

By Representative Fasano

1 A bill to be entitled
2 An act relating to hospitals; amending s.
3 395.003, F.S.; requiring the Agency for Health
4 Care Administration to develop a rule
5 methodology for the separate evaluation of
6 certificate-of-need applications for skilled
7 nursing beds in facilities licensed pursuant to
8 ch. 395, F.S.; providing limitations relating
9 to comparative review and standing to challenge
10 applications; specifying minimum standards for
11 the rule methodology; providing an effective
12 date.

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

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16 Section 1. Subsections (5), (6), (7), and (8) of
17 section 395.003, Florida Statutes, 1996 Supplement, are
18 renumbered as subsections (6), (7), (8), and (9),
19 respectively, and a new subsection (5) is added to said
20 section to read:

21 395.003 Licensure; issuance, renewal, denial, and
22 revocation.--

23 (5) By October 1, 1997, the agency shall file a rule
24 methodology that provides for the separate evaluation of
25 certificate-of-need applications for skilled nursing beds in
26 facilities licensed pursuant to chapter 395 and which
27 encourages continuity of care. Such applications are not
28 subject to comparative review with facilities licensed
29 pursuant to chapter 400. Facilities licensed pursuant to
30 chapter 400 do not have standing to challenge any applications
31 filed pursuant to this agency rule, nor do facilities licensed

1 pursuant to chapter 395 have standing to challenge
2 applications for skilled nursing beds in facilities licensed
3 pursuant to chapter 400. The methodology must utilize
4 standards and criteria which are reasonable and appropriate
5 for evaluating the need for skilled nursing beds in a hospital
6 setting. At a minimum, such methodology must provide for the
7 approval of skilled nursing beds within hospitals which
8 demonstrate the ability to treat patients who require an
9 average of 6 or more hours of nursing care per patient day,
10 and which demonstrate a minimum threshold volume of cases
11 sufficient to attain an average annual occupancy of 75
12 percent, within the skilled nursing unit, by the end of the
13 skilled nursing unit's second year of operation. The cases
14 upon which the methodology must be based are those cases
15 within the 10 diagnosis-related groups identified as those
16 most commonly associated with a stay of less than 21 days in a
17 skilled nursing unit, as stated in the final report of the
18 Panel for the Study of Skilled Nursing Care issued pursuant to
19 s. 142 of chapter 95-418, Laws of Florida.

20 Section 2. This act shall take effect upon becoming a
21 law.

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24 HOUSE SUMMARY

25
26 Requires the Agency for Health Care Administration to
27 develop a rule methodology for the separate evaluation of
28 certificate-of-need applications for skilled nursing beds
29 in facilities licensed under ch. 395, F.S. (Hospital
30 Licensing and Regulation). Prohibits comparative review
31 of the applications of those facilities and facilities
licensed under ch. 400, F.S. (Nursing Homes and Related
Health Care Facilities), and denies standing for
applications challenges between such types of facilities.
Specifies minimum standards for the rule methodology.