

Answers provided
by AHCA on
behalf of DOT

House of Representatives
Committee on Health Regulation
2001-2002 Interim Study on Privatization of Health Practitioner Regulation
Questionnaire for the Department of Health

Please answer the following questions. For each question asked, please provide an explanation of how the department determined the answer, which staff member(s) provided the answer, and a list of all documents from which the information was gathered. Please attach a copy of all documents used in answering the questions.

1. What was the total cost of regulating all health care practitioners and business establishments within the Division of Medical Quality Assurance for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors. Please include an explanation of all budget entities and trust funds, which receive revenues or expend funds relating to practitioner and business establishment regulation. For purposes of answering this questionnaire, include all business establishments that are licensed by the Division of Medical Quality Assurance. Also, for purposes of answering this question, the term "regulating" shall include all functions relating to licensing, testing, credentialing, and enforcing laws and rules relating to health practitioners and business establishments.

Answer: FY 99-00 = _____ **FY 00-01 =** _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

2. What was the total cost of regulating dentists, dental hygienists, dental interns, and dental laboratories for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001?
Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

3. What was the total cost of enforcing regulation of all health care practitioners and business establishments within the Division of Medical Quality Assurance for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors. For purposes of answering this question, the term “enforcing regulation” shall include answering calls and letters from consumers, reviewing complaints and reports, investigating complaints against licensees, and prosecuting complaints against licensees. It shall not include the costs of monitoring and investigating allegations of unlicensed activity.

Answer: FY 99-00 = \$ 16,805,671 FY 00-01 = \$ 16,867,928 (estimated)

Explanation of answer: Based on direct invoices for the fiscal years for the costs of enforcement. However, AHCA has not yet billed DOH for the fourth quarter of FY 2000-2001. Billing through March 2001 was \$ 12,650,946.

Staff member(s) providing answer: Christy Gregg, Deputy Secretary, Division of Administrative Services, Agency for Health Care Administration

Documents used to answer: Invoices submitted to DOH for reimbursement of actual costs of enforcement.

4. What was the total cost of enforcing regulation of dentists, dental hygienists, dental interns, and dental laboratories for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors. For purposes of answering this question, the term “enforcing regulation” shall include answering calls and letters from consumers, reviewing complaints and reports, investigating complaints against licensees, and prosecuting complaints against licensees. It shall not include the costs of monitoring and investigating allegations of unlicensed activity.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: AHCA does not bill for enforcement costs by board. The allocation of the costs is a function of DOH.

Staff member(s) providing answer: Christy Gregg, Deputy Secretary, Division of Administrative Services, Agency for Health Care Administration

Documents used to answer: _____

5. Which boards have expressed concern during the last 5 years about the quality of investigative or prosecutorial services provided by the Agency for Health Care Administration (AHCA)? How has AHCA responded to such concerns?

Explanation of answer: None. To the best of its knowledge, the Agency has not received any formal complaints about the overall quality of investigative and prosecutorial services. The Agency has met with the Board of Dentistry to discuss its desire to privatize and was told by members of the Board that the Board is happy with the services provided by AHCA but wishes authority to privatize as an "insurance policy" against future events (not necessarily arising from AHCA). Note: The Agency is aware of one letter of complaint from a particular board member, rather than the entire board, that was sent to the Department of Health. The letter expressed concern about the handling of two cases. The Agency discussed the matter with the Board member and, to the Agency's knowledge, the concerns about the particular cases were resolved satisfactorily.

Note also the Agency can only speak for the period of January 1999 through the present, while the current administration has been in office. The Agency can also only speak about issues raised directly to the Agency either by a board or by the Department of Health. _____

Staff member(s) providing answer: Julie Gallagher, General Counsel

Documents used to answer:
None _____

6. What has the prosecuting attorney turnover rate been during the last 3 fiscal years? How many prosecuting attorneys currently employed by the Agency for Health Care Administration (AHCA) were employed by AHCA on or before January 1, 1999? How many prosecuting attorneys currently employed by the Agency for Health Care Administration (AHCA) were employed by AHCA after January 1, 1999? How many AHCA FTE attorney positions are currently funded from fees and fines paid by licensed health care practitioners? For purposes of answering this question, only include those attorneys employed by the Agency for Health Care Administration for the purpose of prosecuting medical quality assurance complaints under the interagency agreement with the Department of Health.

Answer: FY 98-99 = see below % FY 99-00 = see below % FY 00-01 = see below %

employed on or before January 1, 1999 = 7 out of 20 senior attorney positions

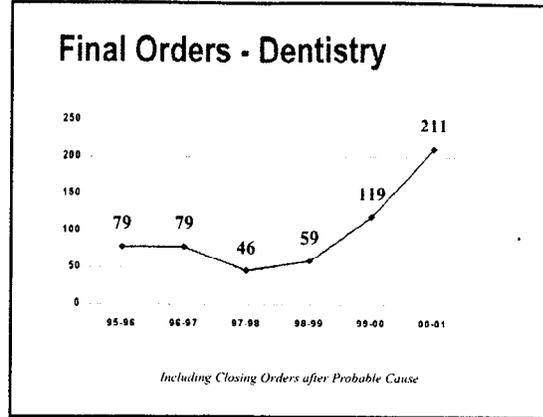
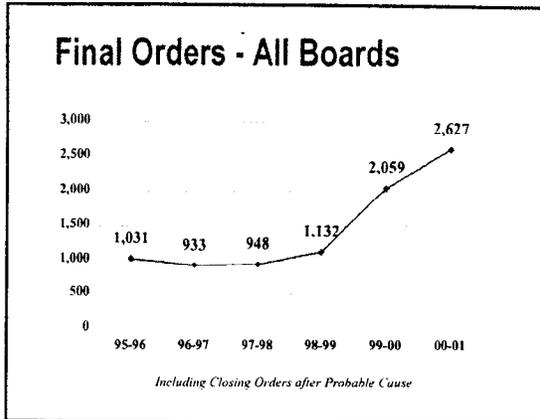
employed on or after July 1, 1999 = 29 out of 36 senior attorney positions

Total # AHCA MQA Attorney FTEs = As of 6/30/01: 36 senior attorney positions and 3 staff attorney positions. As of 10/1/01: 40 senior attorney positions and 3 staff attorney positions.

Explanation of answer: A turnover "rate" cannot be determined due to the increase in attorney FTE positions between 98-99 and 99-00. In addition, the Department of Management Services informed AHCA that it cannot obtain information about attorney turnover within practitioner regulation attorneys only but, rather, can obtain information about the Office of the General Counsel overall. It should also be noted that whatever turnover the Agency has experienced--high or low--the Agency has managed to double the productivity of the MQA practitioner regulation unit. The Board of Medicine's national ranking among regulatory boards has improved from 11th to 3rd in the nation. The Office of the General Counsel also won several Davis Productivity Awards (including a financial award) in recognition of extraordinary productivity and improved efficiencies. The Agency is also not aware that its attorney turnover is higher or lower than other state agencies. Attorneys leave employment for many reasons. Agency attorneys have left the Agency to accept employment in private law firms, the Governor's General Counsel's office, insurance companies, and other agencies. Some have left due to a spouse's job relocation or to relocate to be closer to family. Health care is also an area of the economy that is still booming and recruitment of health care attorneys by outside entities is ongoing and vigorous. Certainly, some attorneys have been asked to leave due to performance issues. This is entirely appropriate. As noted, however, whatever turnover has occurred, the work has been done better than ever, more than ever has been done, and the work was done under budget.

Staff member(s) providing answer: Julie Gallagher, General Counsel

Documents used to answer: Personnel data



10. During FY 99-00 and FY 00-01, how many DOAH proceedings resulted in the issuance of a recommended order to the department or a board within the department for a profession regulated by the Division of Medical Quality Assurance? How many were dental cases?

Answer: FY 99-00 = $\frac{39}{2}$ MQA Dental FY 00-01 = $\frac{61}{3}$ MQA Dental

Figures are based on the total number of Recommended Orders issued during the timeframe indicated on the DOAH Website. Note, the number of recommended orders alone cannot determine total cases resolved by the boards. Many cases are settled prior to trial. See charts after questions 9 above that show final orders issued by all boards and final orders issued by the dental board.

11. Of those recommended orders, how many recommended that disciplinary action be imposed? How many were dental cases?

Answer: FY 99-00 = $\frac{24}{0}$ MQA Dental FY 00-01 = $\frac{36}{3}$ MQA Dental

Figures are based on the total number of Recommended Orders issued during the timeframe indicated on the DOAH Website. Each was reviewed to determine if discipline was recommended.

12. For those cases that resulted in a recommended order, how many days had it taken from the date the complaint was received by the Agency for Health Care Administration for initial review of legal sufficiency to the date the recommended order was issued? How many days for dental cases?

Answer: FY 99-00 = $\frac{1,246}{727}$ MQA Dental FY 00-01 = $\frac{1,041}{1,992}$ MQA Dental

These averages are based on the records of recommended orders retrieved from the DOAH website. These time periods include months and months when the movement of the case is out of the control of either AHCA or the Department of Health. The cases also include some of the oldest cases --the aberrant cases-- that

were processed as part of the backlog elimination. Hence, the average number of days to resolve cases is skewed by just a few older cases that are now out of the system. Since January 1999, the Agency's policy has been not to continue or delay cases unless absolutely necessary to assist the case. DOAH has also received more administrative law judges and is moving cases more quickly. Cases filed at DOAH today should reach recommended order status in a few months.

13. What was the total cost of licensing all health care practitioners and business establishments within the Division of Medical Quality Assurance for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors. For purposes of answering this question, the term "licensing" shall include all functions relating to issuing new licenses, renewing current licenses, reviewing and investigating applicant credentials, testing applicants for licensure by examination, conducting background checks, and any administrative function relating to the regulation of practitioners and business establishments, other than enforcement.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

14. What was the total cost of licensing dentists, dental hygienists, dental interns, and dental laboratories for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001?

Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors. For purposes of answering this question, the term "licensing" shall include all functions relating to issuing new licenses, renewing current licenses, reviewing and investigating applicant credentials, testing applicants for licensure by examination, conducting background checks, and any administrative function relating to the regulation of practitioners and laboratories, other than enforcement.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

15. What was the total cost of examining all candidates for licensure by examination within the Division of Medical Quality Assurance for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

16. What was the total cost of examining all candidates for licensure by examination as dentists and dental hygienists for Fiscal Year 1999-2000 and for Fiscal Year 2000-2001? Please include all costs, including those services provided by other state agencies or portions of agencies, other divisions or offices of the department, and private vendors.

Answer: FY 99-00 = _____ FY 00-01 = _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

17. Which professions and/or boards have indicated an interest in privatizing all or part of the regulatory functions currently provided by the Department of Health, Agency for Health Care Administration, or other entity under contract with the department?

Answer: _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

18. Of those professions and boards which have indicated an interest in privatizing only a portion of the regulatory functions currently provided by the Department of Health, Agency for Health Care Administration, or other entity under contract with the department, please list the profession or board and the function for which they have sought to privatize.

Answer: _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

19. Which regulatory functions under the statutory jurisdiction of the department does the department currently out-source to private vendors or other state agencies? For purposes of this question, please include functions currently performed by the Office of the Attorney General, the Agency for Health Care Administration, and any other state agency or private entity which receives or expends funds to regulate health care practitioners and business establishments licensed by the Division of Medical Quality Assurance. Please list the function and the entity or agency providing the service. Attach a copy of all current contracts between the department and an agency or entity providing the service.

Answer: _____

Explanation of answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

20. What is the cost of each function currently performed by an agency or entity other than the Department of Health? Please explain how the contract for service was negotiated, where the funds originate, and if the department has conducted a cost-benefit analysis or feasibility study that conclusively determined that the agency or entity providing the service is providing the service at the lowest cost possible. Please also explain how the contract services are monitored, by whom, and what performance indicators are used to determine quality of service. If all performance indicators are not specifically included in the contract attached in answer to question number 11 above, please attach a list of performance indicators used to monitor quality of service.

Answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

21. Has the department conducted a cost-benefit analysis or feasibility study of privatizing additional regulatory functions? If so, please provide a copy of the analyses or studies conducted and an explanation of the intentions of the department to proceed with privatization efforts.

Answer: _____

Staff member(s) providing answer: _____

Documents used to answer: _____

22. Does the Department of Health oppose or support privatization of health regulatory functions? Please explain the reason for such opposition or support. If the department opposes or supports privatization of certain functions, please list the function separately and identify the reason for such opposition or support.

Answer: _____

Staff member(s) providing answer: _____

Is this staff member a registered legislative branch lobbyist? _____

23. Would the department support or oppose legislation that would allow an individual profession or board to privatize all or part of its regulation?

Answer: _____

24. Does the department support or oppose the Board of Dentistry's efforts to privatize all or part of its regulatory functions?

Answer: _____

25. Will the department be submitting proposed legislation to the Governor for the 2002 legislative session to allow the Board of Dentistry or other profession to privatize all or part of the regulatory functions?

Answer: _____

Staff member providing answers to questions 23-25: _____

Is this staff member a registered legislative branch lobbyist? _____