



CS/CS/HB 1159, Engrossed 1

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; amending s. 408.036,
6 F.S.; providing for expedited review of certificate-
7 of-need for licensed skilled nursing facilities in
8 qualifying retirement communities; providing criteria
9 for expedited review for licensed skilled nursing
10 homes in qualifying retirement communities; limiting
11 the number of beds per retirement community that can
12 be added through expedited review; providing for
13 severability; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsection (6) of section 395.003, Florida
18 Statutes, is amended to read:

19 395.003 Licensure; denial, suspension, and revocation.—

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



29 hospital, without obtaining additional licensure as a provider
30 of adult cardiovascular services. The agency may request
31 documentation as needed to support patient selection and
32 treatment. This subsection does not apply to a specialty-
33 licensed children's hospital that is already licensed to provide
34 adult cardiovascular services.

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

51 1. At least one fetal characteristic or condition
52 diagnosed intra-utero that would characterize the pregnancy or
53 delivery as high risk including structural abnormalities of the
54 digestive, central nervous, and cardiovascular systems and
55 disorders of genetic malformations and skeletal dysplasia, acute



56 metabolic emergencies, and babies of mothers with rheumatologic
57 disorders; or

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

60
61 This paragraph shall not preclude a specialty-licensed
62 children's hospital from complying with s. 395.1041 or the
63 Emergency Medical Treatment and Active Labor Act, 42 U.S.C.
64 1395dd.

65 Section 2. Subsection (2) of section 408.036, Florida
66 Statutes, is amended to read:

67 408.036 Projects subject to review; exemptions.—

68 (2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt
69 pursuant to subsection (3), projects subject to an expedited
70 review shall include, but not be limited to:

71 (a) A transfer of a certificate of need, except that when
72 an existing hospital is acquired by a purchaser, all
73 certificates of need issued to the hospital which are not yet
74 operational shall be acquired by the purchaser, without need for
75 a transfer.

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

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



84 total number of nursing home beds in the district does not
85 increase.

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

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

90 a. The residential use area of the retirement community is
91 deed-restricted as housing for older persons as defined in s.
92 760.29(4)(b).

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

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

101 d. The retirement community has a population of at least
102 8,000 residents within the county, based on a population data
103 source accepted by the agency.

104 e. The number of proposed community nursing home beds in
105 an application does not exceed the projected bed need after
106 applying the rate of 16.1 beds per 1,000 persons aged 65 years
107 and older projected for the county 3 years into the future using
108 the estimates adopted by the agency, after subtracting the
109 inventory of licensed and approved community nursing home beds
110 in the county per the agency's most recent published inventory.

111 2. No more than 120 community nursing home beds shall be



112 approved for a qualified retirement community under each request
113 for application for expedited review. Subsequent requests for
114 expedited review under this process shall not be made until 2
115 years after construction of the facility has commenced or 1 year
116 after the beds approved through the initial request are
117 licensed, whichever occurs first.

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

123 4. Each nursing home facility approved under this
124 paragraph shall be dually certified for participation in the
125 Medicare and Medicaid programs.

126 5. Each nursing home facility approved under this
127 paragraph shall be at least one mile from an existing approved
128 and licensed community nursing home, measured over publicly
129 owned roadways.

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

131 7. A retirement community requesting expedited review
132 under this paragraph shall submit a written request to the
133 agency for an expedited review. The request shall include the
134 number of beds to be added and provide evidence of compliance
135 with the criteria specified in subparagraph 1.

136 8. After verifying that the retirement community meets the
137 criteria for expedited review specified in subparagraph 1., the
138 agency shall publicly notice in the Florida Administrative
139 Register that a request for an expedited review has been



140 submitted by a qualifying retirement community and that the
141 qualifying retirement community intends to make land available
142 for the construction and operation of a community nursing home.
143 The agency's notice shall identify where potential applicants
144 can obtain information describing sales price of, or terms of
145 the land lease for, the property on which the project will be
146 located and the requirements established by the retirement
147 community. The agency notice shall also specify the deadline for
148 submission of any certificate-of-need application, which shall
149 not be earlier than the 91st day and not be later than the 125th
150 day after the date the notice appears in the Florida
151 Administrative Register.

152 9. The qualified retirement community shall make land
153 available to applicants it deems to have met its requirements
154 for the construction and operation of a community nursing home
155 but will sell or lease the land only to the applicant that is
156 issued a certificate of need by the agency under the provisions
157 of this paragraph.

158 a. A certificate of need application submitted pursuant to
159 this paragraph shall identify the intended site for the project
160 within the retirement community and the anticipated costs for
161 the project based on that site. The application shall also
162 include written evidence that the retirement community has
163 determined that the provider submitting the application and the
164 project proposed by that provider satisfies its requirements for
165 the project.

166 b. The retirement community's determination that more than
167 one provider satisfies its requirements for the project does not



168 preclude the retirement community from notifying the agency of
169 the provider it prefers.

170 10. Each application submitted shall be reviewed by the
171 agency. If multiple applications are submitted for the project
172 as published pursuant to subparagraph 8. above, then the
173 competing applications shall be reviewed by the agency.

174

175 The agency shall develop rules to implement the provisions for
176 expedited review, including time schedule, application content
177 which may be reduced from the full requirements of s.

178 408.037(1), and application processing.

179 Section 3. If any provision of this act or its application
180 to any person or circumstance is held invalid, the invalidity
181 does not affect other provisions or applications of this act
182 that can be given effect without the invalid provision or
183 application, and to this end the provisions of this act are
184 severable.

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