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LEGISLATIVE ACTION

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| Senate | . | House |
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| Floor: 1/RE/3R | . | |
| 05/03/2013 11:10 AM | . | |
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Senator Hays moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (7) and subsection
(14) of section 395.4001, Florida Statutes, are amended to read:

395.4001 Definitions.—As used in this part, the term:

(7) "Level II trauma center" means a trauma center that:

(a) Is verified by the department to be in substantial
compliance with Level II trauma center standards and has been
approved by the department to operate as a Level II trauma
center or is designated pursuant to s. 395.4025(14).



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13 (14) "Trauma center" means a hospital that has been
14 verified by the department to be in substantial compliance with
15 the requirements in s. 395.4025 and has been approved by the
16 department to operate as a Level I trauma center, Level II
17 trauma center, or pediatric trauma center, or is designated by
18 the department as a Level II trauma center pursuant to
19 s. 395.4025(14).

20 Section 2. Paragraph (k) of subsection (1) of section
21 395.401, Florida Statutes, is amended to read:

22 395.401 Trauma services system plans; approval of trauma
23 centers and pediatric trauma centers; procedures; renewal.-

24 (1)

25 (k) It is unlawful for any hospital or other facility to
26 hold itself out as a trauma center unless it has been so
27 verified or designated pursuant to s. 395.4025(14).

28 Section 3. Subsection (14) of section 395.4025, Florida
29 Statutes, is amended to read:

30 395.4025 Trauma centers; selection; quality assurance;
31 records.-

32 (14) Notwithstanding the procedures established pursuant to
33 subsections (1) through (13) in this section, hospitals located
34 in areas with limited access to trauma center services shall be
35 designated by the department as Level II trauma centers based on
36 documentation of a valid certificate of trauma center
37 verification from the American College of Surgeons. Areas with
38 limited access to trauma center services are defined by the
39 following criteria:

40 (a) The hospital is located in a trauma service area with a
41 population greater than 600,000 persons but a population density



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42 of less than 225 persons per square mile; and

43 (b) The hospital is located in a county with no verified
44 trauma center; and

45 (c) The hospital is located at least 15 miles or 20 minutes
46 travel time by ground transport from the nearest verified trauma
47 center ~~any other provisions of this section and rules adopted~~
48 ~~pursuant to this section, until the department has conducted the~~
49 ~~review provided under s. 395.402, only hospitals located in~~
50 ~~trauma services areas where there is no existing trauma center~~
51 ~~may apply.~~

52 Section 4. Subsection (2) of section 408.036, Florida
53 Statutes, is amended to read:

54 408.036 Projects subject to review; exemptions.-

55 (2) PROJECTS SUBJECT TO EXPEDITED REVIEW.-Unless exempt
56 pursuant to subsection (3), projects subject to an expedited
57 review shall include, but not be limited to:

58 (a) A transfer of a certificate of need, except that when
59 an existing hospital is acquired by a purchaser, all
60 certificates of need issued to the hospital which are not yet
61 operational shall be acquired by the purchaser, without need for
62 a transfer.

63 (b) Replacement of a nursing home within the same district,
64 if the proposed project site is located within a geographic area
65 that contains at least 65 percent of the facility's current
66 residents and is within a 30-mile radius of the replaced nursing
67 home.

68 (c) Relocation of a portion of a nursing home's licensed
69 beds to a facility within the same district, if the relocation
70 is within a 30-mile radius of the existing facility and the



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71 total number of nursing home beds in the district does not
72 increase.

73 (d) The new construction of a community nursing home in a
74 retirement community as further provided in this paragraph.

75 1. Expedited review under this paragraph is available if
76 all of the following criteria are met:

77 a. The residential use area of the retirement community is
78 deed-restricted as housing for older persons as defined in s.
79 760.29(4) (b).

80 b. The retirement community is located in a county in which
81 25 percent or more of its population is age 65 and older.

82 c. The retirement community is located in a county that has
83 a rate of no more than 16.1 beds per 1,000 persons age 65 years
84 or older. The rate shall be determined by using the current
85 number of licensed and approved community nursing home beds in
86 the county per the agency's most recent published inventory.

87 d. The retirement community has a population of at least
88 8,000 residents within the county, based on a population data
89 source accepted by the agency.

90 e. The number of proposed community nursing home beds in an
91 application does not exceed the projected bed need after
92 applying the rate of 16.1 beds per 1,000 persons aged 65 years
93 and older projected for the county 3 years into the future using
94 the estimates adopted by the agency, after subtracting the
95 inventory of licensed and approved community nursing home beds
96 in the county per the agency's most recent published inventory.

97 2. No more than 120 community nursing home beds shall be
98 approved for a qualified retirement community under each request
99 for application for expedited review. Subsequent requests for



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100 expedited review under this process shall not be made until 2
101 years after construction of the facility has commenced or 1 year
102 after the beds approved through the initial request are
103 licensed, whichever occurs first.

104 3. The total number of community nursing home beds which
105 may be approved for any single deed-restricted community
106 pursuant to this paragraph shall not exceed 240, regardless of
107 whether the retirement community is located in more than one
108 qualifying county.

109 4. Each nursing home facility approved under this paragraph
110 shall be dually certified for participation in the Medicare and
111 Medicaid programs.

112 5. Each nursing home facility approved under this paragraph
113 shall be at least one mile from an existing approved and
114 licensed community nursing home, measured over publicly owned
115 roadways.

116 6. Section 408.0435 does not apply to this paragraph.

117 7. A retirement community requesting expedited review under
118 this paragraph shall submit a written request to the agency for
119 an expedited review. The request shall include the number of
120 beds to be added and provide evidence of compliance with the
121 criteria specified in subparagraph 1.

122 8. After verifying that the retirement community meets the
123 criteria for expedited review specified in subparagraph 1., the
124 agency shall publicly notice in the Florida Administrative
125 Register that a request for an expedited review has been
126 submitted by a qualifying retirement community and that the
127 qualifying retirement community intends to make land available
128 for the construction and operation of a community nursing home.



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129 The agency's notice shall identify where potential applicants
130 can obtain information describing sales price of, or terms of
131 the land lease for, the property on which the project will be
132 located and the requirements established by the retirement
133 community. The agency notice shall also specify the deadline for
134 submission of any certificate-of-need application, which shall
135 not be earlier than the 91st day and not be later than the 125th
136 day after the date the notice appears in the Florida
137 Administrative Register.

138 9. The qualified retirement community shall make land
139 available to applicants it deems to have met its requirements
140 for the construction and operation of a community nursing home
141 but will sell or lease the land only to the applicant that is
142 issued a certificate of need by the agency under the provisions
143 of this paragraph.

144 a. A certificate of need application submitted pursuant to
145 this paragraph shall identify the intended site for the project
146 within the retirement community and the anticipated costs for
147 the project based on that site. The application shall also
148 include written evidence that the retirement community has
149 determined that the provider submitting the application and the
150 project proposed by that provider satisfies its requirements for
151 the project.

152 b. The retirement community's determination that more than
153 one provider satisfies its requirements for the project does not
154 preclude the retirement community from notifying the agency of
155 the provider it prefers.

156 10. Each application submitted shall be reviewed by the
157 agency. If multiple applications are submitted for the project



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158 as published pursuant to subparagraph 8. above, then the
159 competing applications shall be reviewed by the agency.

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161 The agency shall develop rules to implement the provisions for
162 expedited review, including time schedule, application content
163 which may be reduced from the full requirements of s.
164 408.037(1), and application processing.

165 Section 5. This act shall take effect upon becoming a law.

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167
168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete everything before the enacting clause
171 and insert:

172 A bill to be entitled
173 An act relating to health care facilities;
174 amending s. 395.4001, F.S.; revising the definition of
175 the terms "level II trauma center" and "trauma
176 center"; amending s. 395.401, F.S.; making conforming
177 changes; amending s. 395.4025, F.S.; establishing
178 criteria for designating Level II trauma centers in
179 areas with limited access to trauma center services;
180 amending s. 408.036, F.S.; providing for expedited
181 review of certificate-of-need for licensed skilled
182 nursing facilities in qualifying retirement
183 communities; providing criteria for expedited review
184 for licensed skilled nursing homes in qualifying
185 retirement communities; limiting the number of beds
186 per retirement community that can be added through



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expedited review; providing an effective date.