including
69 representatives of affected entities, consumers, purchasers, and
70 such other interested parties as may be determined by the
71 agency.

72 (a) Data submitted by health care facilities, including the
73 facilities as defined in chapter 395, shall include, but are not
74 limited to: case-mix data, patient admission and discharge data,
75 hospital emergency department data which shall include the
76 number of patients treated in the emergency department of a
77 licensed hospital reported by patient acuity level, data on
78 hospital-acquired infections as specified by rule, data on
79 complications as specified by rule, data on readmissions as
80 specified by rule, with patient and provider-specific
81 identifiers included, actual charge data by diagnostic groups or
82 other bundled groupings as specified by rule, facility patient
83 safety culture surveys, financial data, accounting data,
84 operating expenses, expenses incurred for rendering services to
85 patients who cannot or do not pay, interest charges,
86 depreciation expenses based on the expected useful life of the
87 property and equipment involved, and demographic data. The

8-01170-17

20171434__

88 agency shall adopt nationally recognized risk adjustment
89 methodologies or software consistent with the standards of the
90 Agency for Healthcare Research and Quality and as selected by
91 the agency for all data submitted as required by this section.
92 Data may be obtained from documents such as, but not limited to:
93 leases, contracts, debt instruments, itemized patient statements
94 or bills, medical record abstracts, and related diagnostic
95 information. Reported data elements shall be reported
96 electronically in accordance with rule 59E-7.012, Florida
97 Administrative Code. Data submitted shall be certified by the
98 chief executive officer or an appropriate and duly authorized
99 representative or employee of the licensed facility that the
100 information submitted is true and accurate.

101 Section 3. Subsections (8), (9), and (10) of section
102 408.810, Florida Statutes, are renumbered as subsections (9),
103 (10), and (11), respectively, and a new subsection (8) is added
104 to that section, to read:

105 408.810 Minimum licensure requirements.—In addition to the
106 licensure requirements specified in this part, authorizing
107 statutes, and applicable rules, each applicant and licensee must
108 comply with the requirements of this section in order to obtain
109 and maintain a license.

110 (8) Each licensee subject to s. 408.05(3)(d) shall submit
111 facility patient safety culture surveys to the agency in
112 accordance with applicable rules.

113 Section 4. Paragraph (c) of subsection (4) of section
114 400.991, Florida Statutes, is amended to read:

115 400.991 License requirements; background screenings;
116 prohibitions.—

8-01170-17

20171434__

117 (4) In addition to the requirements of part II of chapter
118 408, the applicant must file with the application satisfactory
119 proof that the clinic is in compliance with this part and
120 applicable rules, including:

121 (c) Proof of financial ability to operate as required under
122 s. 408.810(9) ~~408.810(8)~~. As an alternative to submitting proof
123 of financial ability to operate as required under s. 408.810(9)
124 ~~408.810(8)~~, the applicant may file a surety bond of at least
125 \$500,000 which guarantees that the clinic will act in full
126 conformity with all legal requirements for operating a clinic,
127 payable to the agency. The agency may adopt rules to specify
128 related requirements for such surety bond.

129 Section 5. Paragraph (a) of subsection (1) of section
130 408.8065, Florida Statutes, is amended to read:

131 408.8065 Additional licensure requirements for home health
132 agencies, home medical equipment providers, and health care
133 clinics.—

134 (1) An applicant for initial licensure, or initial
135 licensure due to a change of ownership, as a home health agency,
136 home medical equipment provider, or health care clinic shall:

137 (a) Demonstrate financial ability to operate, as required
138 under s. 408.810(9) ~~408.810(8)~~ and this section. If the
139 applicant's assets, credit, and projected revenues meet or
140 exceed projected liabilities and expenses, and the applicant
141 provides independent evidence that the funds necessary for
142 startup costs, working capital, and contingency financing exist
143 and will be available as needed, the applicant has demonstrated
144 the financial ability to operate.

145

8-01170-17

20171434__

146 All documents required under this subsection must be prepared in
147 accordance with generally accepted accounting principles and may
148 be in a compilation form. The financial statements must be
149 signed by a certified public accountant.

150 Section 6. Section 408.820, Florida Statutes, is amended to
151 read:

152 408.820 Exemptions.—Except as prescribed in authorizing
153 statutes, the following exemptions shall apply to specified
154 requirements of this part:

155 (1) Laboratories authorized to perform testing under the
156 Drug-Free Workplace Act, as provided under ss. 112.0455 and
157 440.102, are exempt from s. 408.810(5)-(11) ~~408.810(5)-(10)~~.

158 (2) Birth centers, as provided under chapter 383, are
159 exempt from s. 408.810(7)-(11) ~~408.810(7)-(10)~~.

160 (3) Abortion clinics, as provided under chapter 390, are
161 exempt from s. 408.810(7)-(11) ~~408.810(7)-(10)~~.

162 (4) Crisis stabilization units, as provided under parts I
163 and IV of chapter 394, are exempt from s. 408.810(9)-(11)
164 ~~408.810(8)-(10)~~.

165 (5) Short-term residential treatment facilities, as
166 provided under parts I and IV of chapter 394, are exempt from s.
167 408.810(9)-(11) ~~408.810(8)-(10)~~.

168 (6) Residential treatment facilities, as provided under
169 part IV of chapter 394, are exempt from s. 408.810(9)-(11)
170 ~~408.810(8)-(10)~~.

171 (7) Residential treatment centers for children and
172 adolescents, as provided under part IV of chapter 394, are
173 exempt from s. 408.810(9)-(11) ~~408.810(8)-(10)~~.

174 (8) Hospitals, as provided under part I of chapter 395, are

8-01170-17

20171434__

175 exempt from s. 408.810(7), (9), and (10) ~~408.810(7)-(9)~~.

176 (9) Ambulatory surgical centers, as provided under part I
177 of chapter 395, are exempt from s. 408.810(7), (9), (10), and
178 (11) ~~408.810(7)-(10)~~.

179 (10) Mobile surgical facilities, as provided under part I
180 of chapter 395, are exempt from s. 408.810(7)-(11) ~~408.810(7)-~~
181 ~~(10)~~.

182 (11) Health care risk managers, as provided under part I of
183 chapter 395, are exempt from ss. 408.806(7), 408.810(4)-(11)
184 ~~408.810(4)-(10)~~, and 408.811.

185 (12) Nursing homes, as provided under part II of chapter
186 400, are exempt from ss. 408.810(7) and 408.813(2).

187 (13) Assisted living facilities, as provided under part I
188 of chapter 429, are exempt from s. 408.810(11) ~~408.810(10)~~.

189 (14) Home health agencies, as provided under part III of
190 chapter 400, are exempt from s. 408.810(11) ~~408.810(10)~~.

191 (15) Nurse registries, as provided under part III of
192 chapter 400, are exempt from s. 408.810(6) and (11) ~~(10)~~.

193 (16) Companion services or homemaker services providers, as
194 provided under part III of chapter 400, are exempt from s.
195 408.810(6)-(11) ~~408.810(6)-(10)~~.

196 (17) Adult day care centers, as provided under part III of
197 chapter 429, are exempt from s. 408.810(11) ~~408.810(10)~~.

198 (18) Adult family-care homes, as provided under part II of
199 chapter 429, are exempt from s. 408.810(7)-(11) ~~408.810(7)-(10)~~.

200 (19) Homes for special services, as provided under part V
201 of chapter 400, are exempt from s. 408.810(7)-(11) ~~408.810(7)-~~
202 ~~(10)~~.

203 (20) Transitional living facilities, as provided under part

8-01170-17

20171434__

204 XI of chapter 400, are exempt from s. 408.810(11) ~~408.810(10)~~.

205 (21) Prescribed pediatric extended care centers, as
206 provided under part VI of chapter 400, are exempt from s.
207 408.810(11) ~~408.810(10)~~.

208 (22) Home medical equipment providers, as provided under
209 part VII of chapter 400, are exempt from s. 408.810(11)
210 ~~408.810(10)~~.

211 (23) Intermediate care facilities for persons with
212 developmental disabilities, as provided under part VIII of
213 chapter 400, are exempt from s. 408.810(7).

214 (24) Health care services pools, as provided under part IX
215 of chapter 400, are exempt from s. 408.810(6)-(11) ~~408.810(6)-~~
216 ~~(10)~~.

217 (25) Health care clinics, as provided under part X of
218 chapter 400, are exempt from s. 408.810(6), (7), and (11) ~~(10)~~.

219 (26) Clinical laboratories, as provided under part I of
220 chapter 483, are exempt from s. 408.810(5)-(11) ~~408.810(5)-(10)~~.

221 (27) Multiphasic health testing centers, as provided under
222 part II of chapter 483, are exempt from s. 408.810(5)-(11)
223 ~~408.810(5)-(10)~~.

224 (28) Organ, tissue, and eye procurement organizations, as
225 provided under part V of chapter 765, are exempt from s.
226 408.810(5)-(11) ~~408.810(5)-(10)~~.

227 Section 7. This act shall take effect July 1, 2017.