

1 A bill to be entitled
2 An act relating to certificate of need;
3 amending s. 408.043, F.S.; providing criteria
4 for review of a certificate-of-need application
5 for establishment of an adult open heart
6 surgery program in a county in which none of
7 the hospitals has an existing or approved adult
8 open heart surgery program; requiring an
9 agreement that a certain percent of Medicaid
10 and charity patients be served; requiring a
11 specified number of operations; amending s. 15
12 of ch. 2000-318, Laws of Florida; providing for
13 additional appointments to the workgroup;
14 amending the scope of responsibility for the
15 workgroup; providing new dates for final report
16 to the Governor and Legislature and termination
17 of the certificate-of-need workgroup; providing
18 effective dates.

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

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22 Section 1. Subsection (5) is added to section 408.043,
23 Florida Statutes, to read:

24 408.043 Special provisions.--

25 (5) OPEN HEART SURGERY.

26 (a) When an application is made for a certificate of
27 need to establish an adult open heart surgery program in a
28 county in which none of the hospitals has an existing or
29 approved adult open heart surgery program, need for one
30 program shall be evaluated under special circumstances to
31 promote reasonable access to such a program within the

1 county. The criteria on which the certificate of need is
2 reviewed in such circumstances shall favor approval in those
3 counties that can generate at least 1,200 annual hospital
4 discharges with a principal diagnosis of ischemic heart
5 disease. County-specific need identified under these
6 circumstances shall exist independently of and in addition to
7 any district need identified under the standard numeric need
8 formula.

9 (b) An applicant for an adult open heart surgery
10 program who meets the special circumstances in paragraph (a)
11 shall, as a condition for approval, agree that the percentage
12 of admissions to its program which are Medicaid patients shall
13 be at least as great as the average percentage of Medicaid
14 patients admitted to open heart surgery programs in the
15 applicant's district; and shall also agree that the percentage
16 of admissions to its program which are charity patients shall
17 be at least as great as the average percentage of charity
18 patients admitted to open heart surgery programs in the
19 applicant's district.

20 (c) An applicant approved for an adult open heart
21 surgery program consistent with this subsection shall perform
22 a 12-month total of at least 250 open heart surgery operations
23 during the third year that such procedures are being
24 performed. Failure to meet this requirement is subject to
25 agency action to terminate a hospital's authorization to
26 provide any open heart surgery operations.

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

29 Section 15.
30
31

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

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

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

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

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

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

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

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

1 Department of Elder Affairs, shall provide assistance to the
2 workgroup, upon request.~~The workgroup shall study issues~~
3 ~~pertaining to the certificate-of-need program, including the~~
4 ~~impact of trends in health care delivery and financing. The~~
5 ~~workgroup shall study issues relating to implementation of the~~
6 ~~certificate-of-need program.~~

7 (5) The workgroup shall meet at least annually, at the
8 request of the chairperson. The workgroup shall submit ~~an~~
9 ~~interim report by December 31, 2001, and a final report to the~~
10 Governor, the President of the Senate, and the Speaker of the
11 House of Representatives by January 7, by December 31, 2002.

12 The workgroup is abolished effective May 3, 2002 ~~July 1, 2003.~~

13 Section 3. This act shall take effect upon becoming a
14 law.