

oppaga Progress Report



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Medical Quality Assurance Improves Accountability System; Information Tracking Concerns Persist

at a glance

The Medical Quality Assurance Program has taken steps to improve its accountability system, and has established a system to track how long it takes to process nursing license applications. The program needs to evaluate the feasibility of tracking this information for other health care professions.

The program implemented our recommendation to assess the effectiveness of its delinquent license policy. Officials amended the policy when they found that investigations of delinquent licensees were not cost-effective.

The program has made progress in implementing an electronic continuing education tracking system. However, the system may produce incomplete and unreliable information due to low rates of stakeholder participation and an over-reliance on self-reporting by licensees. If participation in the new tracking system remains low and/or most of the information is self-reported, program officials should develop options for legislative consideration, such as requiring participation in the tracking system, expanding the electronic license renewal system, or transferring monitoring responsibility to professional associations in lieu of continuing its time-consuming and costly post-license renewal audits.

Scope

In accordance with state law, this progress report informs the Legislature of actions taken by the Department of Health in response to a 2003 OPPAGA report.^{1,2} This report presents our assessment of the extent to which the department has addressed the findings and recommendations included in our report.

Background

The Medical Quality Assurance Program's mission is to protect and promote the health of all persons in Florida by regulating health care professions and establishments. The program regulates 37 professions and establishments through three major functions: licensure, public information, and enforcement.

- Licensure helps ensure that health care practitioners meet minimum standards in order to protect the public from unqualified practitioners. During Fiscal Year 2003-04, there were over 800,000 health care practitioners licensed in the state.

¹ Section 11.51(6), *F.S.*

² *Justification Review: While Medical Quality Assurance Improving, Licensure Needs Increased Accountability*, [Report No. 03-06](#), January 2003.

- The program provides public information via its website, which provides consumers with information about health care practitioners. The Licensure Look-up system provides licensure information for all practitioners. The Practitioner Profile system contains detailed information about doctors and advanced registered nurse practitioners.
- The program enforces state requirements by investigating and disciplining practitioners who have violated minimum standards of care or licensure requirements. In Fiscal Year 2003-04, the program received 7,254 complaints against health care practitioners that resulted in investigations.

Program activities are divided between the department and 22 regulatory boards and six councils. Members of the regulatory boards and councils are appointed by the Governor or the department secretary. Department employees process license applications, investigate complaints, and provide administrative support to the boards. Board and council members conduct disciplinary hearings, share authority with the department for developing rules, and approve license applications.

For Fiscal Year 2004-05, the Legislature appropriated \$53,520,585 and 561.50 FTEs to the program. Almost all of these funds are appropriated from the Medical Quality Assurance Trust Fund, which receives licensure and other fees paid by the various health professions.³

Prior Findings

In our 2003 report, we concluded that the program was improving in several areas but needed to improve accountability for its licensure function, assess the effectiveness of

its new policy governing licensees who fail to renew, and closely monitor its proposed electronic tracking system for continuing education.

The program's licensure function needed increased accountability

The program lacked data to verify performance information reported to the Legislature. The Legislature established a goal that the program process all applications for licensure within 90 days.⁴ The program had reported that it met this goal each year from Fiscal Years 1999-00 through 2001-02. However, the department did not track the actual number of days it took to process license applications. Instead, program officials used the fact that the program had not issued any licenses by default as evidence of meeting the legislative standard.⁵ This proxy measure did not provide the Legislature or program managers with needed information to determine how long the process takes, or whether the program's performance had improved or declined over time. We recommended that the program start tracking the actual number of days to process licensure applications.

The program needed to assess the effectiveness of its new delinquent licensure policy. Prior to June 2002, the program waited two years to notify licensees that their failure to renew would make their licenses null and void. Program officials began implementing a new policy in June 2002 that required staff to send a notice within 30 days to any licensee who fails to renew. The notice informs the delinquent licensee about the penalties for practicing without a valid license. The policy also provided for follow-up investigations for those licensees who failed to renew after notification

³ General revenue provided \$384,251 of the program's Fiscal Year 2004-05 funding, or less than 1%.

⁴ Chapter 120.60, *F.S.*, requires the department to process each license application within 90 days. Application packets must be complete prior to the start of the 90-day clock. The statute also requires the department to notify applicants within 30 days if their applications are not complete.

⁵ Chapter 120.60, *F.S.*, allows, under certain conditions, for a license to be considered approved if the department does not approve or deny the license within 90 days.

to determine whether they might be practicing with delinquent licenses. We recommended that the program assess the effectiveness of the new policy by tracking the number of licensees who become delinquent, the number who are found to be practicing on a delinquent license, the amount of revenue collected from delinquent license fines, and the number of cease and desist orders issued.

The program's planned electronic continuing education system likely would be flawed due to incomplete information

The 2001 Legislature mandated that the program implement an electronic continuing education tracking system as part of its electronic licensure renewal system. Most of the health professions require licensees to take a specific number of hours of continuing education training courses as a condition of renewal. The new system was intended to streamline continuing education tracking and improve licensee compliance. The program's post-license renewal audits found non-compliance rates ranging from 4% to 33% of the practitioners audited, depending on the profession. Under the new system, course providers would submit information on completed courses for each licensee.

While the new system showed promise, we noted that there was no requirement for continuing education providers who are not registered with the state to participate in the new system.⁶ As a result, the system would not contain complete information on all licensees. We recommended that the Legislature consider two alternatives to improve compliance with continuing education requirements. The first was to amend the law and require continuing education course providers to register with the state. Alternatively, the state could give the

professional associations responsibility for monitoring continuing education.

Current Status

The program has taken steps to improve the accountability of its licensure function, but further action is needed.

The program now tracks the number of days to process nursing licenses, but it is not tracking license processing time for other professions. In July 2003, program and Board of Nursing staff implemented a system to track how long it takes to process nursing license applications. If the application package is complete, the program tracks the number of days it takes staff to issue a license or determine an individual's eligibility to take the nursing exam. If the application package does not contain all of the required materials, the program tracks the length of time it takes staff to send a deficiency letter notifying the applicant that the application package is incomplete.⁷ For Fiscal Year 2003-04, the program reported that it took an average of 15 days to determine exam eligibility, send deficiency letters, or issue nursing licenses, compared to an average of 17 days for the prior year.⁸

Program officials said the new nursing license system has been useful in helping to identify strategies for making the process more efficient and targeting resources more effectively during peak months.⁹ For example, after reviewing the application process for out-of-state nurses,

⁷ Most nursing applications fall into two groups; nursing students that have yet to take their national exams and nurses from other states wanting to practice in Florida.

⁸ As of Fiscal Year 2004-05, the Legislature approved a new performance measure for the program: *Number of Days to Issue Nursing Licenses*. The Fiscal Year 2004-05 standard for this measure is 30 days. The department assesses its performance for this measure by determining the average number of days to issue a license, determine an individual's eligibility to take the nursing exam, or send a deficiency letter notifying the applicant that the application package is incomplete.

⁹ The program received a 2004 Davis Productivity Award and a regional award from the Council of State Governments for improving the licensure system for nursing.

⁶ Boards have differing rules for the approval and registration of continuing education providers and courses. Some boards, such as the Board of Medicine, approve hundreds of thousands of continuing education providers who operate throughout the United States as well as internationally. These providers are not required to register in Florida.

the program determined that some of the documentation requirements were unnecessary.

However, the program has not established tracking systems for other professions, and it continues to lack reliable information on the timeliness of its licensing process for these professions. The process used to track nursing licensure timeliness cannot be used for the other professions due to differences in the licensing process of the various professions. The nursing profession has the most straightforward application process, which makes tracking the processing time easier than for other professions. Board rules for other professions have more steps in the review process. For example, some board rules require a review of actual course content for some required classes and other boards have credentials committees that must be convened to review all application documents.¹⁰

Program officials told us they tried to manually count the actual number of days to process licenses for these professions, but could not readily obtain reliable information. Although program employees review a sample of application files that appear to have exceeded the 90-day standard, this methodology does not determine actual program performance. In Fiscal Year 2003-04, the sample found that no licenses took more than 90 days. However, because the program does not track all applications, it lacks information on how long it actually takes to process license application for the various professions and the sample results do not reflect the program's actual performance.

We continue to recommend that the program track the actual number of days to process licenses for the various professions. The program is planning to wait until a new licensing data system is implemented before making further effort to track license processing time, but program officials told us that they are uncertain whether the new system will provide this information.

Although implementation of the new system began during September 2004, full implementation is not scheduled to be completed until May 2005.

Program officials asserted that the license application process for some professions does not lend itself to tracking because procedures are too complex and varied. The program should work with its contractor for the new data system to evaluate the feasibility of tracking this information. If it is not feasible to track this information electronically, program officials should consider sampling all licenses processed within a fiscal year rather than just sampling those licenses that appear to have taken more than 90 days to process. Sampling all licenses would provide a more accurate assessment of license processing times for professions other than nursing and better assist the program in identifying areas where the application process could be streamlined and made more efficient.

The program implemented our recommendation to assess the effectiveness of its delinquent license policy and has developed a new strategy to increase timeliness of renewals. Subsequent to implementing its policy to notify licensees within 30 days who fail to renew their licenses on time, the program has sent more than 31,000 notification letters. Program officials estimated that this effort has had a modest impact, resulting in an approximate increase of 10% in renewals.¹¹ Program officials said they will continue sending renewal reminder letters because they believe the letters have improved the program's customer service.

The program initially began investigating delinquent licensees to determine whether they were still practicing, but discontinued this process after finding that it was not cost-effective. These investigations identified few practitioners who continued practicing with delinquent licenses and determined that most practitioners who let their licenses lapse had

¹⁰ Each of the 37 professions has different rules for licensure.

¹¹ The increase in renewals ranged from 0% to 27% across the different professions.

left practice, died, or moved out of state. Based on this finding and to reduce its investigative costs, the program has ceased routine investigations of delinquent licensees.¹²

To help reduce the number of licensees who fail to renew in a timely manner, the program in December 2002 began to electronically notify each professional association of the proportion of licensees that have not submitted renewals. This enables the associations to remind their members to renew their licenses.

The information in the continuing education tracking system may be incomplete and unreliable

The department is making progress implementing its electronic continuing education tracking system, as required by statute, to streamline tracking and improve compliance with continuing education requirements. The department contracted with a vendor to develop the new system at no cost to the state, and held a rule workshop and public hearings on the system in July and August 2003. The system is designed to obtain course attendance information from continuing education providers registered with the state. This information will be supplemented with self-reported information from licensees.

Full participation in the system by licensees is optional.¹³ By paying a fee of \$35 every two years, licensees can check the status of their continuing education credits, as well as make sure this information is complete by self-reporting on courses they have taken. Licensees who pay lower or no fees may self-report course information, but cannot determine whether their information is complete and up-to-date.

Continuing education providers and licensees began voluntarily submitting course information to the new system in January 2004. Course providers will be required to submit information on various professions according to regular license renewal cycles.¹⁴ Program officials expect the system to become fully operational for all professions in 2006.

However, we continue to have concerns about the quality of the information in the system. Because the law does not require all stakeholders to participate, three factors could negatively affect the completeness and reliability of the information.

- Certain continuing education providers cannot be compelled to provide course attendance information to the system. Providers registered in the state must submit lists of course attendees. However, many professions authorize continuing education courses offered by national and international providers, that are not required to register or report information on licensees who attend their courses.
- Although licensees who participate in the system can enter information for courses taken by non-registered providers, the reliability of this information may be suspect because it is self-reported. If a large portion of the information in the system is self-reported, the risk that the information is unreliable increases.
- Because participation is optional, many licensees may choose not to self-report their continuing education information. Throughout development of the system, key professional associations have expressed opposition and questioned both the cost to their members and whether the

¹² Investigators can still follow up on delinquent licensees as time allows, but the policy requiring investigations has ended.

¹³ While the database includes basic information for each licensee, providers must submit course information on behalf of licensees or licensees must self-report their continuing education information in order to have complete information.

¹⁴ Speech therapy and midwifery are the first two professions for which state-registered providers are now required to submit course information.

system is needed. It is likely that some professional groups will decline to participate.¹⁵ Moreover, many individuals may choose not to participate due to cost or other reasons. Registration data shows that many licensees have not yet subscribed to the system. As of August 2004, only 12,532 out of 800,000 licensees had paid to fully participate in the continuing education tracking system. In addition, 1,531 licensees are participating at the low or no cost level. Thus, less than 2% of licensees are currently using the system.

Given the potentially low participation rate and over-reliance on self-reported information, the department may have to continue with its post license renewal audits to ensure compliance with continuing education rules. Under this process, the program samples renewed licenses and requires licensees to submit continuing education documentation. These audits are time consuming and costly for both the program and licensees.

Without substantial participation by licensees and reliable information, the system will not achieve the Legislature's goal of streamlining continuing education tracking and improving compliance. The program should evaluate the extent to which licensees are participating in the new tracking system, as well as how much of the information is self-reported. To keep the Legislature informed, the program should annually report on participation rates and the extent of self-reported information.

If participation remains low and/or most of the information is self-reported, program officials should propose options for the Legislature to consider that would help ensure an efficient and effective system for monitoring practitioner compliance. The program should provide the Legislature with a summary report identifying options and their benefits and drawbacks by January 2007. These options could include

- requiring licensees to self-report course information at the no-cost level;
- expanding the electronic renewal system to allow licensees to report continuing education hours as part of the license renewal process;
- requiring all continuing education providers to be registered with the state;
- transferring responsibility for monitoring continuing education hours to professional associations; or
- continuing to conduct manual audits of a sample of licensees who renew their licenses to determine if they have received all required continuing education credits.

As shown in Exhibit 1, these options have advantages and disadvantages and vary in the extent to which they resolve problems with incomplete and unreliable information. Once the system is more fully developed and the department determines the extent to which the data is complete and reliable, program officials and the Legislature can better determine the best option for the state.

¹⁵ In September 2004, one professional association filed a challenge with the Division of Administrative Hearings to the program's proposed continuing education rule.

Exhibit 1**Options to Address a Low Participation Rate and/or Over-Reliance on Self-Reported Information in the Continuing Education Tracking System Have Both Potential Advantages and Disadvantages**

Option	Advantages	Disadvantages
Require licensees to self-report course information at the no-cost level	<p>Increases reporting to the tracking system.</p> <p>The tracking system is already set up to obtain this information.</p>	<p>Does not address problems with accuracy of self-reported information and increases the likelihood that these problems will occur.</p> <p>The program would need resources to develop data verification systems and conduct audits to verify the accuracy of self-reported information.</p> <p>Some practitioners may lack the skills and resources to use an online system. The program may need to develop alternative ways to obtain the information, such as allowing licensees to submit information via mail. Such alternatives would increase program costs because the information would have to be entered into the system.</p>
Expand the electronic renewal system to allow licensees to report continuing education hours as part of the license renewal process	<p>Increases reporting to the tracking system.</p> <p>Requiring licensees to list courses in their license renewal application and then by their signatures certify that the information is accurate increases the state's ability to rely upon the self-reported information.</p>	<p>Only partially addresses problems with self-reported information.</p> <p>The program does not have currently the systems in place to collect this information.</p> <p>Transferring the information from the electronic license renewal data system to the continuing education tracking system would be costly and time-consuming. The program may need additional resources and personnel to manually input some of this information into the tracking system because not all individuals electronically renew their licenses.</p>
Require all continuing education providers to register with the state	<p>Increases reporting to the tracking system.</p> <p>Avoids the issue of an over reliance on self-reported information because all providers will report information.</p>	<p>Would likely encounter strong opposition from some boards and professional associations.</p> <p>May be difficult to enforce for national and international providers.</p>
Transfer responsibility for monitoring continuing education hours to professional associations	<p>Increases reporting to the tracking system.</p> <p>Reduces the problems associated with self-reported information.</p> <p>Removes responsibility for collecting information from the program and thus reduces the state's cost to obtain the information. The state's responsibility would be limited to ensuring that the professional associations collect the data and report on compliance.</p> <p>Since many professional associations are sponsors of continuing education, gives responsibility to entities that obtain resources from this activity.</p>	<p>May be opposed by some boards and professional associations which lack systems to collect this information and would spend additional resources collecting data and reporting on compliance to the program.</p>
Continue to conduct post-license renewal audits	<p>Reduces the problems associated with self-reported information</p> <p>The program has the systems in place to conduct the audits.</p> <p>These audits have been effective in identifying a high rate of noncompliance for some professions.</p>	<p>Costly and time-consuming for the program. Program staff must request and review documentation of continuing education courses. Follow-up and multiple submittals of information may be required.</p> <p>Costly and time-consuming for licensees. Licensees must retain and submit proof that they have taken the required courses. If the licensee has not maintained this documentation, they must contact their course providers to obtain the information. This results in many calls and numerous document submittals to the program.</p>

Source: OPPAGA analysis.

The Florida Legislature

Office of Program Policy Analysis and Government Accountability



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