COMMITTEE/SUBCOMMITTEE ACTION

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|---|---|
| ADOPTED | __ (Y/N) |
| ADOPTED AS AMENDED | __ (Y/N) |
| ADOPTED W/O OBJECTION | __ (Y/N) |
| FAILED TO ADOPT | __ (Y/N) |
| WITHDRAWN | __ (Y/N) |
| OTHER | _____ |

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Committee/Subcommittee hearing bill: Appropriations Committee
Representative Fant offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 189.056, Florida Statutes, is created to read:

189.056 Capital recovery requirements for tax-supported hospitals.—

(1) As used in this section, the term:

(a) "Approved provider" means a business that generates at least 85 percent of its revenues from denied claims management, that has been in existence for at least 5 years, and that employs at least 30 certified claims specialists.

(b) "Capital recovery report" means a report of claims to an insurer or governmental entity and all related claim denials

for all of the claims of hospitals and other medical facility operations of a hospital district, which must:

1. Include all claims data electronically submitted by all hospitals and other medical facilities and operations of the hospital district to a governmental entity or insurer and remittance advice or responses electronically transmitted by insurers or governmental entities in an electronic format that the approved provider hired by the department can use to calculate denial rates.

2. Include an attestation by a certified public accountant, licensed under chapter 473, that the billing information reflected in the report is accurate and complete.

3. Comply with federal and state confidentiality standards.

(c) "Certified claims specialist" means an individual who is certified by an entity that uses nationally recognized claims management principles to establish a baseline competency for claims specialists. The department shall maintain a list of recognized certification providers on its website.

(d) "Claim" means an itemized statement of health care services and costs submitted by a health care provider or facility to a governmental entity or a third party for payment.

(e) "Denial rate" means the denial value divided by the total gross value of claims electronically billed during the fiscal year reflected on the hospital district's claims submissions. The fiscal year for the denial value and the fiscal

year for the gross value of claims must be the same. If an insurer declares bankruptcy, all claims issued to and claim denials by that insurer shall be removed from the numerator and denominator of this calculation.

(f) "Denial value" means the gross amount of all zero paid line items on billed claims submitted in a given fiscal year for which specific payment is expected but for which no payment has been received within 60 days, as indicated in remittance advice electronically transmitted by insurers or governmental entities.

(g) "Department" means the Department of Financial Services.

(h) "Fiscal year" means the annual period beginning October 1 and ending September 30 of the following year.

(i) "Hospital district" means a dependent or independent special district that levies ad valorem taxes to support the operations of one or more hospitals or other medical facilities. If a hospital district does not levy ad valorem taxes but subsequently proposes to levy ad valorem taxes, it is also a hospital district subject to the requirements of this section.

(j) "Increased tax revenues" means an increase in ad valorem tax revenues levied by a hospital district compared to the ad valorem revenues generated in the hospital district's immediately prior fiscal year.

(k) "Specific payment" means the reimbursement amount expected based on the Centers for Medicare and Medicaid

Services' fee schedule or the contracted rates specific to each insurer.

(2)(a) The department shall contract with an approved provider to receive the capital recovery reports and calculate the denial rate for each hospital district based on the data submitted in the capital recovery reports.

(b) An approved provider contracted by the department may not also work in any capacity for any hospital district that is required to submit a capital recovery report pursuant to this section.

(3) Each hospital district must complete and submit to the approved provider under contract with the department a capital recovery report within 90 calendar days after the end of the fiscal year. The hospital district may develop its own capital recovery report that meets the requirements of this section or may hire an approved provider to develop the capital recovery report. The first capital recovery report is due after the 2015-2016 fiscal year.

(4) Within 60 calendar days after receiving the complete capital recovery report, the approved provider under contract with the department shall calculate the denial rate for the hospital district based on the data submitted in the capital recovery report and notify the board of the hospital district of the denial rate. The capital recovery report is deemed incomplete until the approved provider has sufficient data in the proper format to allow it to accurately calculate a denial

rate for the hospital district. If the approved provider receives an incomplete report, the approved provider shall notify the governing board of the hospital district. The hospital district has 15 business days from the date that the approved provider issues the notification to provide the complete report to the approved provider. If the hospital district fails to provide the complete report within 15 business days, the hospital district may not levy increased tax revenues for the fiscal year following the year in which the capital recovery report was due.

(5) The department shall provide a list of at least five approved providers that meet the requirements of this section.

(6) A hospital district may levy increased tax revenues for fiscal years 2017-2018, 2018-2019, and 2019-2020 only if the denial rate calculated from the capital recovery report submitted to the approved provider under contract with the department in the immediately preceding fiscal year is 10 percent or less. A hospital district may levy increased tax revenues for each fiscal year after 2019-2020 only if the denial rate calculated from the capital recovery report submitted to the approved provider in the immediately preceding fiscal year is 7 percent or less. If the hospital district fails to meet the denial rate requirements described in this subsection, it may increase tax revenues only if it can demonstrate that it has reduced its claim denial rate by 33 percent within the preceding

3 years and reduced its claim denial rate by 66 percent in the preceding 5 years.

(7) This section does not authorize a hospital district to increase its millage beyond the millage specified in its authorizing act. The provisions of this section are in addition to any other statute or special act. To the extent that this section conflicts with any special act, resolution, or ordinance, this section supersedes the special act, resolution, or ordinance.

(8) The department may adopt rules to specify the type and form of records to be submitted as part of the capital recovery report used to calculate a denial rate for each hospital district. The department is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4) for the purpose of implementing this section.

(9) By March 1 of each year, the department or an approved provider contracted by the department shall submit the denial rates for each hospital district to the President of the Senate, the Speaker of the House of Representatives, and the standing committees of the Senate and the House of Representatives having jurisdiction over taxation.

Section 2. For the 2015-2016 fiscal year, the sums of $400,000 in recurring funds and $60,000 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Financial Services to contract with an approved provider to receive capital recovery reports from hospital districts and to

calculate the denial rate for each such district to implement the provisions of this act.

Section 3. This act shall take effect on July 1, 2015.

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**T I T L E A M E N D M E N T**

Remove lines 2-23 and insert:

An act relating to capital recovery; creating s. 189.056, F.S.; providing definitions; requiring the Department of Financial Services to maintain a list of claims specialist certification providers on its website; specifying the information to be included in a capital recovery report; providing the method used to calculate a denial rate; requiring hospital districts to comply with capital recovery reporting requirements; requiring the department to contract with an approved provider to calculate denial rates for certain hospital districts; prohibiting hospital districts from levying increased tax revenues if they fail to timely submit a complete report; requiring the department to maintain a list of approved providers; requiring hospital districts to meet specified requirements before levying increased tax revenues; providing construction; providing the department with rulemaking authority to specify the type and form of data necessary to calculate a denial rate; requiring an annual report listing the denial rates for each hospital district; providing an appropriation; providing an effective date.