

HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

BILL #:	CS/HB 1071	FINAL HOUSE FLOOR ACTION:	
SPONSOR(S):	Health Innovation Subcommittee; Antone and others	115 Y's	1 N's
COMPANION BILLS:	(CS/CS/SB 594)	GOVERNOR'S ACTION:	Pending

SUMMARY ANALYSIS

CS/HB 1071 passed the House on April 24, 2013, and subsequently passed the Senate on April 30, 2013. The bill amends several sections of statute to provide a standard definition of the term "accrediting organization" to consistently be applied among the various statutes in which the term is referenced.

The primary purpose of an accrediting organization is to assist providers, through private enterprise, with establishing policies and procedures to meet various local, state and federal regulations and national standards of practice. Accrediting organizations are referred to in current law, affecting a variety of providers regulated by several state agencies and departments, including, but not limited to, the Agency for Health Care Administration, the Department of Health, the Department of Children and Families, and the Office of Insurance Regulation.

Prior to 2012, s. 395.002, F.S., defined "accrediting organizations" as:

- The Joint Commission on Accreditation of Healthcare Organizations (now known as the Joint Commission);
- The American Osteopathic Association;
- The Commission on Accreditation of Rehabilitation Facilities; and
- The Accreditation Association for Ambulatory Health Care, Inc.

In 2012, the Legislature amended s. 395.002, F.S., to change the definition of the term "accrediting organizations" to:

National accreditation organizations that are approved by the Centers for Medicare and Medicaid Services and whose standards incorporate comparable licensure regulations required by the state.

Currently, there are still several statutes that have different variations of the term "accrediting organizations".

The bill amends 16 sections of statute to provide a uniform interpretation and application of the term "accrediting organizations".

In addition, the bill expands the entities that will be recognized as an accrediting agency for physical therapist assistant (PTA) educational programs. Currently, to be licensed as a PTA, applicants must graduate from a school giving a course of not less than two years by an approved accrediting agency. The only approved PTA accrediting agency in Florida, or in any state, is the Commission on Accreditation in Physical Therapy Education (CAPTE). The bill provides for the recognition of any regional or national institutional accrediting agencies, which are recognized by the United States Department of Education or CAPTE.

The bill does not appear to have a fiscal impact on state or local government.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2013.

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

STORAGE NAME: h1071z.HIS

DATE: May 13, 2013

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

Accrediting Organizations

The primary purpose of an accrediting organization is to assist providers, through private enterprise, with establishing policies and procedures to meet various local, state and federal regulations and national standards of practice. Generally, licensure statutes do not require participation with an accrediting organization, but often allow for the recognition of accreditation organizations as appropriate means of certification. There are several sections of Florida Statute that provide such references to accrediting organizations.

Prior to 2012, s. 395.002, F.S., defined “accrediting organizations” as the Joint Commission on Accreditation of Healthcare Organizations (now known as the Joint Commission), the American Osteopathic Association, the Commission on Accreditation of Rehabilitation Facilities (CARF), and the Accreditation Association for Ambulatory Health Care, Inc.

In 2012, the Legislature amended¹ s. 395.002, F.S., to change the definition of the term “accrediting organizations” to national accreditation organizations that are approved by the Centers for Medicare and Medicaid Services and whose standards incorporate comparable licensure regulations required by the state. As a result, the term can now be interpreted to encompass a broad number of accrediting organizations, including, but not limited to, those specifically mentioned in the prior definition of accrediting organizations.

Accrediting organizations are referred to in current law, which affects a variety of state agencies and departments, including, but not limited to, the Agency for Health Care Administration, the Department of Health, the Department of Children and Families, and the Office of Insurance Regulation.

The Joint Commission

The Joint Commission is a non-profit organization that accredits and certifies more than 20,000 health care organizations and programs in the United States.² The Joint Commission was established in 1951 as the Joint Commission on Accreditation of Hospitals. In 1987, the organization changed its name to the Joint Commission on Accreditation of Healthcare Organizations in order to reflect an expanded scope of activities. In 2007, the Joint Commission on Accreditation of Healthcare Organizations shortened its name to the Joint Commission in order to refresh its brand identity.³ Currently, the Florida Statutes refer to the Joint Commission on Accreditation of Healthcare Organizations.

The American Osteopathic Association – Healthcare Facilities Accreditation Program

The Healthcare Facilities Accreditation Program (HFAP) is a program that is authorized by the Centers for Medicare and Medicaid Services (CMS) to survey hospitals for compliance with the Medicare Conditions of Participation. HFAP has maintained its authority to survey hospitals for compliance with the Medicare Conditions of Participation and Coverage since 1965 and meets or exceeds the standards required by CMS/Medicare to provide accreditation to hospitals, ambulatory care/surgical facilities, mental health facilities, physical rehabilitation facilities, clinical laboratories and critical access hospitals.

¹ Chapter 2012-66, L.O.F.

² About the Joint Commission, found at: http://www.jointcommission.org/about_us/about_the_joint_commission_main.aspx, last visited on Mar. 27, 2013.

³ The Joint Commission History, found at: http://www.jointcommission.org/assets/1/6/Joint_Commission_History.pdf, last visited on Mar. 27, 2013

The HFAP also provides certification reviews for Primary Stroke Centers.⁴ The HFAP facility accreditation process consists of five basic steps including application, survey, reporting deficiencies, creating a plan of corrections/correct action response, and accreditation.⁵

CARF International

What is now known as CARF International was founded in 1966 as the Commission on Accreditation of Rehabilitation Facilities when the National Association of Sheltered Workshops and Homebound Programs and the Association of Rehabilitation Centers agreed to pool their interests.⁶ The CARF International is a nonprofit accreditor of health and human services providers in multiple areas including aging services, behavioral health, and medical rehabilitation. The CARF family of organizations currently accredits close to 50,000 programs in countries across the globe.⁷ Currently, the Florida Statutes still refer to CARF as the Commission on Accreditation of Rehabilitation Facilities or something similar.

Physical Therapy Assistants

Currently, to be eligible for licensure as a physical therapist assistant (PTA), an applicant must graduate from a school that provides at least a two-year course of study for physical therapist assistants. The course must be approved by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation or the USDE.⁸

The Commission on Accreditation in Physical Therapy Education (CAPTE) is the only accreditation agency recognized by the United States Department of Education (USDE) and the Council for Higher Education⁹ (CHEA) to accredit entry-level physical therapist and physical therapist assistant education programs.¹⁰ There are 19 CAPTE accredited PTA programs in Florida.¹¹

The USDE recognizes regional and national institutional accrediting agencies.¹² There are 15 regional and national institutional accrediting agencies within the USDE.¹³ The scope of these accrediting agencies is very broad and is limited only to being applicable to higher-postsecondary education. Florida's regional accrediting agency is the Southern Association of Colleges and Schools (SACS), Commission on Colleges, under which there are 80 accredited institutions in Florida. There are 13 institutions in Florida that are accredited by both CAPTE and SACS.

Effect of Proposed Changes

Accrediting Organizations

The bill amends 16 sections of statute to provide a standard definition of the term "accrediting organization" to consistently be applied among the various statutes in which the term is referenced.

Specifically, the bill inserts language from the current definition of "accrediting organizations", as appropriate, to clarify that the accrediting organization is "an accrediting organization whose standards incorporate comparable licensure regulations required by the state". As a result, the term can now be

⁴ HFAP Overview, found at <http://www.hfap.org/about/overview.aspx>, last visited on Mar. 27, 2013.

⁵ Accreditation by HFAP, found at <http://www.hfap.org/WhyHfap/workingwithhfap.aspx>, last visited on Mar. 27, 2013.

⁶ History of CARF International, found at: <http://www.carf.org/About/History/>, last visited on Mar. 27, 2013.

⁷ CARF International, found at: <http://www.carf.org/About/WhoWeAre/>, last visited on Mar. 27, 2013.

⁸ S. 486.102, F.S.

⁹ Formerly known as the Commission on Recognition of Postsecondary Accreditation.

¹⁰ Commission on Accreditation in Physical Therapy Education, *Accredited PT and PTA Programs*, available at <http://www.capteonline.org/apta/directories/accreditedschools.aspx?type=PTA&navID=107...> (last visited May 1, 2013).

¹¹ *Id.*

¹² United States Department of Education, *Regional and National Institutional Accrediting Agencies*, available at http://www2.ed.gov/admins/finaid/accred/accreditation_pg6.html (last visited May 1, 2013).

¹³ *Id.*

interpreted to encompass a broad number of accrediting organizations, thus negating the need to refer to accrediting organizations individually in statute, while retaining the same level of regulatory compliance.

Physical Therapy Assistants

The bill amends s. 486.102, F.S., to expand the entities that will be recognized as an accrediting agency for physical therapist assistant (PTA) educational programs. Currently, to be licensed as a PTA, applicants must graduate from a school giving a course of not less than two years by an approved accrediting agency. The only approved PTA accrediting agency in Florida, or in any state, is the Commission on Accreditation in Physical Therapy Education (CAPTE). The bill provides for the recognition of any regional or national institutional accrediting agencies, which are recognized by the United States Department of Education (USDE) or CAPTE.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.