

hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Mayfield offered the following:

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Amendment to Amendment (600753) (with title amendment)

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On page 129, between lines 5 and 6,

14

15

insert:

16

Section 85. Effective upon this act becoming a law, subsection (5) is added to section 408.043, Florida Statutes, to read:

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19

408.043 Special provisions.--

20

(5) OPEN HEART SURGERY.

21

(a) When an application is made for a certificate of

22

need to establish an adult open heart surgery program in a

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county in which none of the hospitals has an existing or

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approved adult open heart surgery program, need for one

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program shall be evaluated under special circumstances to

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promote reasonable access to such a program within the

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county. The criteria on which the certificate of need is

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reviewed in such circumstances shall favor approval in those

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counties that can generate at least 1,200 annual hospital

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discharges with a principal diagnosis of ischemic heart

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hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 disease. County-specific need identified under these
2 circumstances shall exist independently of and in addition to
3 any district need identified under the standard numeric need
4 formula.

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

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

23 Section 86. Effective July 1, 2001, section 15 of
24 chapter 2000-318, Laws of Florida, is amended to read:

25 Section 15.

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

29 (b) Workgroup participants shall be responsible for
30 only the expenses that they generate individually through
31 workgroup participation. The agency shall be responsible for

hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 expenses incidental to the production of any required data or
2 reports.

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

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

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

25 (b) The President of the Senate shall appoint a
26 representative of a for-profit hospital, a representative of a
27 not-for-profit hospital, a representative of a public
28 hospital, two representatives of the nursing home industry,
29 two representatives of the hospice industry, a representative
30 of a consumer organization, a representative from the
31 Department of Elderly Affairs involved with the implementation

hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 of a long-term-care community diversion program, ~~and~~ a health
2 care market consultant with expertise in health care
3 economics, and a member of the Senate.

4 (c) The Speaker of the House of Representatives shall
5 appoint a representative from the Florida Hospital
6 Association, a representative of the Association of Community
7 Hospitals and Health Systems of Florida, a representative of
8 the Florida League of Health Systems, a representative of the
9 Florida Health Care Association, a representative of the
10 Florida Association of Homes for the Aging, three
11 representatives of Florida Hospices and Palliative Care, one
12 representative of local health councils, ~~and~~ one
13 representative of a consumer organization, and a member of the
14 House.

15 (4) The workgroup shall develop a plan for the reform
16 or elimination of the certificate of need program, which shall
17 include recommendations for required legislative action and
18 agency rule making. Such plan shall be implemented not sooner
19 than the effective date of any rules necessary for its
20 implementation. In developing the plan, the workgroup shall
21 seek input from all classes of health care consumers, health
22 care providers and health care facilities subject to
23 certificate of need review. All agencies, including, but not
24 limited to, the Agency for Health Care Administration and the
25 Department of Elder Affairs, shall provide assistance to the
26 workgroup, upon request.~~The workgroup shall study issues~~
27 ~~pertaining to the certificate-of-need program, including the~~
28 ~~impact of trends in health care delivery and financing. The~~
29 ~~workgroup shall study issues relating to implementation of the~~
30 ~~certificate-of-need program.~~

31 (5) The workgroup shall meet at least annually, at the

hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 request of the chairperson. The workgroup shall submit ~~an~~
2 ~~interim report by December 31, 2001, and a final report to the~~
3 Governor, the President of the Senate, and the Speaker of the
4 House of Representatives by January 7, by December 31, 2002.

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

6 Section 87. (1) The Agency for Health Care
7 Administration shall provide for the development of a
8 demonstration project by establishing in Miami-Dade County a
9 long-term care facility, licensed under chapter 395, Florida
10 Statutes. The purpose of the demonstration project shall be to
11 improve access to health care for a predominantly minority,
12 medically underserved, and medically complex population and to
13 evaluate alternatives to nursing home care and general acute
14 care for this population. The demonstration project shall be
15 located in a health care condominium and colocated with
16 licensed facilities providing for a continuum of care. The
17 establishment of this project is not subject to section
18 408.036 or section 408.039, Florida Statutes. The Agency for
19 Health Care Administration shall report on the demonstration
20 project to the Governor, the President of the Senate, and the
21 Speaker of the House of Representatives by January 1, 2007.

22 (2) This section shall take effect upon this act
23 becoming a law.

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

27 And the title is amended as follows:

28 On page 138, line 30, after the semicolon,

29
30 insert:

31 amending s. 408.043, F.S.; providing criteria

hbd-27

Bill No. SB 782, 1st Eng.

Amendment No. ____ (for drafter's use only)

1 for review of a certificate-of-need application
 2 for establishment of an adult open heart
 3 surgery program in a county in which none of
 4 the hospitals has an existing or approved adult
 5 open heart surgery program; requiring an
 6 agreement that a certain percent of Medicaid
 7 and charity patients be served; requiring a
 8 specified number of operations; amending s.
 9 408.036, F.S.; authorizing certain facilities
 10 to request exemption from the certificate of
 11 need process; amending s. 15 of ch. 2000-318,
 12 Laws of Florida; providing for additional
 13 appointments to the workgroup; amending the
 14 scope of responsibility for the workgroup;
 15 providing new dates for final report to the
 16 Governor and Legislature and termination of the
 17 certificate-of-need workgroup; requiring the
 18 Agency for Health Care Administration to
 19 establish a demonstration project to improve
 20 access to health care for certain minority,
 21 medically underserved persons; providing
 22 requirements for the project; requiring a
 23 report to the Governor and the Legislature;

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