

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:

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 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, paragraph (k) is redesignated as  
 20           paragraph (l), present paragraph (j) is redesignated as  
 21           paragraph (k) and amended, and a new paragraph (d) is added to  
 22           that subsection, to read:

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

25           (3)   HEALTH INFORMATION TRANSPARENCY.—In order to

26 disseminate and facilitate the availability of comparable and  
27 uniform health information, the agency shall perform the  
28 following functions:

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

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

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

59 Section 2. Paragraph (a) of subsection (1) of section  
60 408.061, Florida Statutes, is amended to read:

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

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

74 (a) Data submitted by health care facilities, including  
75 the facilities as defined in chapter 395, shall include, but are

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

101 representative or employee of the licensed facility that the  
 102 information submitted is true and accurate.

103 Section 3. Subsections (8) through (13) of section  
 104 408.810, Florida Statutes, are renumbered as subsections (9)  
 105 through (14), respectively, and a new subsection (8) is added to  
 106 that section to read:

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

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

115 Section 4. Paragraph (c) of subsection (4) of section  
 116 400.991, Florida Statutes, is amended to read:

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

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

123 (c) Proof of financial ability to operate as required  
 124 under s. 408.810(9) ~~s. 408.810(8)~~. As an alternative to  
 125 submitting proof of financial ability to operate as required

126 | under s. 408.810(9) ~~s. 408.810(8)~~, the applicant may file a  
127 | surety bond of at least \$500,000 which guarantees that the  
128 | clinic will act in full conformity with all legal requirements  
129 | for operating a clinic, payable to the agency. The agency may  
130 | adopt rules to specify related requirements for such surety  
131 | bond.

132 |       Section 5. Paragraph (a) of subsection (1) of section  
133 | 408.8065, Florida Statutes, is amended to read:

134 |       408.8065 Additional licensure requirements for home health  
135 | agencies, home medical equipment providers, and health care  
136 | clinics.—

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

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

148 |  
149 | All documents required under this subsection must be prepared in  
150 | accordance with generally accepted accounting principles and may

151 be in a compilation form. The financial statements must be  
152 signed by a certified public accountant.

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

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

158 (1) Laboratories authorized to perform testing under the  
159 Drug-Free Workplace Act, as provided under ss. 112.0455 and  
160 440.102, are exempt from s. 408.810(5)-(11) ~~s. 408.810(5)-(10)~~.

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

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

165 (4) Crisis stabilization units, as provided under parts I  
166 and IV of chapter 394, are exempt from s. 408.810(9)-(11) ~~s.~~  
167 ~~408.810(8)-(10)~~.

168 (5) Short-term residential treatment facilities, as  
169 provided under parts I and IV of chapter 394, are exempt from s.  
170 408.810(9)-(11) ~~s. 408.810(8)-(10)~~.

171 (6) Residential treatment facilities, as provided under  
172 part IV of chapter 394, are exempt from s. 408.810(9)-(11) ~~s.~~  
173 ~~408.810(8)-(10)~~.

174 (7) Residential treatment centers for children and  
175 adolescents, as provided under part IV of chapter 394, are

176 exempt from s. 408.810(9)-(11) ~~s. 408.810(8)-(10)~~.

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

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

182 (10) Nursing homes, as provided under part II of chapter  
183 400, are exempt from ss. 408.810(7) and 408.813(2).

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

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

188 (13) Nurse registries, as provided under part III of  
189 chapter 400, are exempt from s. 408.810(6), (8), and (11) ~~s.~~  
190 ~~408.810(6) and (10)~~.

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

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

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

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

201 ~~408.810(7)-(10).~~

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

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

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

211 (21) 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 (22) Health care services pools, as provided under part IX  
 215 of chapter 400, are exempt from s. 408.810(6)-(11) ~~s.~~  
 216 ~~408.810(6)-(10).~~

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

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

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

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

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