

Bill No. CS/HB 339, 2nd Eng.

Amendment No.      Barcode 140686

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

.  
.  
.  
.  
.

Senator Clary moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. The certificate-of-need workgroup created by section 15 of Chapter 2000-318, Laws of Florida, shall include in its report the issue of access to open heart surgery services in areas currently lacking programs or deemed underserved. In evaluating access to open heart surgery, the work group shall consider the restriction of angioplasty to hospitals providing open heart surgery and recommend ways to improve access to primary angioplasty while assuring patient safety and quality of care. The workgroup shall submit its final recommendations on or before January 1, 2002.

Section 2. Paragraph (r) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review.--

(3) EXEMPTIONS.--Upon request, the following projects are subject to exemption from the provisions of subsection

Bill No. CS/HB 339, 2nd Eng.

Amendment No. \_\_\_\_ Barcode 140686

1 (1):

2 (r) For the conversion or hospital-based Medicare and  
3 Medicaid certified skilled nursing beds to acute care beds, if  
4 the conversion does not involve the construction of new  
5 facilities.

6 Section 3. Paragraph (c) of subsection (5) of section  
7 408.039, Florida Statutes, is amended to read:

8 408.039 Review process.--The review process for  
9 certificates of need shall be as follows:

10 (5) ADMINISTRATIVE HEARINGS.--

11 (c) In administrative proceedings challenging the  
12 issuance or denial of a certificate of need, only applicants  
13 considered by the agency in the same batching cycle are  
14 entitled to a comparative hearing on their applications.  
15 Existing health care facilities may initiate or intervene in  
16 an administrative hearing only upon a showing that an  
17 established program will be substantially affected by the  
18 issuance of any certificate of need, whether reviewed under s.  
19 408.036(1) or (2), to a competing proposed facility or program  
20 within the same district. Any party appealing a final order  
21 approving or denying a certificate of need to a district court  
22 of appeal shall place in escrow an amount equal to the  
23 proposed project cost or \$500,000, whichever amount is less.  
24 If any party appealing a final order fails in the appeal, that  
25 party shall pay all costs of litigation, including treble  
26 attorney fees, of the prevailing party. The Agency for Health  
27 Care Administration shall not be subject to the provisions of  
28 this paragraph except that it shall be entitled to all costs  
29 of litigation, including treble attorney fees if it is the  
30 prevailing party in an appeal of a final order. Such amounts  
31 shall be taken first from the escrow account established for

Bill No. CS/HB 339, 2nd Eng.

Amendment No. \_\_\_\_ Barcode 140686

1 this purpose, the balance to be considered enforceable as an  
2 obligation created by final order of the agency. The  
3 challenging facility may satisfy the escrow requirement with a  
4 bond of sufficient type and amount.

5 Section 4. Effective July 1, 2001, section 15 of  
6 chapter 2000-318, Laws of Florida, is amended to read:

7 Section 15.

8 (1)(a) There is created a certificate-of-need  
9 workgroup staffed by the Agency for Health Care  
10 Administration.

11 (b) Workgroup participants shall be responsible for  
12 only the expenses that they generate individually through  
13 workgroup participation. The agency shall be responsible for  
14 expenses incidental to the production of any required data or  
15 reports.

16 (2) The workgroup shall consist of 32 ~~30~~ members, 10  
17 appointed by the Governor, 11 ~~10~~ appointed by the President of  
18 the Senate, and 11 ~~10~~ appointed by the Speaker of the House of  
19 Representatives. The workgroup chairperson shall be selected  
20 by majority vote of a quorum present. Sixteen members shall  
21 constitute a quorum. The membership shall include, but not be  
22 limited to, representatives from health care provider  
23 organizations, health care facilities, individual health care  
24 practitioners, local health councils, and consumer  
25 organizations, and persons with health care market expertise  
26 as a private-sector consultant.

27 (3) Appointment to the workgroup shall be as follows:

28 (a) The Governor shall appoint one representative each  
29 from the hospital industry; nursing home industry; hospice  
30 industry; local health councils; a consumer organization; and  
31 three health care market consultants, one of whom is a

Bill No. CS/HB 339, 2nd Eng.

Amendment No. \_\_\_\_ Barcode 140686

1 recognized expert on hospital markets, one of whom is a  
2 recognized expert on nursing home or long-term-care markets,  
3 and one of whom is a recognized expert on hospice markets; one  
4 representative from the Medicaid program; and one  
5 representative from a health care facility that provides a  
6 tertiary service.

7 (b) The President of the Senate shall appoint a  
8 representative of a for-profit hospital, a representative of a  
9 not-for-profit hospital, a representative of a public  
10 hospital, two representatives of the nursing home industry,  
11 two representatives of the hospice industry, a representative  
12 of a consumer organization, a representative from the  
13 Department of Elderly Affairs involved with the implementation  
14 of a long-term-care community diversion program, ~~and~~ a health  
15 care market consultant with expertise in health care  
16 economics, and a member of the Senate.

17 (c) The Speaker of the House of Representatives shall  
18 appoint a representative from the Florida Hospital  
19 Association, a representative of the Association of Community  
20 Hospitals and Health Systems of Florida, a representative of  
21 the Florida League of Health Systems, a representative of the  
22 Florida Health Care Association, a representative of the  
23 Florida Association of Homes for the Aging, three  
24 representatives of Florida Hospices and Palliative Care, one  
25 representative of local health councils, ~~and~~ one  
26 representative of a consumer organization, and a member of the  
27 House.

28 (4) The workgroup shall develop a plan for the reform  
29 or elimination of the certificate of need program, which shall  
30 include recommended legislative action and agency rulemaking.  
31 In developing the plan, the workgroup shall seek input from

Bill No. CS/HB 339, 2nd Eng.

Amendment No. \_\_\_\_ Barcode 140686

1 all classes of health care consumers, health care providers  
2 and health care facilities subject to certificate of need  
3 review. All agencies, including, but not limited to, the  
4 Agency for Health Care Administration and the Department of  
5 Elder Affairs, shall provide assistance to the workgroup, upon  
6 request.~~The workgroup shall study issues pertaining to the~~  
7 ~~certificate of need program, including the impact of trends in~~  
8 ~~health care delivery and financing. The workgroup shall study~~  
9 ~~issues relating to implementation of the certificate-of-need~~  
10 ~~program.~~

11 (5) ~~The workgroup shall meet at least annually, at the~~  
12 ~~request of the chairperson. The workgroup shall submit an~~  
13 ~~interim report by December 31, 2001, and a final report by~~  
14 ~~December 31, 2002.~~The workgroup is abolished effective July  
15 1, 2003.

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

18  
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25 A bill to be entitled  
26 An act relating to certificate of need;  
27 requiring the certificate-of-need workgroup to  
28 address open heart surgery services in its  
29 report; requiring final recommendations to be  
30 submitted by January 1, 2002; amending s.  
31 408.036, F.S.; providing an exemption from

Bill No. CS/HB 339, 2nd Eng.

Amendment No. \_\_\_\_ Barcode 140686

1 review for the conversion of certain skilled  
2 nursing beds to acute care beds; amending s.  
3 408.039, F.S.; revising the review process for  
4 certificates of need; amending s. 15 of ch.  
5 2000-318, Laws of Florida; providing for  
6 additional appointments to the  
7 certificate-of-need workgroup; amending the  
8 scope of responsibility for the workgroup;  
9 providing an effective date.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31