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LEGISLATIVE ACTION

Senate

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House

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Senator Rader moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 381.96, Florida Statutes, is created to  
read:

381.96 Pregnancy support services.—

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

(a) "Complaint" means an allegation that fraud, abuse, or  
coercion has occurred.

(b) "Department" means the Department of Health.



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12           (c) "Eligible client" means a pregnant woman or a woman who  
13 suspects that she is pregnant, and the family of such a woman,  
14 who voluntarily seeks pregnancy support services. The period of  
15 eligibility may continue for, but may not exceed, 12 months  
16 after the birth of the child.

17           (d) "Florida Pregnancy Care Network, Inc.," or "network"  
18 means the not-for-profit statewide alliance of pregnancy support  
19 organizations that provide pregnancy support services through a  
20 comprehensive system of care to women and their families.

21           (e) "Fraud" means an intentional deception or  
22 misrepresentation made by a person with the knowledge that the  
23 deception results in an unauthorized benefit to herself or  
24 himself or to another person. The term includes any act that  
25 constitutes fraud under applicable federal or state law.

26           (f) "Pregnancy support services" means services that  
27 promote and encourage childbirth, including, but not limited to:

28           1. Direct client services, such as pregnancy testing,  
29 counseling, referral, training, and education for pregnant women  
30 and their families.

31           2. Program awareness activities, including a promotional  
32 campaign to educate the public about the pregnancy support  
33 services offered by the network and a website that provides  
34 information on the location of providers in the user's area, as  
35 well as other available community resources.

36           3. Communication activities, including the operation and  
37 maintenance of a hotline or call center with a single statewide  
38 toll-free telephone number which is available 24 hours a day for  
39 an eligible client to obtain the location and contact  
40 information for a pregnancy center located in his or her area.



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41 (g) "Wellness services" means services or activities  
42 intended to maintain and improve health or prevent illness and  
43 injury, including, but not limited to, high blood pressure  
44 screening, anemia testing, thyroid screening, cholesterol  
45 screening, diabetes screening, and assistance with smoking  
46 cessation.

47 (2) DEPARTMENT DUTIES.—The department shall contract with  
48 the network for the management and delivery of pregnancy support  
49 and wellness services to eligible clients.

50 (3) CONTRACT REQUIREMENTS.—The department contract must  
51 specify the contract deliverables, including financial reports  
52 and other reports due to the department, timeframes for  
53 achieving contractual obligations, and any other requirements  
54 that the department determines are necessary, such as staffing  
55 and location requirements. The contract must require the network  
56 to:

57 (a) Establish, implement, and monitor a comprehensive  
58 system of care through subcontractors which meets the pregnancy  
59 support and wellness needs of eligible clients.

60 (b) Establish and manage subcontracts with a sufficient  
61 number of providers to ensure the availability of pregnancy  
62 support and wellness services for eligible clients and maintain  
63 and manage the delivery of such services throughout the contract  
64 period.

65 (c) Spend at least 90 percent of contract funds on  
66 pregnancy support and wellness services.

67 (d) Offer wellness services through vouchers or other  
68 appropriate arrangements that allow the purchase of services  
69 from qualified health care providers.



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70 (e) Require a background screening, as provided in s.  
71 943.0542, for all paid staff and volunteers of a subcontractor  
72 if such staff or volunteers provide direct client services to an  
73 eligible client who is a minor or an elderly person or who has a  
74 disability.

75 (f) Annually survey its subcontractors and specify the  
76 sanctions that will be imposed for noncompliance with the terms  
77 of a subcontract.

78 (g) Subcontract only with providers that exclusively  
79 promote and support childbirth.

80 (h) Ensure that informational materials provided to an  
81 eligible client by a provider are current and accurate and cite  
82 the source of any medical statement included in the materials.

83 (4) SERVICES.—Services provided pursuant to this section  
84 must be provided in a noncoercive manner and instructional  
85 materials may not include any faith-based content.

86 (5) COMPLAINTS.—The department shall establish a procedure  
87 for the investigation and resolution of complaints and  
88 grievances from eligible clients, maintain a record of  
89 complaints, and ensure that the providers inform all eligible  
90 clients and providers as to how to report suspected fraud or  
91 abuse. The department shall investigate complaints to determine  
92 whether a provider is in compliance with this section and the  
93 terms of its contract. The department shall notify subject  
94 providers and the network of complaints and a written report of  
95 the results of its investigation.

96 (6) COMPLIANCE.—The department shall conduct periodic  
97 unannounced onsite visits to the subcontracted providers to  
98 ensure that they are in compliance with the department's



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99 contract requirements. The network must deny or reduce funds or  
100 cancel its contract with a provider if the department determines  
101 that the provider is not in compliance with the contract terms.

102 Section 2. This act shall take effect July 1, 2018.  
103

104 ===== T I T L E A M E N D M E N T =====

105 And the title is amended as follows:

106 Delete everything before the enacting clause  
107 and insert:

108 A bill to be entitled  
109 An act relating to pregnancy support services;  
110 creating s. 381.96, F.S.; providing definitions;  
111 requiring the Department of Health to contract with a  
112 not-for-profit statewide network of organizations to  
113 provide pregnancy support and wellness services  
114 through subcontractors; providing duties of the  
115 department; providing contract requirements; requiring  
116 the contractor to spend a specified percentage of  
117 funds on direct client services; providing for  
118 subcontractor background screenings under certain  
119 circumstances; requiring the contractor to annually  
120 survey subcontractors; specifying the entities  
121 eligible for a subcontract; requiring services to be  
122 provided in a noncoercive manner; forbidding the  
123 inclusion of faith-based content in informational  
124 materials; requiring the department to establish a  
125 procedure for the investigation and resolution of  
126 complaints and grievances made by eligible clients;  
127 requiring the department to investigate such



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128 complaints and to notify subject providers and the  
129 network of complaints and to provide them with a  
130 written report of the results of the investigation;  
131 requiring the department to conduct periodic  
132 unannounced onsite visits to subcontracted providers;  
133 requiring the network to deny or reduce funds or  
134 cancel its contract with a provider if the department  
135 determines that a provider is not in compliance with  
136 the contract terms; providing an effective date.