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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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02/01/2018 02:02 PM

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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.
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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.