

## Report of the Commission on Review of Taxpayer Funded Hospital Districts

On March 23, 2011, Governor Rick Scott issued Executive Order Number 11-63, appointing a commission to review whether government-run hospitals are in the best interest of taxpayers. A copy of the Executive Order is included as Attachment 1 of this report. The Florida Commission on Review of Taxpayer Funded Hospital Districts was chaired by Dominic Calabro of Florida TaxWatch in Tallahassee. Taxwatch published a report on Florida's special hospital taxing districts in February 2009. A copy of the report is included as Attachment 2 of this report. Other members of the Commission included:

- Brad Dinkins, Bradford Development, Ocala
- R. Paul Duncan, Ph.D., University of Florida, College of Health Related Professions, Gainesville
- The Honorable Matt Hudson, Florida House of Representatives, Naples
- Jacob C. Jackson, Southeast Regional Counsel for the Department of Children and Families, North Lauderdale
- Marshall Kelley, Health Management Associates, Tallahassee
- J. Scott McLeneghen, City National Bank of Florida, West Palm Beach
- Randall McElheney, CoastalMed, Inc., Panama City
- The Honorable Joe Negron, Florida Senate, Palm City

The Commission held \_\_\_ public meetings between May 23 and December \_\_, 2011 at the Agency for Health Care Administration (AHCA) in Tallahassee. The Commission created a webpage and posted all materials considered at each meeting. Telephone call-in numbers were provided and audio recordings of the meetings were later posted on the website. Staff maintained an email list and copied interested parties on meeting reminders and similar emails.

More than 18 individuals and organizations made presentations to the Commission. These presentations are described in meeting minutes which are posted on the website. Copies of handouts or PowerPoints presented at each meeting are also posted on the Commission webpage. These postings are organized by meeting date.

Presenters included representatives of special hospital districts, public and private hospitals and health care systems, state government officials and interested taxpayers. Dr. Keon-Hyung Lee of the Askew School of Public Administration and Policy at Florida State University presented an analysis of financial information that had been compiled for the Commission by staff.

Prior to the first Commission meeting in May, staff sent a letter to the hospital districts asking nine questions about their history, governance, programs and oversight. In November, staff followed up with a public records request for executive and physician salaries. A sample of the outgoing letters, the specific responses from the districts and a staff summary of the information organized by geographic market area are all posted on the web.

The final version of this report will include active links to the Commission website. The Commission considered a large amount of detailed and diverse information throughout the busy meeting schedule and in the preparation of this report. While the document may be printed, online viewing allows direct links to extensive supporting documentation.

## A Citizens' Commission

The Commission on Review of Taxpayer Funded Hospital Districts was described by Chairman Calabro as a "citizens' commission". He noted that most of the members were not directly tied to the hospital industry, and that it is important to have a commission made up of accomplished individuals from outside the industry who study the issues and make recommendations about the future of the districts and the hospitals they operate.

Chairman Calabro pointed to the findings submitted in draft text by Commissioner Brad Dinkins as the basis for several of the recommendations that are included in this report. These findings include the following points:

- Special hospital districts have governance models that are varied and inconsistent. District boards have a diverse array of member appointment processes.
- Some districts impose taxes upon residents where there is no elected representation.
- Some public and private hospitals are receiving local tax revenue while making good and sometimes substantial profits.
- Some district hospitals are receiving local tax dollars despite paying excessive salaries, having irresponsible business practices and operating inefficiently.
- Many private and some public hospitals provide quality health care without local tax support.
- Hospital districts have failed to require the determination of the dollar value of the benefits received by district that result from tax exemptions.
- Over the years, some hospital districts have failed to re-evaluate the funding they have received from taxpayers, despite the creation of state indigent care programs, including the Public Medical Assistance Trust Fund, the Disproportionate Share Program, the Low Income Pool and the Health Care Responsibility Act.
- All Florida counties have statutory authority to fund indigent care through a sales tax referendum.
- Public hospitals that sell their assets can provide long term benefits to improve access to care for the poor.

Reflecting its makeup as a citizens' commission, this report makes no attempt to be an academic study. It is intended to be a plain spoken review of the information received and reviewed by commissioners in their public meetings. Much of the information was technical and complicated. Some of the information was controversial and the commissioners heard different views of the same situations.

The report includes recommendations in six specific areas that were included in the Governor's Executive Order. These specific areas are:

- Quality of Care
- Cost of Care
- Access to Care for the Poor
- Oversight and Accountability
- Physician Employment
- Changes of Ownership and Governance

After reviewing all of the information presented to the Commission, this report begins with a set of general recommendations:

- The Governor and other appointing authorities should appoint qualified individuals to hospital boards who do not have conflicts of interest.
- Board members should include members of the local community who have financial expertise and experience operating successful, larger businesses.
- District and hospital boards should be separate.
- Hospital board members and hospital managers should be separate
- Special hospital districts should become indigent health care districts, funding indigent health care based on local priorities and not limited to hospitals owned or operated by the districts.
- As a part of the transition to indigent health care districts, hospital districts that own hospitals should de-couple them from the districts.
- The Legislature should create a new section of Chapter 189, Florida Statutes that directs the transition from special hospital districts to indigent health care districts.
- When considering changes to taxation rates, millage rates should be adjustable with a maximum allowable rate, but with the flexibility to lower the rate if circumstances change.

# Summary of Commission Recommendations

## General Recommendations

- The Governor and other appointing authorities should appoint qualified individuals to hospital boards who do not have conflicts of interest.
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- When considering changes to taxation rates, millage rates should be adjustable with a maximum allowable rate, but with the flexibility to lower the rate if circumstances change.

### 1. Quality of Care

- a. Using the available outcome data, there is no pattern of higher or lower quality in Florida hospitals based on ownership type.
- b. The Governor and Legislature should support the Agency for Health Care Administration in its effort to continue to refine and publish data on outcomes and quality by hospital and health care facility.

### 2. Cost of Care

- a. The Agency should complete the legislatively mandated study on the use of DRGs for Medicaid hospital reimbursement in a managed care environment. This is the best chance to reduce inequities in the current Medicaid hospital reimbursement system.
- b. After the completion of the DRG study, the Legislature should authorize the development of a DRG-based system that can be used as a basis for the negotiation of hospital payments under the future managed care environment.
- c. The Legislature should provide incentives for the use of LIP funds for primary and specialist care to the indigent population through models that offer more community and hospital choices.

### 3. Access to Care for the Poor

Special hospital districts should no longer limit themselves to providing tax funds to hospitals. Indigent care funding models that are based on a money follows the patient system provide a more equitable distribution of funds for indigent care and allow local communities to establish funding programs that reflect unique local needs.

### 4. Oversight and Accountability

- a. Amend Chapter 189, Florida Statutes, to ensure that all hospital taxing districts contain a sunset provision every eight years to review the districts' authority to levy taxes. Re-approval of the districts' taxing authority should be voted on by local referendum in a general election.
- b. Due to the structural diversity and unique circumstances of special hospital districts, local bills are most effective way to enact reforms such as the transition from a hospital district to an indigent care district.
- c. Special hospital districts should develop transparent, thorough and consistent mechanisms for reporting on their activities to both local taxpayers, stakeholders and to the state government.

## **5. Physician Employment**

## **6. Changes of Ownership and Governance**

- a. Ensure an open, public bid process
- b. Ensure a fair and independent asset valuation process
- c. Establish guidelines to ensure an ongoing community benefit with any proceeds from the sale of a hospital
- d. Maintain independent oversight of process
- e. Require the maintenance and/or expansion of community health programs

## Introduction and Background

Florida's special hospital districts were created primarily in the middle decades of the last century when the state's hospital infrastructure was undeveloped but the population was beginning to grow very quickly. The health care system was much simpler than the diverse, complex system we have today. Some communities felt the need to fund hospitals and other health care infrastructure, and they were willing to be taxed to do so. Other communities created hospital districts without taxing authority and others chose not to create special districts. The Florida map on page 10 shows at a glance the diversity of approaches to special hospital districts.

In the 1960s, the Medicare and Medicaid programs were enacted at the national level. By the 1970s, Medicare was funding an explosion of hospital development across the country because hospitals could allocate a portion of their capital costs to individual patient bills. This was called "cost plus" reimbursement. For-profit hospital corporations were created. Many new hospitals were built and existing hospitals expanded. Hospital spending began to grow at previously unseen rates. The federal government established a requirement for state certificate of need programs in part to control the explosive growth.

In the early 1980s, the need to change Medicare hospital reimbursement was clear. The inclusion of capital costs in patient bills had led to the overdevelopment of inpatient hospital beds. Inpatient reimbursement was switched to a system of prospective reimbursement based on the patient's diagnosis. This is still the reimbursement system today and it is generally referred to as DRGs (diagnosis related groups). A long process of trying to redirect patients away from more expensive inpatient care to greater use of outpatient services began. This stimulated the diverse array of outpatient health care providers that we have today.

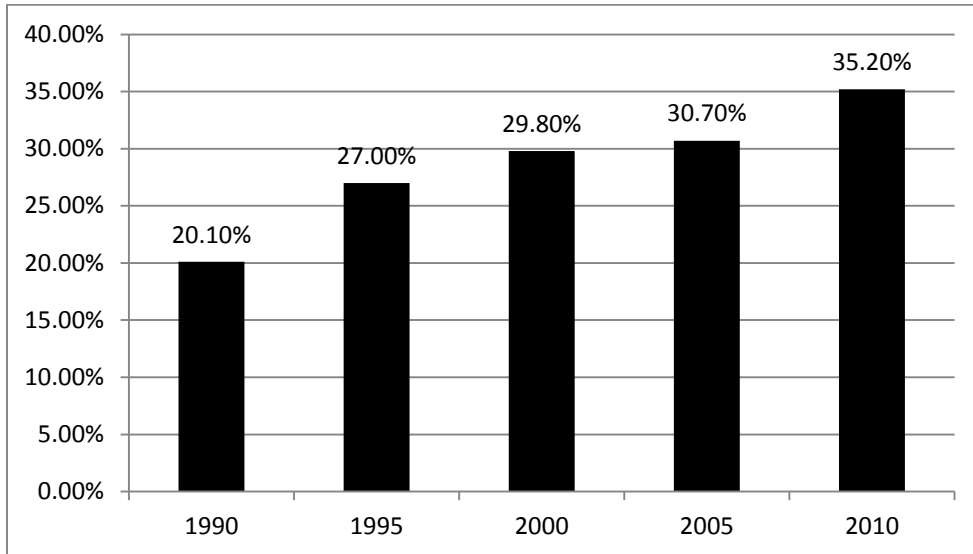
Many hospitals also own and operate diverse outpatient services. Figure 1 on the following page shows the increasing amount of the state's acute care hospital business that is devoted to outpatient care. Outpatient services require less capital investment than inpatient beds, particularly since hospitals have been free to renovate existing space or add new outpatient services without regulatory review since 1987. This is an example of a fundamental way that hospitals are changing and why it is a good idea to reconsider some of the funding mechanisms that have been in place since hospitals delivered only simple, basic inpatient care.

Another way to see basic changes in Florida's hospital industry is to note the steady decrease in major capital projects or complex tertiary care programs that are subject to regulatory review. Declining numbers of certificate of need applications for hospital projects are partially due to de-regulation. However, compared to the 1980s, when new hospital beds and facilities were expanding very rapidly, applications for new hospitals and complex, tertiary care programs have dropped to very low levels. This is documented in Figure 2 on the following page.

Many hospitals are now continuously re-aligning their services and renovating their facilities. As we look ahead to continued clinical and technological innovation and greater use of telemedicine and electronic

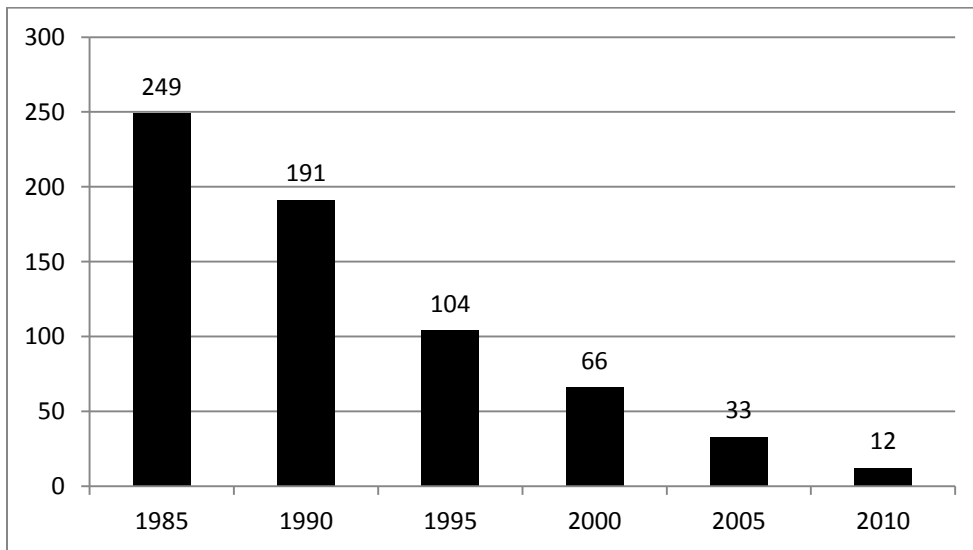
health records, we see other reasons to re-evaluate the need for taxation and funding that is limited to hospital care.

**Figure 1: Percentage of Total Charges for Florida Acute Care Hospitals Attributable to Outpatient Services, 1990-2010**



Source: Agency for Health Care Administration, Florida Hospital Uniform Reporting System

**Figure 2: Number of Certificate of Need Reviews for Hospital Projects, 1985-2010**



Source: Agency for Health Care Administration, Certificate of Need Program

Compared to the time when many special hospital districts were being established, we now have a relatively mature, diverse, and very competitive hospital industry. The state’s population growth has slowed and access to capital has become less predictable. The commission has heard varied presentations at its meetings that have described problem situations involving taxation levels, district oversight or changes in hospital ownership. While unique in many respects, these issues are occurring

at the same time, providing yet another set of reasons to evaluate the ongoing appropriateness of special hospital districts in Florida.

## Diversity of Special Hospital Districts and Hospitals

The commission was continuously informed by many speakers of the diversity of special hospital districts, the hospitals they operate, and the hospitals that compete with district hospitals. A number of presenters used the expression, “When you’ve seen one, you’ve seen one.” The Commission was challenged by “apples and oranges” issues throughout its meeting schedule and in the development of this report.

Special districts are units of special-purpose government. They have authority to do only the things set out for them to accomplish in their creation document. Special districts are created by general law, special act of the Legislature, local ordinance or by rule of the Governor and Cabinet. These districts are classified as independent or dependent.

A ***dependent special district*** has at least one of the following characteristics:

- Its governing body members are identical to the governing body members of a single county or single municipality
- Its governing body members are appointed by the governing body of a single county or single municipality
- During unexpired terms, its governing body members are subject to removal at will by the governing body of a single county or single municipality
- The district’s budget can be vetoed by the governing body of a single county or single municipality

An ***independent special district*** does not have any dependent characteristics. Independent districts are created by special act of the Legislature. The classification system applies to all districts, not just hospital districts. It exists primarily for state and local financial reporting purposes.

Currently, the Department of Economic Opportunity’s Special District Information Program lists approximately 1,615 active special districts and 30 active special hospital districts. Of these 30, six are dependent and 24 are independent. Sixteen of the hospital districts currently have millage or receive tax money.

In compiling this report, the Commission considered information from special districts that are inactive and also considered information from the Public Health Trust of Miami-Dade County, which is not a special hospital district but a part of county government. The Commission included Jackson Memorial Hospital in its analysis because it is the largest public hospital in the state and the governance of the Public Health Trust has similarities to special districts.

The fundamental differences in governing structure, taxing authority and taxing activity in the special districts are summarized in the following bullet points:

- Of the 34 special hospital districts listed in the table below, 26 (76.48 percent) are classified as independent (I) and eight (23.52 percent) are classified as dependent (D).
- In terms of governance, 17 (50 percent) have boards appointed by the Governor, six (17.65 percent) have elected boards, five (14.71 percent) have boards appointed by the county commissioners, three (8.82 percent) have a boards appointed by a combination of government officials and three (8.82 percent) do not have boards.
- Twenty two (64.71 percent) special hospital districts have taxing authority, while 12 (35.29 percent) do not have the authority to tax.
- Fifteen (44.12 percent) special hospital districts levy a millage rate between .25 and 3.25 on district residents and two (5.88 percent) receive tax support from a sales or surtax. Seventeen (50 percent) special hospital districts do not receive a specific sales/surtax or millage revenue.

The following table provides a more detailed view of the governing structure, taxing authority and taxing activity in the special hospital districts.

**Table 1: Basic Structure and Taxing Authority of Florida Special Hospital Districts (Grouped Geographically From North to South)**

District Name	Type of District <sup>1</sup>	Board of Directors	Taxing Authority	Tax Levied	Millage Rate
<b>Panama City – Tallahassee</b>					
Bay County Hospital Taxing District	I	9 members, combination appointed and confirmed by County Commissioners and Bay Medical Trustees/Staff.	No		
Hospital District for the City of Carrabelle	D	NA	No		
Campbellton-Graceville Hospital	I	5 members, appointed by the Governor	Yes	Yes	1.5460
Jackson County Hospital District	I	9 members, appointed by the Governor	Yes	No	
Franklin County Hospital District	D	NA	No		
Holmes County Hospital District	I	5 members, appointed by the Governor	Yes	No	
NW Florida Community Hospital District	D	NA	No		
Gadsden County Hospital District	D	Appointed by the County Commissioners	No	Yes, but not millage	Part of a half-cent sales tax
Madison County Hospital District	I	7 members, appointed by the Governor	No		
<b>Lake City – Gainesville – Ocala – Leesburg – Brooksville</b>					
Lake Shore Hospital Authority	I	7 members, appointed by the Governor	Yes	Yes	0.962

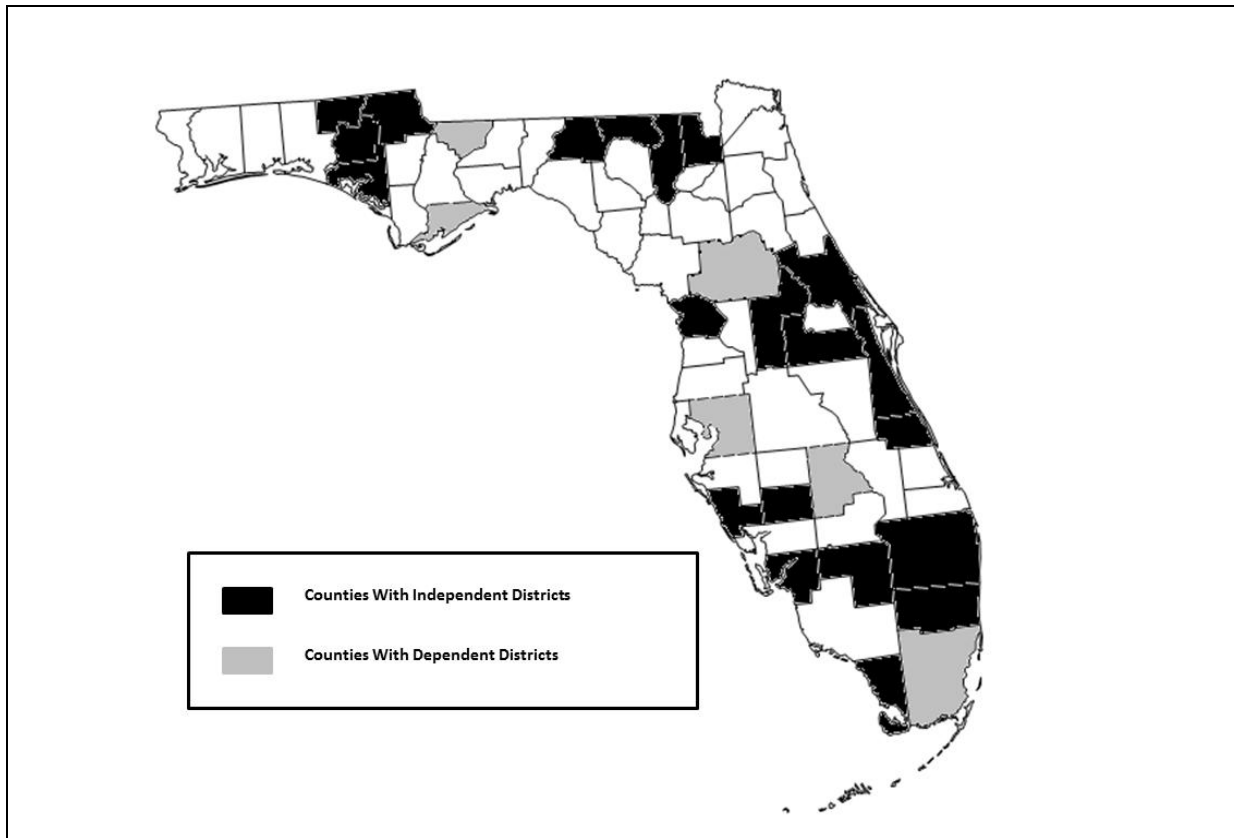
District Name	Type of District <sup>1</sup>	Board of Directors	Taxing Authority	Tax Levied	Millage Rate
Hamilton County Hospital District	I	5 members, appointed by the Governor	No		
Marion County Hospital District	D	7 members, appointed by the County Commissioners	Yes	No	
Citrus County Hospital District	I	5 members, appointed by the Governor	Yes	Yes	0.25
South Lake County Hospital District	I	11 members, appointed by the Governor	Yes	Yes	0.8666
North Lake County Hospital District	I	6 members, voted on in a general election	Yes	Yes	1.00
<b>Jacksonville - Daytona</b>					
Baker County Hospital Authority	I	5 members, appointed by the Governor	Yes	Yes	1.0571
Halifax Hospital Medical Center Taxing District	I	7 members, appointed by the Governor	Yes	Yes	2.00
Southeast Volusia Hospital District	I	Appointed by the Governor	Yes	Yes	3.25
West Volusia Hospital Authority	I	5 members, voted on in a general election	Yes	Yes	2.0818
<b>Tampa – Lakeland – Bradenton – Sebring</b>					
Hillsborough County Hospital Authority	D	15 members, appointed by the County Commissioners	No		
Highlands County Hospital District	D	5 members, appointed by the County Commissioners	No		
<b>Greater Orlando and Brevard</b>					
Cape Canaveral Hospital District	I	12 members, appointed by the Governor	Yes	No	
North Brevard County Hospital District	I	9 members, combination appointed and confirmed by City Council and County Commissioners	Yes	No	
West Orange Healthcare District	I	16, appointed by the Governor	No		
<b>Sarasota – Ft. Myers – Naples</b>					
DeSoto County Hospital District	I	5 members, appointed by the Governor	Yes	No	
Hendry County Hospital Authority	I	5 members, voted on in a general election	Yes	Yes	2.9
Lee Memorial Health System	I	10 members, voted on in a general election	No		
Sarasota County Public Hospital District	I	9 members, voted on in a general election	Yes	Yes	1.08
<b>West Palm Beach – Stuart – Ft. Pierce – Vero Beach</b>					
Indian River County Hospital District	I	7 members, voted on in a general election	Yes	Yes	0.9386

District Name	Type of District <sup>1</sup>	Board of Directors	Taxing Authority	Tax Levied	Millage Rate
Health Care District of Palm Beach County	I	7 members, combination appointed by Governor, County Commissioners and the current Director of the Health Department	Yes	Yes	1.1451
<b>Broward</b>					
Broward Health	I	7 members, appointed by the Governor	Yes	Yes	1.875
South Broward Hospital District	I	7 members, appointed by the Governor	Yes	Yes	0.75
<b>Miami-Dade and Monroe</b>					
Miami-Dade County Public Health Trust	D <sup>2</sup>	County Commissioners replaced the board with a Financial Recovery Board	No	Yes, but not millage	One half-cent sales surtax
Lower Florida Keys Hospital District	I	9 members, appointed by the Governor	Yes	No	

<sup>1</sup> A dependent special district (D) has at least one of the following characteristics: its governing body members are identical to the governing body members of a single county or single municipality; its governing body members are appointed by the governing body of a single county or single municipality; during unexpired terms, its governing body members are subject to removal at will by the governing body or a single county or single municipality; or the district’s budget can be vetoed by the governing body of a single county or single municipality. An independent special district (I) does not have any D characteristics.

<sup>2</sup> The Miami-Dade County Public Health Trust is a part of county government and not a special district. It was included in the Commission’s analysis because of the large size of Jackson Memorial Hospital and its important role in the state’s health care system.

**Figure 1: Map of Florida Counties with One or More Special Hospital Taxing Districts**



## Quality of Care

1. Determine if there are better or worse outcomes on national measures of quality, such as the CMS Core Measures, in government-operated hospitals compared to non-government operated hospitals.

The clinical outcome measures that staff provided to commissioners are either inpatient quality indicators or patient safety indicators as defined by the federal Agency for Health Care Research and Quality (AHRQ). These measures of quality are on a par with the CMS Core Measures referenced in the executive order. The following table summarizes the specific measures:

**Table 2: Hospital Outcome Measures Considered by the Commission**

<b>AHRQ Inpatient Quality Indicators – Mortality Procedures</b>
<ol style="list-style-type: none"> <li>1. Abdominal Aortic Aneurysm Repair Mortality</li> <li>2. Coronary Artery Bypass Graft Mortality</li> <li>3. Craniotomy Mortality (Surgical Opening of the Skull)</li> <li>4. Esophageal Resection Mortality (Surgical Removal of the Throat)</li> <li>5. Hip Replacement Mortality</li> <li>6. Pancreatic Resection Mortality (Surgical Removal of the Pancreas)</li> </ol>
<b>AHRQ Inpatient Quality Indicators – Mortality Conditions</b>
<ol style="list-style-type: none"> <li>7. Acute Myocardial Infarction (Heart Attack)</li> <li>8. Acute Myocardial Infarction (Heart Attack), Without Transfer Cases</li> <li>9. Acute Stroke Mortality</li> <li>10. Congestive Heart Failure Mortality</li> <li>11. Gastrointestinal Hemorrhage Mortality</li> <li>12. Hip Fracture Mortality</li> <li>13. Pneumonia Mortality</li> </ol>
<b>AHRQ Patient Safety Indicators – Complication and Infection</b>
<ol style="list-style-type: none"> <li>14. Decubitus Ulcer (Bed Sore)</li> <li>15. Iatrogenic Pneumothorax (Collapsed Lung Caused by a Medical Procedure)</li> <li>16. Infections Due to Medical Care</li> <li>17. Postoperative Hip Fracture</li> <li>18. Postoperative Pulmonary Embolism (Blockage in a Blood Vessel in the Lung) or Deep Vein Thrombosis (Blood Clot in a Deep Vein)</li> <li>19. Postoperative Sepsis (Whole Body Inflammation)</li> </ol>

The basic problem in attempting to compare hospitals is that they are very diverse and complicated. For example, one third of the state's publicly owned hospitals are small rural facilities. It is extremely difficult to compare rural hospitals to larger hospitals because rural hospitals often have too few patients to produce comparable data. It is also difficult to compare larger hospitals because they offer different services.

This Commission considered the data on quality measures. There is currently an emphasis on gathering data on quality and refining the measures on the part of the federal Centers for Medicare and Medicaid Services (CMS). AHCA, over the past decade, has also gathered data on hospital quality and has placed this information on its web site for consumers and researchers.

As noted in draft text submitted by Commissioner Paul Duncan, who is an experienced health services researcher, answering this question superficially has great potential for being misleading. Answering it as thoroughly and rigorously as current methods and data might allow would be a very significant undertaking, the kind of thing that might be pursued by a team of researchers with substantial funding from a major foundation or government agency.

## Quality of Care Recommendations

- 1a. Using the available outcome data, there is no pattern of higher or lower quality in Florida hospitals based on ownership type.**
- 1b. The Governor and Legislature should support the Agency for Health Care Administration in its effort to continue to refine and publish data on outcomes and quality by hospital and health care facility.**

## Cost of Care

- 2. Determine, based on objective data, whether costs in government-operated hospitals are higher or lower in comparison to similar non-government-operated hospitals offering similar services, and whether, assuming there is such a cost difference, it results in higher or lower Medicaid, Low Income Pool or other reimbursement, compared to other hospitals that provide care to the poor, and whether spending would be reduced or increased if the hospitals were operated at the same levels of efficiency.*

Commission staff provided financial, facility, demographic and outcome information about the state's general, acute care hospitals for review by the Commissioners at the July 20<sup>th</sup> meeting. This information is available in detail on the Commission website.

These measures are the latest information that has been fully processed and vetted by the regular AHCA data systems. This is important because the information is not always correct when it is initially submitted to the Agency. Medical records coding uncertainties, details of financial classification, IT-related issues and other types of detailed issues must be worked out. It can take the Agency months to certify and publish a set of data from hospitals. The lengthy data review process of information submitted by hospitals prevented the consideration of new information. The specific financial, facility and Medicaid information that was supplied to Commissioners included:

1. Hospital Name
2. District
3. County
4. Ownership Type
5. Number Of Acute Care Beds
6. Number Of Specialty Beds
7. Whether Or Not OB Services Offered
8. Trauma Center (Level 1 Or 2)

9. Whether Or Not The Hospital Is Baker Act Receiving Facility
10. Case Mix
11. Number Of Discharges
12. Acute Care Bed Occupancy Level
13. Average Length Of Stay (Acute Care Beds)
14. Number Of Emergency Department Visits
15. Total Population By County
16. 65 And Older Population By County
17. Percent Under Poverty Level By County
18. Uncompensated - Uninsured Discharges (Dollars And Percent)
19. Bad Debt (Dollars & Percent Of Total Patient Charges)
20. Medicaid (Dollars & Percent Of Total Patient Charges)
21. Charity (Dollars & Percent Of Total Patient Charges)
22. Net Operating Revenue (Dollars And Percent)
23. Unrestricted Local Tax Revenue (Non-Operating)
24. Cost Per Adjusted Admission
25. Standardized Cost Per Adjusted Admission
26. Operating Margin (Dollars And Percent)
27. Total Margin (Dollars And Percent)
28. Debt To Equity Ratio
29. Medicaid Inpatient Reimbursement Rate
30. Medicaid Outpatient Reimbursement Rate
31. Low Income Pool (LIP) Dollars
32. Disproportionate Share (DSH) Dollars

The analysis of cost differences between public and private hospitals required a sophisticated approach that was supplied to the commission by Dr. Keon-Hyung Lee of the Askew School of Public Administration and Policy at Florida State University. Dr. Lee's work was interpreted for the commission by Commissioner Paul Duncan and extensive comments were also provided by Dr. Jim Zingale, representing the Safety Net Hospital Alliance of Florida.

Based on the data provided to the commission, Dr. Lee was able to show that a group of 21 public hospitals, defined strictly by ownership type, had higher costs than non-public hospitals. All of the materials presented by Dr. Lee are included on the commission website.

Dr. Duncan noted in draft report text that Dr. Lee's work represents an improvement over simplistic comparisons by attempting to statistically control for some of the variations in hospital circumstances. , He stated that questions about which hospitals belong in which groups, and by the specific data used to compare the undefined concept of "costs".

Dr. Zingale provided two rebuttals of Dr. Lee's analysis and the materials that he submitted to the commission are posted on the website. This is an area of expert disagreement and more definitive answers to the question of cost would require even more sophisticated academic analysis.

As noted in draft report text submitted by Commissioner Marshall Kelley, a former Florida Medicaid Director, the Legislature has addressed the issue of hospital reimbursement rates by requiring Medicaid to complete a DRG study, move the entire program to managed care, address the necessity to include essential providers in managed care and the future of the low income pool (LIP). Based on 2011 legislation, AHCA must submit a plan to the Governor and the Legislature by January 1, 2013 for a Medicaid payment system that categorizes each hospital patient into a diagnosis-related group (DRG) and assigns payment weight based on the average resources used to treat Medicaid patients in that DRG.

The Legislature has also established timeframes for the Medicaid program to move to managed care for the vast majority of its recipients. This is to be completed for the long term care residents beginning July 1, 2012 and completed by October 1, 2013 and for Medical services by October 1, 2014—Implementation begins January 1, 2013.

In a managed care environment, health plans and hospitals will negotiate a rate. They are not tied to the Medicaid rate, but the Medicaid rate is normally used in the negotiations as a reference or starting point. Sometimes, it ends up being the negotiated rate. If the state moves to DRGs, questions will occur as to how this may affect the health plans/hospital negotiation and establishment of a rate, as well as how local contributions may be affected.

Health plans will be required contract with “essential providers” that offer services that are not available from any other provider within a reasonable access standard. Statutory teaching hospitals, hospitals that are trauma centers, hospitals located at least 25 miles from any other hospital will be included in this group.

It will be essential that managed care companies selected by AHCA in the competitive procurement process for the new managed care programs receive a fair portion in the capitation payment for the cells that represent the hospital component for each individual. Providing a system where managed care companies and hospitals receive fair compensation is a major challenge that will need continued monitoring and development by the Agency and the Legislature. It has been a somewhat contentious battle between hospitals and managed care companies surrounding the rate issues. AHCA should not grant hospital rate increases without coordination of the managed care rate for the new program to be a success.

## **Recommendations on the Cost of Care**

- 2a. The Agency should complete the legislatively mandated study on the use of DRGs for Medicaid hospital reimbursement in a managed care environment. This is the best chance to reduce inequities in the current Medicaid hospital reimbursement system.**
- 2b. After the completion of the DRG study, the Legislature should authorize the development of a DRG-based system that can be used as a basis for the negotiation of hospital payments under the future managed care environment.**

**2c. The Legislature should provide incentives for the use of LIP funds for primary and specialist care to the indigent population through models that offer more community and hospital choices.**

## **Access to Care for the Poor**

*3. Gather data and the various methods of providing access to the poor from each hospital district in Florida as well as from other states to determine the most cost-effective method for providing outpatient and inpatient hospital services to the broadest population possible and recommend the best models to the Governor and Legislature.*

The information about access to care for the poor submitted by the state's special districts in response to a commission inquiry is itemized in Attachment 3 of this report. There is no one method or model, but there are trends or examples of community-based models as opposed to hospital only models. Many of these approaches can be grouped under the general title of "acute care diversion." Similar to the idea of nursing home diversion in the Medicaid program that attempts to direct patients to less costly nursing home alternatives whenever possible, acute care diversion seeks to avoid expensive hospital inpatient care or emergency room care by diverting patients to less expensive alternatives such as primary care clinics or urgent care centers.

Commissioners heard a presentation by Dr. Ron Wiewora, Executive Director of the Health Care District of Palm Beach County, who described his district's approach to funding indigent care through a "money follows the person model." While the Palm Beach district owns and operates a small rural hospital, it also operates managed care and health coverage programs that provide reimbursement to for-profit and not-for-profit hospitals in the county for eligible low income residents. The Palm Beach district was originally created to fund the county's trauma system. Currently, it also operates a school health, pharmacy and other programs that reflect local priorities. A copy of Dr. Wiewora's presentation is available on the commission website.

Other districts and some county governments operate programs that are based on the money follows the person concept. Hillsborough County operates such a program, as does the Lakeshore Hospital Authority in rural Columbia County.

Under Lakeshore's program, Columbia County residents may apply for medical care services under the indigent health care program for individuals or families whose income does not exceed 175% of the federal poverty level. Hospital Authority staff meet with individual applicants to determine their eligibility for the program. If qualified, the authority issues an indigent care ID card for individuals or families to use at primary care clinics or pharmacies that are under contract with the Authority.

### **Hospital Districts in Other States**

Commission staff researched special hospital districts in other states and provided the information to commissioners. While it appears that just over half of states have organizations that are roughly equivalent to Florida's special hospital districts, their variety in terms of taxation, funding and governance limited the commission's ability to draw any conclusions about their programs.

According to the U.S. Census Bureau, as of March 2007, there were 692 hospital districts/authorities acting as units of local government in twenty-eight states. These states are: Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington and Wyoming. The U.S. Census website explains that a service district is not counted as a separate unit of government if it lacks autonomy.

Short summaries of information gathered about special hospital districts in other states are included in Attachment 4 of this report.

## **Recommendations on Access to Care for the Poor**

**Special hospital districts should no longer limit themselves to providing tax funds to hospitals. Indigent care funding models that are based on a money follows the patient system provide a more equitable distribution of funds for indigent care and allow local communities to establish funding programs that reflect unique local needs.**

## **Oversight and Accountability**

- 4. Determine if the existing governing body model of the various government-operated hospitals optimizes the best governance practices, ensures proper oversight with accountability for the actions of board members, has had any violations of charter or governance rules by board members, has complied with the government-in-the-sunshine laws, and has consistently acted in the best interest of the primary shareholder — the taxpayer.*

Commissioners reviewed a small number of complaints about special hospital district board members that have been considered by the Florida Commission on Ethics. Only one of the four cases that had been considered since the late 1990s resulted in any sanctions. None of those situations was comparable to the more recent situation that involved the invalidated change of ownership at Bert Fish Medical Center. Similarly, staff also forwarded information taken from AHCA regulatory activities about sanctions imposed on Florida hospitals. Since the regulatory structure allows for a plan of correction when a deficiency is cited, there are very few sanctions that remain uncorrected. Regulatory sanctions do not provide any basis for the comparison of hospitals.

At the August 16<sup>th</sup> meeting, the commission heard a presentation from Jack Gaskins of the Department of Community Affairs (now the Department of Economic Opportunity) who indicated that the oversight of special districts is very similar to the oversight of local government. Mr. Gaskins' presentation described what appears to be a complex and detailed system of oversight of special districts, including hospital districts. A copy of the presentation is included on the commission website.

However, commissioners also heard from a variety of presenters and other interested persons who described shortcomings in the oversight of special districts. One common theme in the comments from people was a lack of effective communication when dealing with special districts. Special hospital

districts should develop transparent, thorough and consistent mechanisms for reporting on their activities to both local taxpayers, stakeholders and to the state government.

Mrs. Marilyn Bainter, a board member of the North Lake County Hospital District, presented to the commission at its first meeting in May, describing unique problems with oversight in that special district. Representative Larry Metz later presented a proposed local bill with a plan to reform that district. Local bills (which are included in the category of special acts) can be tailored to the specific needs of each local situation. Representative Metz described a unique situation involving a merger of two former special districts and a funding system with local hospitals that likely has no parallel among other districts. This again underscores the diversity of special hospital districts and suggests that local bills are the most effective way to reform many special districts. At an earlier meeting, Representative Matt Hudson, a commission member, had advocated the use of local bills to address local hospital district issues.

Senator Joe Negron, a commission member, provided draft text to other commissioners recommending amendments to Chapter 189, Florida Statutes, to ensure that all hospital taxing districts contain a sunset provision every eight years to review the districts' authority to levy taxes. Re-approval of the districts' taxing authority should be voted on by local referendum in a general election.

## Oversight and Accountability Recommendations

- 4a. Amend Chapter 189, Florida Statutes, to ensure that all hospital taxing districts contain a sunset provision every eight years to review the districts' authority to levy taxes. Re-approval of the districts' taxing authority should be voted on by local referendum in a general election.**
- 4b. Due to the structural diversity and unique circumstances of special hospital districts, local bills are most effective way to enact reforms such as the transition from a hospital district to an indigent care district.**
- 4c. Special hospital districts should develop transparent, thorough and consistent mechanisms for reporting on their activities to both local taxpayers, stakeholders and to the state government.**

## Physician Employment

- 5. Determine if taxpayer-funded hospital districts are using employment models for physicians wherein the physicians are being paid outside the norm for similar non-employed, non-tax subsidized physicians in the geographic area, and whether other forms of compensation, such as medical directorships, are being used, and subsidized by taxpayers, for the purpose of competing with private physicians, and not-for-profit and other community hospitals which enjoy no such tax-subsidy.*

Florida is a large and diverse state with widely varying health care markets. South Florida is known for being one of the most expensive health care markets in the country, but the state also has many small cities and rural areas that cannot be readily compared to south Florida or other metropolitan markets.

In rural areas, physician employment can be a very important factor in the preservation of access to hospital services. Physician recruitment and retention is one of the greatest challenges that confront rural hospitals. Maintaining a medical staff that can admit patients or treat them in emergency departments is the key to access in rural communities.

Taxpayer funded hospitals in urban markets include some of the state's largest general acute care hospitals. These facilities have diverse needs for physicians to fill various roles, including medical directorships of specialized programs, hospitalists who specialize in inpatient care and various specialists who are paid to be available to patients in emergency departments. Increasing employment of physicians by hospitals is a documented trend in the health care literature.

When staff surveyed the hospital districts about physician employment, they generally wrote about the use of the Medicare-related resource based relative value scale, private market-based salary systems or consultants, and compliance with applicable state and federal anti-kickback laws. This information is included in Attachment 5.

The diversity of urban and rural markets served by Florida's taxpayer funded hospitals makes it difficult to generalize about their use of employed physicians.

## Physician Employment Recommendations

## Changes of Ownership and Governance

- 6. Determine the best mechanism for transition of government operated hospitals to more appropriate governance models based on the experience of the many public and government-operated hospitals that have implemented such conversions. Determine, if appropriate to convert government-operated hospitals to different governance models, what the process should be for such conversion, provided that any such process should optimize the return for the taxpayers on the value of the assets and should be transparent to the public.*

The presentation by representatives of Bert Fish Medical Center at the October 4<sup>th</sup> commission meeting described a very problematic attempt to change the ownership of the hospital. The commission has an important opportunity to assist special hospital taxing districts to avoid similar problems in the future by making recommendations about changes of ownership and governance.

At the November 7<sup>th</sup> meeting, Dave Ross of Tenet Healthcare made recommendations concerning changes of ownership at tax district hospitals. As a representative of a private, for-profit hospital corporation that sometimes considers the acquisition of public hospitals, his recommendations included:

- Ensuring an open, public bid process
- Ensuring a fair and independent asset valuation process

- Establishing guidelines to ensure on-going community benefit with any proceeds from the sale of a hospital
- Maintaining independent oversight of process
- Requiring the maintenance and/or expansion of community health programs

It is also worthwhile to repeat the commission's earlier recommendation regarding oversight and accountability because it applies to changes of ownership or governance:

- Special hospital districts should develop transparent, thorough and consistent mechanisms for reporting on their activities to both local taxpayers, stakeholders and to the state government.

## **Recommendations on Changes of Ownership and Governance**

- 6a. Ensure an open, public bid process**
- 6b. Ensure a fair and independent asset valuation process**
- 6c. Establish guidelines to ensure an ongoing community benefit with any proceeds from the sale of a hospital**
- 6d. Maintain independent oversight of process**
- 6e. Require the maintenance and/or expansion of community health programs**

## Attachment 1

### Executive Order 11-63

<http://www.flgov.com/wp-content/uploads/orders/2011/11-63-hospital.pdf>

The final version of this report will reprint the order in addition to providing the hyperlink.

Executive Order Number 11-63 specified the following tasks for the Commission:

1. Determine if there are better or worse outcomes on national measures of quality, such as the CMS Core Measures, in government-operated hospitals compared to non-government operated hospitals.
2. Determine, based on objective data, whether costs in government-operated hospitals are higher or lower in comparison to similar non-government-operated hospitals offering similar services, and whether, assuming there is such a cost difference, it results in higher or lower Medicaid, Low Income Pool or other reimbursement, compared to other hospitals that provide care to the poor, and whether spending would be reduced or increased if the hospitals were operated at the same levels of efficiency.
3. Gather data and the various methods of providing access to the poor from each hospital district in Florida as well as from other states to determine the most cost-effective method for providing outpatient and inpatient hospital services to the broadest population possible and recommend the best models to the Governor and Legislature.
4. Determine if the existing governing body model of the various government-operated hospitals optimizes the best governance practices, ensures proper oversight with accountability for the actions of board members, has had any violations of charter or governance rules by board members, has complied with the government-in-the-sunshine laws, and has consistently acted in the best interest of the primary shareholder — the taxpayer.
5. Determine if taxpayer-funded hospital districts are using employment models for physicians wherein the physicians are being paid outside the norm for similar non-employed, non-tax subsidized physicians in the geographic area, and whether other forms of compensation, such as medical directorships, are being used, and subsidized by taxpayers, for the purpose of competing with private physicians, and not-for-profit and other community hospitals which enjoy no such tax-subsidy.
6. Determine the best mechanism for transition of government operated hospitals to more appropriate governance models based on the experience of the many public and government-operated hospitals that have implemented such conversions. Determine, if appropriate to convert government-operated hospitals to different governance models, what the process should be for such conversion, provided that any such process should optimize the return for the taxpayers on the value of the assets and should be transparent to the public.

## **Attachment 2**

### **February 2009 Florida Taxwatch Report**

<http://floridataxwatch.org/resources/pdf/02242009HospitalDistricts.pdf>

The final version of this report will reprint the Taxwatch report in addition to providing the hyperlink.

### Attachment 3

#### Innovative Programs for Access to Care by the Poor

#### Reported by Hospital Districts

District	Summary of Information Submitted by Florida Hospital Taxing Districts About Innovative Access Programs
Bay County Hospital Taxing District	Outreach programs and services that provide access to care to the broadest population possible, including: Bay Medical Physician Group, St. Andrew Community Medical Center, lab services at the After Hours Care Clinic at the Bay County Health Department, basic labs and x-rays at the Community Health Center and Avicenna Clinic, Bay Cares, Pharmacy Indigent Program, Tobacco Cessation Program, Asthma Education Program, BayMed Plus Program.
Campbellton-Graceville Hospital	Provides emergency care to any patient requesting it without regard to the ability to pay. Increased access to primary care with the physicians' office building. A rehabilitation program offering inpatient and outpatient physical therapy. Made a building available to the Jackson County Health Department for the WIC Program and the Prescription Assistance Program.
Jackson County Hospital District	As the district is in a federally designated health care professional shortage area, the district aggressively recruits physicians to expand services and add medical specialists. The District has several other programs to increase access, including: outpatient clinical testing services via a mobile unit, tuition-free health courses and disease-specific support groups, expanded outpatient clinical services, outpatient medication infusions, inpatient/outpatient therapy services, timely "urgent care" services, medical stabilization program, partnership with Big Bend Area Healthcare Network, serving as a rural health training site and providing assistance with Medicaid enrollment.
Holmes County Hospital District	Provides laboratory and radiology services to the county health department at a discounted rate. Runs the Pink Program for low income residents to pay for mammograms. Provides a medical office building for out-of-town specialists.
Gadsden County Hospital District	Provides funding to the "We Care" program and helps fund the county health department.
Madison County Hospital District	Operates a rural health clinic that uses a sliding scale to determine patient charges.
Lake Shore Hospital Authority	The Hospital Authority has contracted with four primary care clinics and four pharmacies to provide primary health care and pharmaceuticals to indigent patients at a discounted rate.
Hamilton County Hospital District	Funds services for the Hamilton County Public Health Department and Haven Hospice.
Marion County Hospital District	Provided \$2.5 million of inpatient and outpatient care through the "We Care" program in 2010. Munroe Regional Health System operates the only Marion County hospital providing services in obstetrics, ophthalmology and oral-maxillofacial surgery. Operates a freestanding emergency center and five LifeTime Centers. Provides funding to the local federally qualified health center. Provides care for pregnant women who have no access to obstetrical care.
South Lake County Hospital District	Supports the free clinic for the uninsured residents of south Lake County.
Baker County Hospital	Constructed and financially supports the Dopson Medical Center to help offset the cost of treating Baker

District	Summary of Information Submitted by Florida Hospital Taxing Districts About Innovative Access Programs
Authority	County residents that are uninsured or cannot afford medical treatment.
Halifax Hospital Medical Center Taxing District	Offers the area’s only Level II trauma center, comprehensive stroke center, neonatal and pediatric intensive care unit, pediatric emergency department, child and adolescent behavioral services, kidney transplant, radiosurgery, gynecological oncology and neurological services. In addition, the District operates two outpatient clinics, one for adults and one for children. The District also has multiple programs in place, including: the Halifax Health Center for Family and Sports Medicine, an endocrinology clinic, surgical specialist referrals, pediatric sub-specialty program, Healthy Communities, Halifax Behavioral Services, adult psychiatric services, psychiatric services to the Star Center Homeless Shelter, outpatient IV antibiotics, chest pain center and community education classes/seminars/support groups.
Southeast Volusia Hospital District	Operates a community health center. Participates with Healthy Communities and Healthy Kids to facilitate the provision of preventative care. The District has medical services agreements with physician specialists for referral from the Community Health Center. The District has an agreement with a local pharmacy to provide medications to charity care patients. The District has funded studies to ensure patient access to quality care.
West Volusia Hospital Authority	The Authority has entered into contracts to provide indigent residents with primary care access at health centers or primary care clinics operated by local non-profit and religious organizations. The Authority has established an outpatient specialty care network accessible to indigent residents. Part of the sale agreement with Florida Hospital was a provision that required Florida Hospital DeLand (formerly Memorial Hospital – West Volusia) to maintain the availability of essential health care programs and services to indigent residents. Florida Hospital is reimbursed by the Authority at a negotiated rate.
Highlands County Hospital District	The District annually considers allocating income from the hospital’s lease for health related services in the form of grants.
North Brevard County Hospital District	Operates Brevard County’s only hospital-based diabetes education program. It offers 16 community support groups and participates in health fairs, health-related seminars and health screenings. Constructed, opened, partially funds and services a community medical clinic. Opened a children’s center. Every few years, the District conducts a community needs assessment to define community outreach needs.
West Orange Healthcare District	The District provides a 911 service and paramedic services for the western third of Orange County. The District provides all diagnostic and radiology services at no cost to nine faith-based clinics. Allows midwives to deliver in OB suites to provide lower cost of delivery services. The District provides mammogram services to women and leases facilities to the community health center at cost.
DeSoto County Hospital District	The District opened a federally qualified rural health clinic. Established a care payment program to allow patients to borrow money for services without interest for 24 months. The emergency room provides primary care to a large number of residents. The hospital does not turn away non-emergent patients. The District is developing a dual track system for urgent care within the ER to better serve patients.
Hendry County Hospital Authority	The Authority operates two federally designated rural health clinics. The Authority provides cardiology, ENT, wound care and surgical outpatient clinic services. The Authority provides free diabetes education classes, smoking cessation classes, a community health and wellness fair, free screenings at county festivals and a health awareness newsletter. The Authority is active in local community civic groups, the local economic development council and state/national hospital associations.
Lee Memorial Health System	The Health System provides a number of outreach programs and services including the Lee Physician Group, access to independent physicians, asthma management services, diabetes management education services, Dunbar Clinic, Jennings Behavioral Health, Level II trauma center, OB and NICU services, outpatient oncology, an outpatient infusion center and funds three beds per day at the Southwest Florida Addiction Services facility. The Health System has helped create and fund several community-based partnerships including: the Bob Janes Behavioral Triage Center, East Fort Myers and Dunbar United Way Houses, Lee Memorial Health System Parish Nursing, McGregor AIDS Clinic, the Salvation Army Medical Respite Unit and We Care.
Sarasota County Public Hospital	The only hospital in the county that delivers babies, provides NICU care and provides the full array of inpatient/outpatient psychiatric services to patients of all ages. The Hospital District funds a specially equipped maternal-neonatal critical care ambulance. The Hospital District opened a freestanding ER and

District	Summary of Information Submitted by Florida Hospital Taxing Districts About Innovative Access Programs
District	Outpatient Care Center. The Hospital District’s innovative programs include: annual subsidies for the Sarasota County Health Department for primary care, the Sarasota County School Nurse Program and the Community AIDS Network; a Charter Plan offering access to affordable health care to small businesses, the Breast Health Navigator and highly specialized outpatient preventative/disease management programs to low-income patients.
Indian River County Hospital District	The Hospital District pays the county’s share of Medicaid. The Hospital District implemented and funded the Partner’s in Women’s Health Program, completed construction of the Human Services Building for the Visiting Nurse Association of the Treasure Coast, partnered with the Visiting Nurse Association for mobile health services and a hospice house. Leases space to the Indian River County Health Department’s Primary Care Clinic. The Hospital District funds various primary care, dental and mental health services.
Health Care District of Palm Beach County	Operates a small rural hospital and a skilled nursing facility. Operates a Trauma System for the county. The Health Care District initiated a health coverage program to provide a source of funding for indigent and medically needy residents not eligible for other programs. The Health Care District administers the School Health Program with the Palm Beach County Health Department and the School District. The Health Care District established the Maternity Care Program, Healthy Palm Beaches, Inc. and Vita Health.
Broward Health	Provides community health services and an outpatient clinic network that includes healthcare for the homeless.
South Broward Hospital District	The Hospital District provides services including: primary care, the Hospital District Charity Policy, the uninsured/underinsured discount program, behavioral health services, disease management services, homeless health outreach program, school-based health services, ER diversion program, mobile mammography services, community health services and health intervention with a targeted service program.
Miami-Dade County Public Health Trust	The Jackson Health System provides inpatient and outpatient care to individuals regardless of their ability to pay. The Health System developed the Access Plus Program providing health care to the uninsured/underinsured. The Health System operates several programs geared towards low-income populations. The Health System is the largest comprehensive HIV/AIDS service provider in Miami-Dade County.
Lower Florida Keys Hospital District	Helps fund a primary care clinic providing care to the “working poor” and indigent. The District has funded the Rural Health Network in the past to assist in operating a dental clinic. Leases a skilled nursing facility to a private, not-for-profit operator.

## Attachment 4

### Information on Special Hospital Districts in Other States

- The Alabama legislature expanded and elaborated on the activities permitted to the governing bodies of public hospitals and renamed them health care authorities in 1982. As of 2007, the state had 38 Health Care Authorities or Hospital Districts, owned by a city or county, or jointly between the two. These special districts provide physician services and a few have long-term care facilities.
- There are 85 health care districts in California. Fifty-two of these districts operate a hospital or health facilities, 16 provide health related services and have either leased or sold hospital facilities and 17 provide community-based health related services. Thirty-one of health care district-based hospitals are classified as rural by the state. These “rural” institutions provide a significant portion of the medical care to minority populations and the uninsured in medically underserved regions of the state and are mainly funded by Medicare, Medi-Cal and district tax dollars. According to the U.S. Census Bureau, 56 of these health care districts are classified as separate units of local government.
- Many hospitals in Georgia are owned by a county hospital authority and act as a transfer account for funds between the state and the hospitals. According to the Directory of Registered Local Government Authorities, there were 96 registered hospital authorities in Georgia in 2011. Seventy-six of these are listed as independent special districts and 20 are dependent special districts. The U.S. Census Bureau lists 108 of these health care districts as separate units of local government.
- Idaho currently has 22 hospital districts, eleven are county based hospitals, eight of these cross county lines and are therefore district-based hospitals. Three operate without a hospital. The U.S. Census Bureau lists 13 of these hospital districts as separate units of local government. Idaho has a “catastrophic” program to fund hospitalization and medical care which is an incident-based program not an eligibility-based program. The counties make the determination on indigent care classification, based on the cost of medical bills, regardless of the income of the patient. This is a non-matched program and when payments are made by the counties, it is at the unadjusted Medicaid rate.
- In Illinois, all hospital districts are governed by nine-member boards of trustees and may levy property taxes or issue bonds. There are currently 25 hospital districts. The districts are established by the circuit court on petition of the voters after a local referendum. The U.S. Census Bureau lists 19 of these hospital districts as separate units of local government.
- In 1968, the General Assembly of Kentucky created a public health taxing district in every county that had a health department but had not established a taxing district — with certain exclusions. The boards of the tax districts may, if the appropriations are not sufficient, request the fiscal court to impose a special ad valorem tax in an amount it deems sufficient. The fiscal court may levy the tax, not to exceed 10 cents per \$100. The U.S. Census Bureau lists seven hospital districts in the state of Kentucky.
- Louisiana authorizes parish hospital service districts in parishes having a population in excess of 110,000 but not more than 135,000. Only one parish met the population requirement at the time of the law’s enactment. This district is governed by nine commissioners appointed by the Governor, with Senate confirmation. The district may fix and collect fees, may levy taxes and issue bonds with voter approval. The U.S. Census Bureau lists three hospital service districts. Parish police juries may divide parishes into one or more hospital service districts or combine with other parishes to form a hospital service district to operate hospital facilities. Voter approval is necessary for tax levies and bond issues. These are considered subordinate agencies by the U.S. Census Bureau.
- The U.S. Census Bureau lists two hospitals districts for the State of Maine. Indigent care for qualified patients is funded on a per person basis at any hospital by the state free care policy.

- Hospital districts in Minnesota were made possible by a 1959 statute which was intended to enable cities and townships in remote areas to collectively fund a hospital through tax revenues. Thirteen hospitals out of 151 in the state are run by hospital districts. These hospitals have all signed an agreement with the State's Attorney General to follow specific guidelines for both discounted pricing for the uninsured and for fair billing/collection practices.
- Nebraska authorized hospital districts under two laws in 1959 and in 1971. The 1971 law enabled the creation of hospital authorities by boards of county commissioners after a petition of voters and a public hearing. The initial board of trustees is appointed by the county governing body with succeeding trustees elected. The hospital districts may fix rates, charge for services and may issue revenue bonds. The U.S. Census Bureau lists 22 hospital districts in the State of Nebraska.
- Special hospital districts in New Mexico are created by the county board of commissioners to provide, operate and maintain hospital facilities on petition and after local referendum. An elected board of trustees governs each district and districts may fix charges. After voter approval, districts may levy ad valorem taxes and issue general obligation bonds. The U.S. Census Bureau lists five hospital districts in the State of New Mexico.
- North Carolina provided for hospital authorities in a 1943 law. These hospital authorities may be created to provide and operate hospitals in any municipality or county by resolution of the municipal council or the board of county commissioners. A board of commissioners appointed by the mayor or the chairperson of the board of county commissioners governs each authority. The authorities may issue revenue bonds, fix and collect rates/fees and accept grants and city/county appropriations. Hospital Authorities may extend services to include additional cities and counties. The U.S. Census Bureau lists three hospital districts in North Carolina.
- All Ohio residents live in a health district — either a city health district or a general health district — that is primarily funded from tax levies of the municipalities in the district and from separate health district tax levies. The health district board appoints a health commissioner and hires other employees necessary to carry out its duties. The health district board has powers to condemn and sell real property, quarantine people and establish rules for the protection of the public health. The U.S. Census Bureau lists six hospital districts in the State of Ohio.
- Hospital districts were established in South Carolina by special acts to provide, operate and maintain hospitals with substantially uniform provisions for each district. Following implementation of 1975 home-rule legislation, statutory powers and functions of public service districts remained with the districts and authority to modify those powers remained with the state general assembly. However, subject to referendum, the governing body of any hospital district is authorized to transfer assets, properties and responsibilities to another entity and to dissolve the district. The 2010 Biennial Directory of Special Purpose Districts in South Carolina contains four hospital districts and three health care system/service districts. The U.S. Census lists nine hospital/health services districts in South Carolina.
- Texas authorizes the legislature to provide for the creation, establishment, maintenance and operation of hospital districts and requires that the hospital districts assume the full responsibility of providing medical and hospital care for the needy inhabitants of the district. The hospital districts have the power to issue general obligation bonds, revenue bonds and impose property taxes annually at a rate not to exceed 75 cents per \$100 valuation of all taxable property in the district. The Texas Comptroller of Public Accounts lists 139 hospital districts that collected taxes in 2010. The U.S. Census lists 119 hospital districts in Texas. In addition, Texas also has hospital authorities which do not have taxing power but do have the power of eminent domain. Texas has health service districts that can issue revenue bonds and impose sales taxes in addition to any county sales and use tax. A health service district is created by one or more counties

and one or more hospital districts by adopting concurrent orders by contract to provide health care services to indigent residents of the district on a sliding-fee scale.

- Virginia allows hospital authorities to be established in a city or county (other than the one in which another authority has been established) after a governing body has motioned to establish one or upon a petition of 100 voters. There is no referendum provision to establish a hospital authority but a referendum provision is required for jurisdiction to participate in a health center commission. Hospital authorities and health center commissions in Virginia do not have taxing authority but may issue revenue bonds.
- In Washington, the legislature granted local communities the ability to create their own hospital districts in 1945. As of 2010, the state has 56 public hospital districts operating 43 hospitals—representing almost half of the acute care hospitals in the state. The U.S. Census lists 49 hospital districts in Washington.
- Wyoming has two different forms of districts, hospital districts and rural health care districts. Hospital districts can be established by a board of county commissioners on petition of land owners after a local referendum. The trustees of the hospital board are elected and can fix charges but need voter approval for levying ad valorem taxes (up to 6 mills) and to issue bonds. Rural health care districts are governed and empowered the same as a hospital district, except ad valorem taxes cannot exceed 4 mills. Rural health care districts are established by petition to the county commissioners after a public hearing and referendum. The U.S. Census lists 14 hospital districts in Wyoming.

## Attachment 5

### Information on Physician Employment Models Reported by Hospital Districts

District	Information Submitted by Florida Hospital Taxing Districts About Physician Employment Models
Bay County Hospital Taxing District	The Hospital District has several types of arrangements with physicians. These are regulated by state and federal law and developed to ensure that salaries are commercially reasonable while protecting ER specialty call. The Hospital District also contracts with independent physicians for specific professional services including medical directorships and patient care services.
Campbellton-Graceville Hospital	Campbellton-Graceville Hospital employs two full-time physicians for \$260,000 annually. Physicians in the ER are paid \$65 per hour for any hours worked. The Hospital acknowledges that this compensation is outside the average but that it must make allowances to recruit to the Hospital. Two ARNPs are employed by the hospital and are paid \$95,000 annually and are paid \$35 dollars per hour for ER work outside their regular schedule. A supervising physician is paid \$500 a month to provide oversight for ARNPs working in the hospital.
Jackson County Hospital District	Physician employment agreements include a base salary and incentives for quality outcomes and customer service ratings. Physician salaries are based on the national average for the medical specialty within the norm for similar physicians in similar geographical areas. There are no compensated medical directorships for inpatient services.
Holmes County Hospital District	The Hospital District does not employ any physicians although it does contract with the active members of the medical staff at a rate of \$90 an hour to provide coverage in the ER. The Hospital District provides professional liability insurance that covers the doctors while working in the ER. There are no paid medical directorships.
Lake Shore Hospital Authority	The Hospital Authority does not employ any physicians. The Hospital Authority budgets \$120,000 as an annual stipend to be paid to physicians for providing on-call medical services to indigent patients.
Marion County Hospital District	The Hospital District employs ten physicians and employment packages include base pay, standard fringe benefits and incentives for attainment of financial and quality metrics. The Hospital District has 15 medical directorships. These physicians are responsible for the preparation and submission of monthly payment logs documenting the activity and time spent. Reimbursement is not made without documentation and a valid contract in force.
Halifax Hospital Medical Center Taxing District	The Medical Center states that physician employee models and pay rates are compliant with state and federal law. All physician compensation arrangements must meet fair market valuation tests. Halifax does have medical directors where appropriate and compensation is based on actual time worked.
Southeast Volusia Hospital District	The Hospital District uses a fair market value of physicians' clinical compensation and bonuses are paid when met by worked relative value unit calculations. A minimal amount of medical directorships are utilized in key clinical areas with a regulatory requirement or needed service line. Medical directors operate under contracts set in advance and paid at the appropriate fair market value for services rendered.
North Brevard County Hospital District	The Hospital District employs physicians according to a Medicare formula called workload relative value unit and a percentage of the income is withheld pending achievement of predetermined, quantifiable quality of care and patient satisfaction benchmarks. Medical directors are paid a monthly stipend based on fair market value and are conditioned on achievement of key quality, safety and effectiveness benchmarks.
West Orange Healthcare District	The Healthcare District's employment model includes a base rate of pay and provides incentive provisions for improving patient satisfaction or cost effectiveness of the care provided. The Healthcare District utilizes medical directorships that are contracted and compensated based upon the number of hours worked multiplied by a negotiated fair market hourly rate.
DeSoto County	The Hospital District employs four physicians, paid an undisclosed salary. Two of these physicians are

District	Information Submitted by Florida Hospital Taxing Districts About Physician Employment Models
Hospital District	entitled to a performance bonus for reaching certain goals—but these physicians have not received a bonus yet. The director of the Center for Family Health receives a \$2,000 per month supplement. The Hospital District contracts with five ER physicians, paid \$140 per hour and receive no benefits. One of these physicians receives a \$3,000 monthly stipend for serving as the director of the emergency department.
Hendry County Hospital Authority	The Hospital Authority awarded the hospitalist service to an outside contractor effective July 15, 2011 and the physicians are no longer Hendry Regional Medical Center employees. The Hospital Authority pays a medical director fee for cardio-pulmonary services and for the Hendry Convenient Care Rural Health Clinic.
Lee Memorial Health System	The Health System employs both primary care and specialty physicians and utilizes three compensation models depending upon specialty and type of practice. These models are: a salary based model, a salary combined with the ability to earn a productivity bonus and a compensation model based upon productivity only. Other forms of compensation utilized by the Health System include: sign-on incentives, reimbursement for moving expenses and reimbursement for continuing medical education. The Health System contracts with independent physicians for specific professional services including medical directorships, management services agreements and recruitment agreements.
Sarasota County Public Hospital District	The Hospital District through its subsidiary employs physicians and mid-level providers. These physicians are generally employed under fixed compensation agreements for the first two years and after that are compensated under the FPG pay model. The Hospital District compensates certain specialty physicians for an ER call. The Hospital District contracts with physicians to provide medical directors for hospital services as required by regulation, Medicare Conditions of Participation accreditation standards or community needs.
Indian River County Hospital District	The Hospital District does not employ any physicians directly. The Hospital District employs one full-time executive director and one part-time staff.
Health Care District of Palm Beach County	The Health Care District employs three physicians at Lakeside Medical Center set at fair market value for three and five years, with salaries increased three percent from year-to-year. Compensation models include standard employee benefits, limited continuing education expense reimbursement and vacation time. One agreement has a bonus potential. The Health Care District has medical directorships at Lakeside Medical Center as required by the CMS Conditions of Participation for the clinical laboratory and the respiratory care services. Medical directors are fully contracted and required to provide documented service logs.
North Broward Hospital District	The Hospital District states that physician contracts are compliant with state and federal Stark and anti-kickback laws. The Hospital District primarily uses the Integrated Health System for Fair Market Value analysis. The Hospital District does utilize medical directorships to oversee medical programs as necessary.
South Broward Hospital District	The Hospital District states that its physician employment agreements are simple compensation arrangements and are not incentive based arrangements. The Hospital District does pay a medical directorship stipend for certain administrative functions in a physician's specialty.
Miami-Dade County Public Health Trust	The Public Health Trust uses four models for contracting with physicians that all follow a fair market value pay structure. These agreements are: an annual operating agreement, a management services agreement/asset purchase agreement, an on-call agreement and a medical directorship agreement.
Lower Florida Keys Hospital District	The Hospital District does not employ or compensate any physicians directly. The Hospital District does provide \$500,000 annually to HMA for physician reimbursement for a primary care clinic.