

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 appropriation; providing an
 13 effective date.

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

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

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

24 (3) HEALTH INFORMATION TRANSPARENCY.—In order to
 25 disseminate and facilitate the availability of comparable and

26 | uniform health information, the agency shall perform the
27 | following functions:

28 | (d) Design a patient safety culture survey or surveys to
29 | be completed annually by each hospital and ambulatory surgical
30 | center licensed under chapter 395. The survey shall be designed
31 | to measure aspects of patient safety culture, including
32 | frequency of adverse events, quality of handoffs and
33 | transitions, comfort in reporting a potential problem or error,
34 | the level of teamwork within hospital units and the facility as
35 | a whole, staff compliance with patient safety regulations and
36 | guidelines, staff perception of facility support for patient
37 | safety, and staff opinions on whether the staff member would
38 | undergo a health care service or procedure at the facility. The
39 | survey shall be anonymous to encourage staff employed by or
40 | working in the facility to complete the survey. The agency shall
41 | review and analyze nationally recognized patient safety culture
42 | survey products, including, but not limited to, the patient
43 | safety surveys developed by the federal Agency for Healthcare
44 | Research and Quality and the Safety Attitudes Questionnaire
45 | developed by the University of Texas, to develop the patient
46 | safety culture survey. This paragraph does not apply to licensed
47 | facilities operating exclusively as state facilities.

48 | (k)~~(j)~~ Conduct and make available the results of special
49 | health surveys, including facility patient safety culture
50 | surveys, health care research, and health care evaluations

51 conducted or supported under this section. Each year the center
52 shall select and analyze one or more research topics that can be
53 investigated using the data available pursuant to paragraph (c).
54 The selected topics must focus on producing actionable
55 information for improving quality of care and reducing costs.
56 The first topic selected by the center must address preventable
57 hospitalizations.

58 Section 2. Paragraph (a) of subsection (1) of section
59 408.061, Florida Statutes, is amended to read:

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

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

73 (a) Data submitted by health care facilities, including
74 the facilities as defined in chapter 395, shall include, but are
75 not limited to: case-mix data, patient admission and discharge

76 | data, hospital emergency department data which shall include the
77 | number of patients treated in the emergency department of a
78 | licensed hospital reported by patient acuity level, data on
79 | hospital-acquired infections as specified by rule, data on
80 | complications as specified by rule, data on readmissions as
81 | specified by rule, with patient and provider-specific
82 | identifiers included, actual charge data by diagnostic groups or
83 | other bundled groupings as specified by rule, facility patient
84 | safety culture surveys, financial data, accounting data,
85 | operating expenses, expenses incurred for rendering services to
86 | patients who cannot or do not pay, interest charges,
87 | depreciation expenses based on the expected useful life of the
88 | property and equipment involved, and demographic data. The
89 | agency shall adopt nationally recognized risk adjustment
90 | methodologies or software consistent with the standards of the
91 | Agency for Healthcare Research and Quality and as selected by
92 | the agency for all data submitted as required by this section.
93 | Data may be obtained from documents such as, but not limited to:
94 | leases, contracts, debt instruments, itemized patient statements
95 | or bills, medical record abstracts, and related diagnostic
96 | information. Reported data elements shall be reported
97 | electronically in accordance with rule 59E-7.012, Florida
98 | Administrative Code. Data submitted shall be certified by the
99 | chief executive officer or an appropriate and duly authorized
100 | representative or employee of the licensed facility that the

101 information submitted is true and accurate.

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

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

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

114 Section 4. Paragraph (c) of subsection (4) of section
 115 400.991, Florida Statutes, is amended to read:

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

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

122 (c) Proof of financial ability to operate as required
 123 under s. 408.810(9) ~~408.810(8)~~. As an alternative to submitting
 124 proof of financial ability to operate as required under s.
 125 408.810(8), the applicant may file a surety bond of at least

126 \$500,000 which guarantees that the clinic will act in full
127 conformity with all legal requirements for operating a clinic,
128 payable to the agency. The agency may adopt rules to specify
129 related requirements for such surety bond.

130 Section 5. Paragraph (a) of subsection (1) of section
131 408.8065, Florida Statutes, is amended to read:

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

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

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

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

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

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

156 (1) Laboratories authorized to perform testing under the
157 Drug-Free Workplace Act, as provided under ss. 112.0455 and
158 440.102, are exempt from s. 408.810(5)-(11) ~~408.810(5)-(10)~~.

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

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

163 (4) Crisis stabilization units, as provided under parts I
164 and IV of chapter 394, are exempt from s. 408.810(9)-(11)
165 ~~408.810(8)-(10)~~.

166 (5) Short-term residential treatment facilities, as
167 provided under parts I and IV of chapter 394, are exempt from s.
168 408.810(9)-(11) ~~408.810(8)-(10)~~.

169 (6) Residential treatment facilities, as provided under
170 part IV of chapter 394, are exempt from s. 408.810(9)-(11)
171 ~~408.810(8)-(10)~~.

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

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

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

177 (9) Ambulatory surgical centers, as provided under part I
178 of chapter 395, are exempt from s. 408.810(7), (9), (10), and
179 (11) ~~408.810(7)-(10)~~.

180 (10) Mobile surgical facilities, as provided under part I
181 of chapter 395, are exempt from s. 408.810(7)-(11) ~~408.810(7)-~~
182 ~~(10)~~.

183 (11) Health care risk managers, as provided under part I
184 of chapter 395, are exempt from ss. 408.806(7), 408.810(4)-(11)
185 ~~408.810(4)-(10)~~, and 408.811.

186 (12) Nursing homes, as provided under part II of chapter
187 400, are exempt from ss. 408.810(7) and 408.813(2).

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

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

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

194 (16) Companion services or homemaker services providers,
195 as provided under part III of chapter 400, are exempt from s.
196 408.810(6)-(11) ~~408.810(6)-(10)~~.

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

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

201 (19) Homes for special services, as provided under part V
 202 of chapter 400, are exempt from s. 408.810(7)-(11) ~~408.810(7)-~~
 203 ~~(10)~~.

204 (20) Transitional living facilities, as provided under
 205 part XI of chapter 400, are exempt from s. 408.810(11)
 206 ~~408.810(10)~~.

207 (21) Prescribed pediatric extended care centers, as
 208 provided under part VI of chapter 400, are exempt from s.
 209 408.810(11) ~~408.810(10)~~.

210 (22) Home medical equipment providers, as provided under
 211 part VII of chapter 400, are exempt from s. 408.810(11)
 212 ~~408.810(10)~~.

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

216 (24) Health care services pools, as provided under part IX
 217 of chapter 400, are exempt from s. 408.810(6)-(11) ~~408.810(6)-~~
 218 ~~(10)~~.

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

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

223 (27) Multiphasic health testing centers, as provided under
 224 part II of chapter 483, are exempt from s. 408.810(5)-(11)
 225 ~~408.810(5)-(10)~~.

226 (28) Organ, tissue, and eye procurement organizations, as
227 provided under part V of chapter 765, are exempt from s.
228 408.810(5)-(11) ~~408.810(5)-(10)~~.

229 Section 7. For the 2017-2018 fiscal year, one full-time
230 equivalent position with associated salary rate of 41,106 is
231 authorized, and the sum of \$352,919 in recurring funds from the
232 Health Care Trust Fund is appropriated to the Agency for Health
233 Care Administration, for the purpose of implementing the
234 requirements of this act.

235 Section 8. This act shall take effect July 1, 2017.