

By Representative Rubio

1 A bill to be entitled
 2 An act relating to health care; repealing ss.
 3 408.031, 408.032, 408.033, 408.034, 408.035,
 4 408.036, 408.0361, 408.037, 408.038, 408.039,
 5 408.040, 408.041, 408.042, 408.043, 408.044,
 6 408.045, 408.0455, and 651.118, F.S., relating
 7 to requirements for certificate-of-need review
 8 and approval for health care facilities and
 9 services; repealing s. 154.245, F.S., relating
 10 to certificates of need required as a condition
 11 of certain bond validation; amending ss. 20.42,
 12 154.205, 154.213, 154.219, 159.27, 164.1031,
 13 186.503, 186.507, 186.511, 189.415, 383.216,
 14 395.0191, 395.1055, 395.603, 395.604, 395.605,
 15 400.071, 400.23, 400.602, 400.606, 400.6085,
 16 408.05, 408.061, 408.063, 408.07, 408.09,
 17 408.18, 409.9117, 430.705, 430.708, 458.345,
 18 459.021, 641.60, and 651.021, F.S., to conform
 19 to the repeal of certificate-of-need
 20 requirements and the process of
 21 certificate-of-need review, and the health
 22 planning process related thereto; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Sections 154.245, 408.031, 408.032,
 28 408.033, 408.034, 408.035, 408.036, 408.0361, 408.037,
 29 408.038, 408.039, 408.040, 408.041, 408.042, 408.043, 408.044,
 30 408.045, 408.0455, and 651.118, Florida Statutes, are
 31 repealed.

1 Section 2. Subsection (3) of section 20.42, Florida
2 Statutes, is amended to read:

3 20.42 Agency for Health Care Administration.--

4 (3) The department shall be the chief health policy
5 and planning entity for the state. The department is
6 responsible for health facility licensure, inspection, and
7 regulatory enforcement; investigation of consumer complaints
8 related to health care facilities and managed care plans; ~~the~~
9 ~~implementation of the certificate of need program; the~~
10 operation of the State Center for Health Statistics; the
11 administration of the Medicaid program; the administration of
12 the contracts with the Florida Healthy Kids Corporation; the
13 certification of health maintenance organizations and prepaid
14 health clinics as set forth in part III of chapter 641; and
15 any other duties prescribed by statute or agreement.

16 Section 3. Subsection (4) of section 154.205, Florida
17 Statutes, is amended to read:

18 154.205 Definitions.--The following terms, whenever
19 used in this part, shall have the following meanings unless a
20 different meaning clearly appears from the context:

21 ~~(4) "Certificate of need" means a written advisory~~
22 ~~statement issued by the Agency for Health Care Administration,~~
23 ~~having as its basis a written advisory statement issued by an~~
24 ~~areawide council and, where there is no council, by the Agency~~
25 ~~for Health Care Administration, evidencing community need for~~
26 ~~a new, converted, expanded, or otherwise significantly~~
27 ~~modified health facility.~~

28 Section 4. Section 154.213, Florida Statutes, is
29 amended to read:

30 154.213 Agreements of lease.--In undertaking any
31 project pursuant to this part, the authority shall first

1 ~~obtain a valid certificate of need evidencing need for the~~
2 ~~project and~~ a statement that the project serves a public
3 purpose by advancing the commerce, welfare, and prosperity of
4 the local agency and its people. No project financed under
5 the provisions of this part shall be operated by the authority
6 or any other governmental agency; however, the authority may
7 temporarily operate or cause to be operated all or any part of
8 a project to protect its interest therein pending any leasing
9 of such project in accordance with the provisions of this
10 part. The authority may lease a project or projects to a
11 health facility for operation and maintenance in such manner
12 as to effectuate the purposes of this part under an agreement
13 of lease in form and substance not inconsistent herewith.

14 (1) Any such agreement of lease may provide, among
15 other provisions, that:

16 (a) The lessee shall at its own expense operate,
17 repair, and maintain the project or projects leased
18 thereunder.

19 (b) The rent payable under the lease shall in the
20 aggregate be not less than an amount sufficient to pay all of
21 the interest, principal, and redemption premiums, if any, on
22 the bonds that shall be issued by the authority to pay the
23 cost of the project or projects leased thereunder.

24 (c) The lessee shall pay all costs incurred by the
25 authority in connection with the acquisition, financing,
26 construction, and administration of the project or projects
27 leased, except as may be paid out of the proceeds of bonds or
28 otherwise, including, but without being limited to: Insurance
29 costs, the cost of administering the bond resolution
30 authorizing such bonds and any trust agreement securing the
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1 bonds, and the fees and expenses of trustees, paying agents,
2 attorneys, consultants, and others.

3 (d) The terms of the lease shall terminate not earlier
4 than the date on which all such bonds and all other
5 obligations incurred by the authority in connection with the
6 project or projects leased thereunder shall be paid in full,
7 including interest, principal, and redemption premiums, if
8 any, or adequate funds for such payment shall be deposited in
9 trust.

10 (e) The lessee's obligation to pay rent shall not be
11 subject to cancellation, termination, or abatement by the
12 lessee until such payment of the bonds or provision for such
13 payment shall be made.

14 (2) Such lease agreement may contain such additional
15 provisions as in the determination of the authority are
16 necessary or convenient to effectuate the purposes of this
17 part, including provisions for extensions of the term and
18 renewals of the lease and vesting in the lessee an option to
19 purchase the project leased thereunder pursuant to such terms
20 and conditions consistent with this part as shall be
21 prescribed in the lease. Except as may otherwise be expressly
22 stated in the agreement of lease, to provide for any
23 contingencies involving the damaging, destruction, or
24 condemnation of the project leased or any substantial portion
25 thereof, such option to purchase may not be exercised unless
26 all bonds issued for such project, including all principal,
27 interest, and redemption premiums, if any, and all other
28 obligations incurred by the authority in connection with such
29 project, shall have been paid in full or sufficient funds
30 shall have been deposited in trust for such payment. The
31 purchase price of such project shall not be less than an

1 amount sufficient to pay in full all of the bonds, including
2 all principal, interest, and redemption premiums, if any,
3 issued for the project then outstanding and all other
4 obligations incurred by the authority in connection with such
5 project.

6 Section 5. Subsection (1) of section 154.219, Florida
7 Statutes, is amended to read:

8 154.219 Revenue bonds.--

9 (1) The authority is authorized from time to time to
10 issue its negotiable revenue bonds ~~for the purpose of paying~~
11 ~~all or any part of the cost of any project or projects for~~
12 ~~which a certificate of need has been obtained, or pursuant to~~
13 subsections (12) and (13) of s. 154.209 for the purpose of
14 paying all or any part of the cost of acquiring existing or
15 completed health facilities projects. In anticipation of the
16 sale of such revenue bonds, the authority may issue negotiable
17 bond anticipation notes and may renew the same from time to
18 time, but the maximum maturity of any such note, including
19 renewals thereof, shall not exceed 5 years from the date of
20 issue of the original note. Such notes shall be paid from any
21 revenues of the authority available therefor and not otherwise
22 pledged or from the proceeds of sale of the revenue bonds of
23 the authority in anticipation of which they were issued. The
24 notes shall be issued in the same manner as the revenue bonds.
25 Such notes and the resolution or resolutions authorizing the
26 same may contain any provisions, conditions, or limitation
27 which a bond resolution of the authority may contain.

28 Section 6. Subsection (16) of section 159.27, Florida
29 Statutes, is amended to read:

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1 159.27 Definitions.--The following words and terms,
2 unless the context clearly indicates a different meaning,
3 shall have the following meanings:
4 (16) "Health care facility" means property operated in
5 the private sector, whether operated for profit or not, used
6 for or useful in connection with the diagnosis, treatment,
7 therapy, rehabilitation, housing, or care of or for aged,
8 sick, ill, injured, infirm, impaired, disabled, or handicapped
9 persons, without discrimination among such persons due to
10 race, religion, or national origin; or for the prevention,
11 detection, and control of disease, including, without
12 limitation thereto, hospital, clinic, emergency, outpatient,
13 and intermediate care, including, but not limited to,
14 facilities for the elderly such as assisted living facilities,
15 facilities defined in s. 154.205(7)(8), day care and
16 share-a-home facilities, nursing homes, and the following
17 related property when used for or in connection with the
18 foregoing: laboratory; research; pharmacy; laundry; health
19 personnel training and lodging; patient, guest, and health
20 personnel food service facilities; and offices and office
21 buildings for persons engaged in health care professions or
22 services; ~~provided, if required by ss. 400.601-400.611 and ss.~~
23 ~~408.031-408.045, a certificate of need therefor is obtained~~
24 ~~prior to the issuance of the bonds.~~

25 Section 7. Subsection (2) of section 164.1031, Florida
26 Statutes, is amended to read:

27 164.1031 Definitions.--For purposes of this act:
28 (2) "Regional governmental entities" includes regional
29 planning councils, metropolitan planning organizations, water
30 supply authorities that include more than one county, ~~local~~
31 ~~health councils, water management districts, and other~~

1 regional entities that are authorized and created by general
2 or special law that have duties or responsibilities extending
3 beyond the jurisdiction of a single county.

4 Section 8. Subsection (7) of section 186.503, Florida
5 Statutes, is amended to read:

6 186.503 Definitions relating to Florida Regional
7 Planning Council Act.--As used in this act, the term:

8 ~~(7) "Local health council" means a regional agency~~
9 ~~established pursuant to s. 408.033.~~

10 Section 9. Subsection (10) of section 186.507, Florida
11 Statutes, is amended to read:

12 186.507 Strategic regional policy plans.--

13 ~~(10) Each regional planning council shall enter into a~~
14 ~~memorandum of agreement with each local health council in its~~
15 ~~comprehensive planning district to ensure the coordination of~~
16 ~~health planning, if the regional planning council elects to~~
17 ~~address health issues in its strategic regional policy plan.~~
18 ~~The memorandum of agreement shall specify the manner in which~~
19 ~~each regional planning council and local health council will~~
20 ~~coordinate their activities.~~

21 Section 10. Section 186.511, Florida Statutes, is
22 amended to read:

23 186.511 Evaluation of strategic regional policy plan;
24 changes in plan.--The regional planning process shall be a
25 continuous and ongoing process. Each regional planning
26 council shall prepare an evaluation and appraisal report on
27 its strategic regional policy plan at least once every 5
28 years; assess the successes or failures of the plan; address
29 changes to the state comprehensive plan; and prepare and adopt
30 by rule amendments, revisions, or updates to the plan as
31 needed. ~~Each regional planning council shall involve the~~

1 ~~appropriate local health councils in its region if the~~
2 ~~regional planning council elects to address regional health~~
3 ~~issues.~~ The evaluation and appraisal report shall be prepared
4 and submitted for review on a schedule established by the
5 Executive Office of the Governor. The schedule shall
6 facilitate and be coordinated with, to the maximum extent
7 feasible, the evaluation and revision of local comprehensive
8 plans pursuant to s. 163.3191 for the local governments within
9 each comprehensive planning district.

10 Section 11. Subsection (3) of section 189.415, Florida
11 Statutes, is amended to read:

12 189.415 Special district public facilities report.--

13 ~~(3) A special district proposing to build, improve, or~~
14 ~~expand a public facility which requires a certificate of need~~
15 ~~pursuant to chapter 408 shall elect to notify the appropriate~~
16 ~~local general-purpose government of its plans either in its~~
17 ~~5-year plan or at the time the letter of intent is filed with~~
18 ~~the Agency for Health Care Administration pursuant to s.~~
19 ~~408.039.~~

20 Section 12. Subsection (1) of section 383.216, Florida
21 Statutes, is amended to read:

22 383.216 Community-based prenatal and infant health
23 care.--

24 (1) The Department of Health shall cooperate with
25 localities which wish to establish prenatal and infant health
26 care coalitions, and shall acknowledge and incorporate, if
27 appropriate, existing community children's services
28 organizations, pursuant to this section within the resources
29 allocated. The purpose of this program is to establish a
30 partnership among the private sector, the public sector, state
31 government, local government, community alliances, and

1 maternal and child health care providers, for the provision of
2 coordinated community-based prenatal and infant health care.
3 ~~The prenatal and infant health care coalitions must work in a~~
4 ~~coordinated, nonduplicative manner with local health planning~~
5 ~~councils established pursuant to s. 408.033.~~

6 Section 13. Subsection (10) of section 395.0191,
7 Florida Statutes, is amended to read:

8 395.0191 Staff membership and clinical privileges.--

9 ~~(10) Nothing herein shall be construed by the agency~~
10 ~~as requiring an applicant for a certificate of need to~~
11 ~~establish proof of discrimination in the granting of or denial~~
12 ~~of hospital staff membership or clinical privileges as a~~
13 ~~precondition to obtaining such certificate of need under the~~
14 ~~provisions of s. 408.043.~~

15 Section 14. Paragraph (h) of subsection (1) of section
16 395.1055, Florida Statutes, is amended to read:

17 395.1055 Rules and enforcement.--

18 (1) The agency shall adopt rules pursuant to ss.
19 120.536(1) and 120.54 to implement the provisions of this
20 part, which shall include reasonable and fair minimum
21 standards for ensuring that:

22 ~~(h) All hospitals submit such data as necessary to~~
23 ~~conduct certificate-of-need reviews required under ss.~~
24 ~~408.031-408.045. Such data shall include, but shall not be~~
25 ~~limited to, patient origin data, hospital utilization data,~~
26 ~~type of service reporting, and facility staffing data. The~~
27 ~~agency shall not collect data that identifies or could~~
28 ~~disclose the identity of individual patients. The agency shall~~
29 ~~utilize existing uniform statewide data sources when available~~
30 ~~and shall minimize reporting costs to hospitals.~~

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1 Section 15. Subsection (1) of section 395.603, Florida
2 Statutes, is amended to read:

3 395.603 Rules; rural hospital impact statement.--

4 (1) The agency shall establish, by rule, a process by
5 which a rural hospital, as defined in s. 395.602, that seeks
6 licensure as a rural primary care hospital or as an emergency
7 care hospital, or becomes a certified rural health clinic as
8 defined in Pub. L. No. 95-210, or becomes a primary care
9 program such as a county health department, community health
10 center, or other similar outpatient program that provides
11 preventive and curative services, may deactivate general
12 hospital beds. Rural primary care hospitals and emergency
13 care hospitals shall maintain the number of actively licensed
14 general hospital beds necessary for the facility to be
15 certified for Medicare reimbursement. Hospitals that
16 discontinue inpatient care to become rural health care clinics
17 or primary care programs shall deactivate all licensed general
18 hospital beds. All hospitals, clinics, and programs with
19 inactive beds shall provide 24-hour emergency medical care by
20 staffing an emergency room. Providers with inactive beds
21 shall be subject to the criteria in s. 395.1041. The agency
22 shall specify in rule requirements for making 24-hour
23 emergency care available. ~~Inactive general hospital beds~~
24 ~~shall be included in the acute care bed inventory, maintained~~
25 ~~by the agency for certificate of need purposes, for 10 years~~
26 ~~from the date of deactivation of the beds. After 10 years have~~
27 ~~elapsed, inactive beds shall be excluded from the inventory.~~
28 The agency shall, at the request of the licensee, reactivate
29 the inactive general beds upon a showing by the licensee that
30 licensure requirements for the inactive general beds are met.

31

1 Section 16. Subsection (1) of section 395.604, Florida
2 Statutes, is amended to read:

3 395.604 Other rural hospital programs.--

4 (1) The agency may license rural primary care
5 hospitals subject to federal approval for participation in the
6 Medicare and Medicaid programs. Rural primary care hospitals
7 shall be treated in the same manner as emergency care
8 hospitals and rural hospitals with respect to s.

9 395.605(2)-(6)(a) ~~ss. 395.605(2)-(8)(a), 408.033(2)(b)3., and~~
10 ~~408.038.~~

11 Section 17. Subsections (5) and (7) of section
12 395.605, Florida Statutes, are amended to read:

13 395.605 Emergency care hospitals.--

14 ~~(5) Rural hospitals that make application under the~~
15 ~~certificate of need program to be licensed as emergency care~~
16 ~~hospitals shall receive expedited review as defined in s.~~
17 ~~408.032. Emergency care hospitals seeking relicensure as acute~~
18 ~~care general hospitals shall also receive expedited review.~~

19 ~~(7) Emergency care hospitals are exempt from~~
20 ~~certificate of need requirements for home health and hospice~~
21 ~~services and for swing beds in a number that does not exceed~~
22 ~~one-half of the facility's licensed beds.~~

23 Section 18. Subsection (9) of section 400.071, Florida
24 Statutes, is amended to read:

25 400.071 Application for license.--

26 ~~(9) The agency may not issue a license to a nursing~~
27 ~~home that fails to receive a certificate of need under the~~
28 ~~provisions of ss. 408.031-408.045. It is the intent of the~~
29 ~~Legislature that, in reviewing an a certificate of need~~
30 ~~application to add beds to an existing nursing home facility,~~
31 ~~preference be given to the application of a licensee who has~~

1 been awarded a Gold Seal as provided for in s. 400.235, ~~if the~~
2 ~~applicant otherwise meets the review criteria specified in s.~~
3 ~~408.035.~~

4 Section 19. Subsection (5) of section 400.23, Florida
5 Statutes, is amended to read:

6 400.23 Rules; evaluation and deficiencies; licensure
7 status.--

8 (5) The agency, in collaboration with the Division of
9 Children's Medical Services of the Department of Health, must,
10 no later than December 31, 1993, adopt rules for minimum
11 standards of care for persons under 21 years of age who reside
12 in nursing home facilities. ~~The rules must include a~~
13 ~~methodology for reviewing a nursing home facility under ss.~~
14 ~~408.031-408.045 which serves only persons under 21 years of~~
15 ~~age.~~A facility may be exempt from these standards for
16 specific persons between 18 and 21 years of age, if the
17 person's physician agrees that minimum standards of care based
18 on age are not necessary.

19 Section 20. Subsection (6) of section 400.602, Florida
20 Statutes, is amended to read:

21 400.602 Licensure required; prohibited acts;
22 exemptions; display, transferability of license.--

23 (6) Notwithstanding s. 400.601(3), at any time after
24 July 1, 1995, any entity entitled to licensure under
25 subsection (5) may obtain a license for up to two additional
26 hospices in accordance with the other requirements of this
27 part ~~and upon receipt of any certificate of need that may be~~
28 ~~required under the provisions of ss. 408.031-408.045.~~

29 Section 21. Subsections (5) and (6) of section
30 400.606, Florida Statutes, are amended to read:

31

1 400.606 License; application; renewal; conditional
2 license or permit; ~~certificate of need.~~--

3 ~~(5) The agency shall not issue a license to a hospice~~
4 ~~that fails to receive a certificate of need under the~~
5 ~~provisions of ss. 408.031-408.045. A licensed hospice is a~~
6 ~~health care facility as that term is used in s. 408.039(5) and~~
7 ~~is entitled to initiate or intervene in an administrative~~
8 ~~hearing.~~

9 (5)(6) A freestanding hospice facility that is
10 primarily engaged in providing inpatient and related services
11 and that is not otherwise licensed as a health care facility
12 shall be required to obtain a certificate of need. However, A
13 freestanding hospice facility with six or fewer beds shall not
14 be required to comply with institutional standards such as,
15 but not limited to, standards requiring sprinkler systems,
16 emergency electrical systems, or special lavatory devices.

17 Section 22. Paragraph (b) of subsection (2) of section
18 400.6085, Florida Statutes, is amended to read:

19 400.6085 Contractual services.--A hospice may contract
20 out for some elements of its services. However, the core
21 services, as set forth in s. 400.609(1), with the exception of
22 physician services, shall be provided directly by the hospice.
23 Any contract entered into between a hospice and a health care
24 facility or service provider must specify that the hospice
25 retains the responsibility for planning, coordinating, and
26 prescribing hospice care and services for the hospice patient
27 and family. A hospice that contracts for any hospice service
28 is prohibited from charging fees for services provided
29 directly by the hospice care team that duplicate contractual
30 services provided to the patient and family.

31

1 (2) With respect to contractual arrangements for
2 inpatient hospice care:

3 (b) Licensed beds designated for inpatient hospice
4 care through a contract ~~Hospices contracting for inpatient~~
5 ~~care beds shall not be required to obtain an additional~~
6 ~~certificate of need for the number of such designated beds.~~
7 ~~Such beds~~ shall remain licensed to the health care facility
8 and be subject to the appropriate inspections.

9 Section 23. Paragraph (d) of subsection (3) and
10 paragraph (a) of subsection (8) of section 408.05, Florida
11 Statutes, are amended to read:

12 408.05 State Center for Health Statistics.--

13 (3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.--In order
14 to produce comparable and uniform health information and
15 statistics, the agency shall perform the following functions:

16 (d) Develop written agreements with local, state, and
17 federal agencies for the sharing of health-care-related data
18 or using the facilities and services of such agencies. State
19 agencies, ~~local health councils,~~ and other agencies under
20 contract with the Department of Health shall assist the center
21 in obtaining, compiling, and transferring health-care-related
22 data maintained by state and local agencies. Written
23 agreements must specify the types, methods, and periodicity of
24 data exchanges and specify the types of data that will be
25 transferred to the center.

26 (8) STATE COMPREHENSIVE HEALTH INFORMATION SYSTEM
27 ADVISORY COUNCIL.--

28 (a) There is established in the agency the State
29 Comprehensive Health Information System Advisory Council to
30 assist the center in reviewing the comprehensive health
31

1 information system and to recommend improvements for such
2 system. The council shall consist of the following members:
3 1. An employee of the Executive Office of the
4 Governor, to be appointed by the Governor.
5 2. An employee of the Department of Insurance, to be
6 appointed by the Insurance Commissioner.
7 3. An employee of the Department of Education, to be
8 appointed by the Commissioner of Education.
9 4. Ten persons, to be appointed by the Secretary of
10 Health Care Administration, representing other state and local
11 agencies, state universities, the Florida Association of
12 Business/Health Coalitions, ~~local health councils,~~
13 professional health-care-related associations, consumers, and
14 purchasers.

15 Section 24. Subsection (12) of section 408.061,
16 Florida Statutes, is amended to read:

17 408.061 Data collection; uniform systems of financial
18 reporting; information relating to physician charges;
19 confidential information; immunity.--

20 (12) The agency shall cooperate with ~~local health~~
21 ~~councils~~ and the state health planning agency with regard to
22 health care data collection and dissemination and shall
23 cooperate with state agencies in any efforts to establish an
24 integrated health care database.

25 Section 25. Subsection (1) of section 408.063, Florida
26 Statutes, is amended to read:

27 408.063 Dissemination of health care information.--

28 (1) The agency, relying on data collected pursuant to
29 this chapter, shall establish a reliable, timely, and
30 consistent information system that distributes information and
31 serves as the basis for the agency's public education

1 programs. The agency shall seek advice from consumers, health
2 care purchasers, health care providers, health care
3 facilities, and health insurers, ~~and local health councils~~ in
4 the development and implementation of its information system.
5 ~~Whenever appropriate, the agency shall use the local health~~
6 ~~councils for the dissemination of information and education of~~
7 ~~the public.~~

8 Section 26. The introductory paragraph and subsection
9 (31) of section 408.07, Florida Statutes, are amended to read:

10 408.07 Definitions.--As used in this chapter, ~~with the~~
11 ~~exception of ss. 408.031-408.045,~~ the term:

12 ~~(31) "Local health council" means the agency defined~~
13 ~~in s. 408.033.~~

14 Section 27. Subsection (4) of section 408.09, Florida
15 Statutes, is amended to read:

16 408.09 Assistance on cost containment strategies.--The
17 agency shall:

18 (4) Assist existing health coalitions ~~and local health~~
19 ~~councils~~ as needed in carrying out their respective goals in
20 an efficient and effective manner.

21 Section 28. Subsection (8) of section 408.18, Florida
22 Statutes, is amended to read:

23 408.18 Health Care Community Antitrust Guidance Act;
24 antitrust no-action letter; market-information collection and
25 education.--

26 (8) The Agency for Health Care Administration shall
27 coordinate all existing data received, such as the hospital
28 patient discharge database, ambulatory patient database,
29 ambulatory facilities' financial data, health facility
30 licensure and certification tracking system, health facility
31 plans and construction data, ~~local health council data,~~

1 Medicaid data, provider claims data, psychiatric hospital
2 discharge data, pharmaceutical data, licensure data of health
3 maintenance organizations, licensure data of health insurers,
4 health care practitioner licensure data, hospital financial
5 database, health facility utilization and projected need data,
6 nursing home financial database, nursing home patient
7 database, and joint venture database. This information shall
8 be made available to the Attorney General's office, as needed.

9 Section 29. Paragraph (j) of subsection (2) of section
10 409.9117, Florida Statutes, is amended to read:

11 409.9117 Primary care disproportionate share
12 program.--

13 (2) In the establishment and funding of this program,
14 the agency shall use the following criteria in addition to
15 those specified in s. 409.911, payments may not be made to a
16 hospital unless the hospital agrees to:

17 ~~(j) Work with the local health council to develop a~~
18 ~~plan for promoting access to affordable health care services~~
19 ~~for all persons who reside within the area, including, but not~~
20 ~~limited to, public health services, primary care services,~~
21 ~~inpatient services, and affordable health insurance generally.~~

22
23 Any hospital that fails to comply with any of the provisions
24 of this subsection, or any other contractual condition, may
25 not receive payments under this section until full compliance
26 is achieved.

27 Section 30. Paragraph (b) of subsection (5) of section
28 430.705, Florida Statutes, is amended to read:

29 430.705 Implementation of the long-term care community
30 diversion pilot projects.--

31

1 (5) In selecting the pilot project area, the
2 department shall consider the following factors in the area:

3 ~~(b) The number of certificates of need awarded for~~
4 ~~nursing home beds for which renovation, expansion, or~~
5 ~~construction has not begun.~~

6 Section 31. Section 430.708, Florida Statutes, is
7 amended to read:

8 430.708 Implementation of Medicaid community diversion
9 pilot projects ~~Certificate of need.~~--To ensure that Medicaid
10 community diversion pilot projects result in a reduction in
11 the projected average monthly nursing home caseload, the
12 agency shall, ~~in accordance with the provisions of s.~~
13 ~~408.034(4):~~

14 ~~(1) Reduce the projected nursing home bed need in each~~
15 ~~certificate of need batching cycle in the community diversion~~
16 ~~pilot project areas.~~

17 (1)~~(2)~~ Reduce the conditions imposed on existing
18 nursing homes or those to be constructed, in accordance with
19 the number of projected community diversion slots.

20 (2)~~(3)~~ Adopt rules to reduce the number of beds in
21 Medicaid-participating nursing homes eligible for Medicaid,
22 through a Medicaid-selective contracting process or some other
23 appropriate method.

24 ~~(4) Determine the feasibility of increasing the~~
25 ~~nursing home occupancy threshold used in determining nursing~~
26 ~~home bed needs under the certificate of need process.~~

27 Section 32. Subsection (1) of section 458.345, Florida
28 Statutes, is amended to read:

29 458.345 Registration of resident physicians, interns,
30 and fellows; list of hospital employees; prescribing of
31 medicinal drugs; penalty.--

1 (1) Any person desiring to practice as a resident
2 physician, assistant resident physician, house physician,
3 intern, or fellow in fellowship training which leads to
4 subspecialty board certification in this state, or any person
5 desiring to practice as a resident physician, assistant
6 resident physician, house physician, intern, or fellow in
7 fellowship training in a teaching hospital in this state as
8 defined in s. 408.07(43)~~(44)~~ or s. 395.805(2), who does not
9 hold a valid, active license issued under this chapter shall
10 apply to the department to be registered and shall remit a fee
11 not to exceed \$300 as set by the board. The department shall
12 register any applicant the board certifies has met the
13 following requirements:

14 (a) Is at least 21 years of age.

15 (b) Has not committed any act or offense within or
16 without the state which would constitute the basis for refusal
17 to certify an application for licensure pursuant to s.
18 458.331.

19 (c) Is a graduate of a medical school or college as
20 specified in s. 458.311(1)(f).

21 Section 33. Subsection (1) of section 459.021, Florida
22 Statutes, is amended to read:

23 459.021 Registration of resident physicians, interns,
24 and fellows; list of hospital employees; penalty.--

25 (1) Any person who holds a degree of Doctor of
26 Osteopathic Medicine from a college of osteopathic medicine
27 recognized and approved by the American Osteopathic
28 Association who desires to practice as a resident physician,
29 assistant resident physician, house physician, intern, or
30 fellow in fellowship training which leads to subspecialty
31 board certification in this state, or any person desiring to

1 practice as a resident physician, assistant resident
2 physician, house physician, intern, or fellow in fellowship
3 training in a teaching hospital in this state as defined in s.
4 408.07(43)~~(44)~~ or s. 395.805(2), who does not hold an active
5 license issued under this chapter shall apply to the
6 department to be registered, on an application provided by the
7 department, within 30 days of commencing such a training
8 program and shall remit a fee not to exceed \$300 as set by the
9 board.

10 Section 34. Paragraph (c) of subsection (1) of section
11 641.60, Florida Statutes, is amended to read:

12 641.60 Statewide Managed Care Ombudsman Committee.--

13 (1) As used in ss. 641.60-641.75:

14 ~~(c) "District" means one of the health service~~
15 ~~planning districts as defined in s. 408.032.~~

16 Section 35. Paragraph (a) of subsection (2) of section
17 651.021, Florida Statutes, is amended to read:

18 651.021 Certificate of authority required.--

19 (2)(a) Before commencement of construction or
20 marketing for any expansion of a certificated facility
21 equivalent to the addition of at least 20 percent of existing
22 units, written approval must be obtained from the department.

23 ~~This provision does not apply to construction for which a~~
24 ~~certificate of need from the Agency for Health Care~~
25 ~~Administration is required.~~

26 Section 36. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Repeals the "Health Facility and Services Development Act." Removes requirements for certificate-of-need review and approval for health facilities and services. Conforms provisions relating to health planning and certificate-of-need review of proposed and existing health facilities and services.