

## CHAPTER 12

### STATE GOVERNMENT REGULATORY BODIES

#### I. INTRODUCTION

There are numerous state governmental regulatory bodies that oversee nurses and nursing in general. Ten of these state governmental regulatory bodies that affect nurses are listed below. These regulatory bodies are: The Department of Health, The Agency for Health Care Administration (AHCA), The Attorney General's Office, the Department of Children and Families (DCF), The Florida Department of Veteran's Affairs, The Florida Department of Financial Services, the Agency for Persons with Disabilities, the Department of Elderly Affairs, the Agency for Workforce Innovation, and the Division of Administrative Hearings.

#### II. THE REGULATORY BODIES

##### A. THE DEPARTMENT OF HEALTH

The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

1. Prevent to the fullest extent possible, the occurrence and progression of communicable and noncommunicable diseases and disabilities;
2. Maintain a constant surveillance of disease occurrence and accumulate health statistics necessary to establish disease trends and to design health programs;
3. Conduct special studies of the causes of diseases and formulate preventive strategies;
4. Promote the maintenance and improvement of the environment as it affects public health;
5. Promote the maintenance and improvement of health in the residents of the state;
6. Provide leadership, in cooperation with the public and private sectors, in establishing statewide and community public health delivery systems;
7. Provide health care and early intervention services to infants, toddlers, children, adolescents, and high-risk perinatal patients who are at risk for disabling conditions or have chronic illnesses;

8. Provide services to abused and neglected children through child protection teams and sexual abuse treatment programs;
9. Develop working associations with all agencies and organizations involved and interested in health and health care delivery;
10. Analyze trends in the evolution of health systems, and identify and promote the use of innovative, cost-effective health delivery systems;
11. Serve as the statewide repository of all aggregate data accumulated by state agencies related to health care; analyze that data and issue periodic reports and policy statements, as appropriate; require that all aggregated data be kept in a manner that promotes easy utilization by the public, state agencies, and all other interested parties; provide technical assistance as required; and work cooperatively with the state's higher education programs to promote further study and analysis of health care systems and health care outcomes;
12. Include in the department's strategic plan developed under Section 186.021, Florida Statutes, an assessment of current health programs, systems, and costs; projections of future problems and opportunities; and recommended changes that are needed in the health care system to improve the public health; and
13. Regulate health practitioners, to the extent authorized by the Legislature, as necessary for the preservation of the health, safety, and welfare of the public.

For more information about the Department of Health contact:

Florida Department of Health  
2585 Merchants Row Boulevard  
Tallahassee, Florida 32399-3252  
Telephone: (850) 245-4343  
Telefax: (850) 487-372-94052  
Website: <http://www.doh.state.fl.us/>

### **1. The Board of Nursing**

The Board of Nursing is the division of the Department of Health which regulates the nursing profession. The Board of Nursing generally has the ability to:

1. License and discipline nurses;
2. Create rules and regulations for the nursing profession; and

3. Write and issue declaratory statements and opinions on various nursing topics.

If you would like any other information regarding your license, renewal information, continuing education requirements, or other nursing topics, you may contact the Board of Nursing:

Florida Board of Nursing  
4052 Bald Cypress Way, BIN C02  
Tallahassee, Florida 32399-3252  
Telephone: (850) 245-4125  
Telefax: (850) 245-4172  
Website: <http://www.doh.state.fl.us/mqa/nursing/>

If you should receive a letter stating that the Board of Nursing may discipline you or your license, contact your health care attorney immediately. Chapter 2 Selecting an Attorney offers information on selecting an attorney to meet your needs.

## **2. Board of Medicine**

The Board of Medicine is a division of the Department of Health. The Board of Medicine generally has the ability to:

1. License and discipline those individuals who are subject to the Board's rules;
2. Create rules and regulations for the medical profession; and
3. Write and issue declaratory statements and opinions on various medical topics.

Florida Board of Medicine  
4052 Bald Cypress Way, BIN C03  
Tallahassee, Florida 32399-3252  
Telephone: (850) 245-4143  
Telefax: (850) 488-9325  
Website: [http://www.doh.state.fl.us/mqa/medical/me\\_general.html](http://www.doh.state.fl.us/mqa/medical/me_general.html)

a. **Electrolysis Council of the Board of Medicine**

The Florida Electrolysis Council is responsible for licensing and regulating electrologist and electrology facilities that meet statutory requirements for safe practice in Florida. This council is composed of three members from the Board of Medicine.

b. **Physician's Assistant Council of the Board of Medicine**

This Council is composed of members of the Board of Medicine, one member from the Board of Osteopathic Medicine and one licensed physician assistant approved by the Secretary of the Department of Health. This council's duties include:

1. Certification of applicants for licensure;
2. Development of rules regulating physician assistants; and
3. Making recommendations to the Board regarding all matters relating to physician assistants.

**B. AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA)**

The department will be the chief health policy and planning entity for the state. The department is responsible for health facility licensure, inspection, and regulatory enforcement; investigation of consumer complaints related to health care facilities and managed care plans; the implementation of the certificate of a need program; the operation of the Florida Center for Health Information and Policy Analysis; the administration of the Medicaid program; the administration of the contracts with the Florida Healthy Kids Corporation; the certification of health maintenance organizations and prepaid health clinics as set forth in part III of chapter 641; and any other duties prescribed by statute or agreement. Below are the divisions and bureaus most applicable to nurses.

For more information concerning the Agency for Health Care Administration contact:

Agency for Health Care Administration  
2727 Mahan Drive  
Tallahassee, Florida 32308  
Telephone: (888) 419-3456  
Website: <http://www.flhealthlink.com/Frames/AHCA.htm>

**1. The Division of Medicaid**

Medicaid is the state and federal partnership that provides health coverage for selected categories of people with low incomes. Its purpose is to improve the health of people who might otherwise go without

medical care for themselves and their children. Medicaid is different in every state. In Florida, AHCA develops and carries out policies related to the Medicaid program.

Medicaid is different from Medicare. Medicare is a federal health insurance program for people who are age 65 or older or disabled. It is administered by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), formerly known as Health Care Financing Administration (HCFA). Eligibility for Medicare is not based on the person's income or assets.

Florida implemented the Medicaid program on January 1, 1970, to provide medical services to indigent people. Over the years, the Florida Legislature has authorized Medicaid reimbursement for additional services. A major expansion occurred in 1989, when the United States Congress mandated that states provide all Medicaid services allowable under the Social Security Act to children under the age of 21.

As a nurse, you are probably familiar with Medicaid services. However, because the Medicaid laws are ever-changing, you must continue to update your knowledge of Medicaid issues and strictly follow your employer's Medicaid compliance plan. If your employer does not have a compliance plan in place, he or she should immediately implement a compliance plan.

### **C. ATTORNEY GENERAL'S OFFICE**

The Attorney General in the State of Florida has many functions. The Attorney General's Office is divided into many "units," including: Antitrust, Civil Rights, Computing, Consumer Investigations, Crime Victims Services, Criminal Appeals, Criminal Justice Programs, Government in the Sunshine, Legal Opinions, Lemon Law, Medicaid Fraud, Seniors v. Crime and Statewide Prosecution.

Additionally, issuing legal opinions to governmental agencies has long been a function of the Office of the Attorney General. Attorney General Opinions serve to provide legal advice on questions of statutory interpretation and can provide guidance to public bodies as an alternative to costly litigation. Opinions of the Attorney General, however, are not law. They are advisory only and are not binding in a court of law. Attorney General Opinions are intended to address only questions of law, not questions of fact, mixed questions of fact and law, or questions of executive, legislative or administrative policy.

For more information concerning the Attorney General's office, contact:

Office of Attorney General  
State of Florida  
The Capitol PL-01  
Tallahassee, Florida 32399-1050  
Telephone: (866) 966-7226  
Website: <http://myfloridalegal.com/>

The primary units applicable to nurses are the Medicaid Fraud Unit and the Professional License Board Advisors:

**1. Medicaid Fraud Unit**

The Medicaid Fraud Control Unit became part of the Attorney General's Office in July 1994 and brought with it the responsibility for investigating Medicaid fraud and patient abuse.

Medicaid fraud can take many forms. The most common involves doctors, clinics and other health care providers billing for services never performed, overbilling for services provided or billing for tests, services and products which are medically unnecessary. The unit is also responsible for investigating the abuse or exploitation of patients in any facility that accepts Medicaid funds. This includes physical abuse, neglect or financial exploitation.

To report Medicaid fraud, please call (866) 966-7226.

**2. Professional License Board Advisors**

The Administrative Law Section of the Attorney General's Office primarily serves as counsel to professional licensure and disciplinary boards. The attorneys in this Section serve as counsel to licensure boards within the Department of Health, including the Board of Nursing, and to other licensure boards. In their role as legal counsel, the attorneys provide legal advice on any issues that arise, but most frequently advise with regard to rule making, due process provisions of law, Sunshine and Public Records Law, and the authority and responsibility of the boards and board members. The attorneys assist with rule making by advising on rule making authority, drafting the text of proposed rules, and handling the actual promulgation process. They also draft orders and correspondence for the boards as needed.

In addition to the above, the attorneys represent the boards if the boards are brought into litigation in a judicial forum. In this role, the attorneys have represented boards before county, circuit, and appellate courts of the State of Florida, as well as the trial and appellate courts of the federal judiciary. The attorneys within this Section consult with or co-counsel with other attorneys from the Attorney General's Office when special expertise is needed.

For more information concerning this section, please call (850) 414-3300.

**D. THE DEPARTMENT OF CHILDREN AND FAMILIES (DCF)**

The mission of the Department of Children and Family Services is to work in partnership with local communities to ensure the safety, well-being, and self-sufficiency of the people served. One of the duties as a nurse is to know the signs of abuse.

For more information concerning the Department of Children and Families, contact:

1317 Winewood Boulevard  
Building 1, Room 202  
Tallahassee, Florida 32399-0700  
Telephone: (850) 487-1111  
Telefax: (850) 922-2993  
Website: [http://www.myflorida.com/cf\\_web/](http://www.myflorida.com/cf_web/)

**1. Duty to Report Child Abuse**

Chapter 39, Florida Statutes, mandates that any person who knows, or has reasonable cause to suspect, that a child is abused, abandoned, or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall report immediately such knowledge or suspicion to the central abuse hotline of the Department of Children and Families.

Section 39.202, Florida Statutes, states that nurses and certain other professionals are required to provide their names to the Child Abuse Hotline staff; however any information given will remain confidential.

**2. Other Types of Abuse**

Below is a listing of hotline numbers that a nurse can use in the event she believes that someone is being abused or neglected.

Florida Domestic Violence Hotline  
(800) 500-1119

Florida Abuse Hotline (to report cases of elder abuse)  
(800) 962-2873 (same as 1-800-96-ABUSE)

**E. FLORIDA DEPARTMENT OF VETERAN'S AFFAIRS**

The following are the divisions, and bureaus within the Department of Veterans' Affairs:

1. Division of Administration and Public Information; and
  - a. Bureau of Information and Research.
2. Division of Veterans' Benefits and Assistance.
  - a. Bureau of Veteran Claims Services;
  - b. Bureau of Veteran Field Services; and

- c. Bureau of State Approving for Veterans' Training.

For more information about the Florida Department of Veterans' Affairs and its divisions and bureaus contact:

Florida Department of Veterans' Affairs  
4040 Esplanade Way  
Suite 152  
Tallahassee, Florida 32399-0950

## **F. FLORIDA DEPARTMENT OF FINANCIAL SERVICES**

The following are the divisions and bureaus, within the Florida Department of Financial Services:

1. The Division of Accounting and Auditing, which shall include the following bureau and office:
  - a. The Bureau of Unclaimed Property; and
  - b. The Office of Fiscal Integrity;
2. The Division of State Fire Marshal;
3. The Division of Risk Management;
4. The Division of Treasury, which shall include:
  - a. Bureau of Deferred Compensation;
5. The Division of Insurance Fraud;
6. The Division of Rehabilitation and Liquidation;
7. The Division of Insurance Agents and Agency Services;
8. The Division of Consumer Services;
9. The Division of Consumer Services;
10. The Division of Workers' Compensation;
11. The Division of Administration;
12. The Division of Legal Services;
13. The Division of Information Systems;

14. The Office of Insurance Consumer Advocate; and
15. The Division of Funeral, Cemetery, and Consumer Services.

For more information about the Florida Department of Financial Services and its divisions and bureaus contact:

Florida Department of Financial Services  
200 East Gaines Street  
Tallahassee, Florida 32399-0324  
Telephone: (850) 413-3100  
Website: <http://www.fldfs.com/>

#### **G. THE AGENCY FOR PERSONS WITH DISABILITIES**

The agency is responsible for providing all services provided to persons with developmental disabilities under chapter 393, including the operation of all state institutional programs and the programmatic management of Medicaid waivers established to provide services to persons with developmental disabilities.

For more information about the Agency for Persons with Disabilities contact:

Agency for Persons with Disabilities  
Central Office  
4030 Esplanade Way  
Suite 380  
Tallahassee, Florida 32399-0950  
Telephone: (850) 488-4257  
Website: <http://www.apd.myflorida.com/>

#### **H. DEPARTMENT OF ELDERLY AFFAIRS**

The Florida Legislature has created an enumerated list of functions that are to be carried out by the Department of Elderly Affairs, including:

1. The department shall plan and administer its programs and services through planning and service areas as designated by the department.
2. The department shall administer the State Long-Term Care Ombudsman Council, created by Section 400.0067, Florida Statutes, and the local long-term care ombudsman councils, created by Section 400.0069, Florida Statutes, and shall, as required by Section 712 of the federal Older Americans Act of 1965, ensure that both the state and local long-term care ombudsman councils operate in compliance with the Older Americans Act;

3. In accordance with the federal Older Americans Act of 1965, as amended, the department shall designate and contract with area agencies on aging in each of the department's planning and service areas.; and
4. The department shall contract with the governing body of an area agency on aging to fulfill programmatic and funding requirements.

For more information about the Department of Elderly Affairs contact:

Florida Department of Elder Affairs  
4040 Esplanade Way  
Tallahassee, Florida 32399-7000  
Telephone: (850) 414-2000  
Telefax: (850) 414-2004  
Website: <http://elderaffairs.state.fl.us/>

#### **I. AGENCY FOR WORKFORCE INNOVATION**

The Agency for Workforce Innovation shall ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of Workforce Florida, Inc., under contract with Workforce Florida, Inc.

For more information about the Agency for Workforce Innovation contact:

Agency for Workforce Innovation  
107 East Madison Street  
Caldwell Building  
Tallahassee, Florida 32399-4120  
Telephone: (850) 245-7105  
Telefax: (850) 921-3223  
Website: <http://www.floridajobs.org/>

#### **J. THE DIVISION OF ADMINISTRATIVE HEARINGS (DOAH)**

The Division of Administrative Hearings (the Division or DOAH) operates two distinct programs: the adjudication of administrative disputes by Administrative Law Judges (ALJs) and the adjudication of workers' compensation disputes by Judges of Compensation Claims (JCCs). The Division provides independent ALJs to conduct hearings pursuant to Sections 120.569 and 120.57(1), Florida Statutes, pursuant to other law, and under contract with governmental entities. The Division also, pursuant to Chapter 440, Florida Statutes, provides JCCs in 17 offices throughout the state. The ALJs and JCCs are not subject to control, supervision, or direction by any party or any department or commission of state government. The Division is established within the Department of Management Services for provision of support services only.

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For more information about the Division of Administrative Hearings contact:

Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32301-3060  
Telephone for ALJ Program: (850) 488-9675  
Telephone for JCC Program: (850) 487-1911  
Website: <http://www.doah.state.fl.us/internet/>

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