

By Senator Broxson

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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 facility patient safety culture surveys  
10          as a 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:

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17           Section 1. Present paragraphs (d) through (k) of  
18           subsection (3) of section 408.05, Florida Statutes, are  
19           redesignated as paragraphs (e) through (l), respectively,  
20           present paragraph (j) is amended, and a new paragraph (d) is  
21           added to that section, 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 facility patient safety culture survey or  
29           surveys to be completed annually by each hospital and ambulatory

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30 surgical center licensed under chapter 395. The survey shall be  
31 designed to measure aspects of patient safety culture, including  
32 frequency of adverse events, quality of handoffs and  
33 transitions, comfort in reporting potential problems or errors,  
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

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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 the  
74 facilities as defined in chapter 395, shall include, but are not  
75 limited to: case-mix data, patient admission and discharge data,  
76 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

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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. Present subsections (8) through (13) of section  
103 408.810, Florida Statutes, are redesignated as subsections (9)  
104 through (14), respectively, and a new subsection (8) is added to  
105 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;

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

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

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

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

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

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

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

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

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

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

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

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175 (8) Hospitals, as provided under part I of chapter 395, are  
176 exempt from s. 408.810(7), (9), and (10) ~~s. 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) ~~s. 408.810(7)-(10)~~.

180 (10) Nursing homes, as provided under part II of chapter  
181 400, are exempt from ss. 408.810(7) and 408.813(2).

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

184 (12) Home health agencies, as provided under part III of  
185 chapter 400, are exempt from s. 408.810(11) ~~s. 408.810(10)~~.

186 (13) Nurse registries, as provided under part III of  
187 chapter 400, are exempt from s. 408.810(6), (8), and (11) ~~s.~~  
188 ~~408.810(6) and (10)~~.

189 (14) Companion services or homemaker services providers, as  
190 provided under part III of chapter 400, are exempt from s.  
191 408.810(6)-(11) ~~s. 408.810(6)-(10)~~.

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

194 (16) Adult family-care homes, as provided under part II of  
195 chapter 429, are exempt from s. 408.810(7)-(11) ~~s. 408.810(7)-~~  
196 ~~(10)~~.

197 (17) Homes for special services, as provided under part V  
198 of chapter 400, are exempt from s. 408.810(7)-(11) ~~s.~~  
199 ~~408.810(7)-(10)~~.

200 (18) Transitional living facilities, as provided under part  
201 XI of chapter 400, are exempt from s. 408.810(11) ~~s.~~  
202 ~~408.810(10)~~.

203 (19) Prescribed pediatric extended care centers, as

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204 provided under part VI of chapter 400, are exempt from s.  
205 408.810(11) ~~s. 408.810(10)~~.

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

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

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

215 (23) Health care clinics, as provided under part X of  
216 chapter 400, are exempt from s. 408.810(6), (7), (8), and (11)  
217 ~~s. 408.810(6), (7), and (10)~~.

218 (24) Multiphasic health testing centers, as provided under  
219 part II of chapter 483, are exempt from s. 408.810(5)-(11) ~~s.~~  
220 ~~408.810(5)-(10)~~.

221 (25) Organ, tissue, and eye procurement organizations, as  
222 provided under part V of chapter 765, are exempt from s.  
223 408.810(5)-(11) ~~s. 408.810(5)-(10)~~.

224 Section 7. For the 2019-2020 fiscal year, one full-time  
225 equivalent position with associated salary rate of 41,106 is  
226 authorized, and the sum of \$352,919 in recurring funds from the  
227 Health Care Trust Fund is appropriated to the Agency for Health  
228 Care Administration, for the purpose of implementing the  
229 requirements of this act.

230 Section 8. This act shall take effect July 1, 2019.