

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

Amendment No. Barcode 880602

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Clary moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

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

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

29 408.036 Projects subject to review.--

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

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

Amendment No. ____ Barcode 880602

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 party that was issued the certificate of
27 need. Such amounts shall be taken first from the escrow
28 account established for this purpose, the balance to be
29 considered enforceable as an obligation created by final order
30 of the agency. The challenging facility may satisfy the escrow
31 requirement with a bond of sufficient type and amount.

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

Amendment No. ____ Barcode 880602

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

3 Section 15.

4 (1)(a) There is created a certificate-of-need
5 workgroup staffed by the Agency for Health Care
6 Administration.

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

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

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

24 (a) The Governor shall appoint one representative each
25 from the hospital industry; nursing home industry; hospice
26 industry; local health councils; a consumer organization; and
27 three health care market consultants, one of whom is a
28 recognized expert on hospital markets, one of whom is a
29 recognized expert on nursing home or long-term-care markets,
30 and one of whom is a recognized expert on hospice markets; one
31 representative from the Medicaid program; and one

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

Amendment No. ____ Barcode 880602

1 representative from a health care facility that provides a
2 tertiary service.

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

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

24 (4) The workgroup shall develop a plan for the reform
25 or elimination of the certificate of need program, which shall
26 include recommendations for required legislative action and
27 agency rule making. Such plan shall be implemented not sooner
28 than the effective date of any rules necessary for its
29 implementation. In developing the plan, the workgroup shall
30 seek input from all classes of health care consumers, health
31 care providers and health care facilities subject to

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

Amendment No. ____ Barcode 880602

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

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

14 Section 5. This act shall take effect upon becoming a
 15 law.

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

22 and insert:

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

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

Amendment No. ____ Barcode 880602

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