

CS/CS/HB 1159

2013

1 A bill to be entitled
2 An act relating to health care facilities; amending s.
3 395.003, F.S.; authorizing certain specialty-licensed
4 children's hospitals to provide obstetrical services
5 under certain circumstances; creating s. 408.0362,
6 F.S.; providing an exemption from certificate-of-need
7 requirements for construction of a licensed skilled
8 nursing facility in certain retirement communities;
9 providing conditions for the exemption; providing
10 procedures to obtain an exemption; limiting the number
11 of community skilled nursing home beds that are added
12 under the exemption; requiring qualified retirement
13 communities to submit a request for exemption;
14 providing for severability; providing an effective
15 date.

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17 Be It Enacted by the Legislature of the State of Florida:
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19 Section 1. Subsection (6) of section 395.003, Florida
20 Statutes, is amended to read:

21 395.003 Licensure; denial, suspension, and revocation.—

22 (6) (a) A specialty hospital may not provide any service or
23 regularly serve any population group beyond those services or
24 groups specified in its license. A specialty-licensed children's
25 hospital that is authorized to provide pediatric cardiac
26 catheterization and pediatric open-heart surgery services may
27 provide cardiovascular service to adults who, as children, were
28 previously served by the hospital for congenital heart disease,

29 | or to those patients who are referred for a specialized
30 | procedure only for congenital heart disease by an adult
31 | hospital, without obtaining additional licensure as a provider
32 | of adult cardiovascular services. The agency may request
33 | documentation as needed to support patient selection and
34 | treatment. This subsection does not apply to a specialty-
35 | licensed children's hospital that is already licensed to provide
36 | adult cardiovascular services.

37 | (b) A specialty-licensed children's hospital that has
38 | licensed neonatal intensive care unit beds and is located in a
39 | county with a population of 1,750,000 or more may provide
40 | obstetrical services, in accordance with the pertinent
41 | guidelines promulgated by the American College of Obstetricians
42 | and Gynecologists and with verification of guidelines and
43 | compliance with internal safety standards by the Voluntary
44 | Review for Quality of Care Program of the American College of
45 | Obstetricians and Gynecologists and in compliance with the
46 | agency's rules pertaining to the obstetrical department in a
47 | hospital and offer healthy mothers all necessary critical care
48 | equipment, services, and the capability of providing up to 10
49 | beds for labor and delivery care, which services are restricted
50 | to the diagnosis, care, and treatment of pregnant women of any
51 | age who have documentation by an examining physician that
52 | includes information regarding:

53 | 1. At least one fetal characteristic or condition
54 | diagnosed intra-utero that would characterize the pregnancy or
55 | delivery as high risk including structural abnormalities of the
56 | digestive, central nervous, and cardiovascular systems and

57 disorders of genetic malformations and skeletal dysplasia, acute
 58 metabolic emergencies, and babies of mothers with rheumatologic
 59 disorders; or

60 2. Medical advice or a diagnosis indicating that the fetus
 61 may require at least one perinatal intervention.

62
 63 This paragraph shall not preclude a specialty-licensed
 64 children's hospital from complying with s. 395.1041 or the
 65 Emergency Medical Treatment and Active Labor Act, 42 U.S.C.
 66 1395dd.

67 Section 2. Section 408.0362, Florida Statutes, is created
 68 to read:

69 408.0362 Skilled nursing facility in retirement community;
 70 exemption from review.-

71 (1) Upon request by a deed-restricted retirement
 72 community, the construction of a skilled nursing facility
 73 licensed under part II of chapter 400 for the addition of
 74 community skilled nursing home beds located within the
 75 retirement community is exempt from s. 408.036 if:

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

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

81 (c) The retirement community is located in a county that
 82 has a rate of no more than 16.1 beds per thousand persons age 65
 83 years or older. The rate shall be determined by using the
 84 current number of licensed and approved community nursing home

85 beds in the county per the agency's most recent published
86 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
91 sought in the request does not exceed the projected bed need
92 after applying the rate of 16.1 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 based on the agency's most recent published
97 inventory.

98 (f) The request seeks approval of 120 or fewer community
99 nursing home beds for a qualified retirement community.
100 Subsequent requests may not be approved under this section until
101 all previously approved applicants have commenced construction.

102 (g) The total number of community nursing home beds
103 eligible for this exemption in the retirement community does not
104 exceed 240.

105 (h) The nursing home facilities approved under this
106 section are dually certified to participate in the Medicare and
107 Medicaid programs.

108 (i) The nursing home facilities approved under this
109 section are no closer than 1 mile from any existing approved and
110 licensed community nursing home, measured over publicly owned
111 roadways.

CS/CS/HB 1159

2013

112 (2) A retirement community that qualifies for an exemption
113 under this section shall submit a written request for the
114 exemption in accordance with the applicable rules. In the
115 request, the retirement community shall provide evidence that
116 all criteria set forth in subsection (1) are satisfied.

117 Section 3. If any provision of this act or its application
118 to any person or circumstance is held invalid, the invalidity
119 does not affect other provisions or applications of this act
120 that can be given effect without the invalid provision or
121 application, and to this end the provisions of this act are
122 severable.

123 Section 4. This act shall take effect upon becoming a law.