

Bill No. SB 968

Amendment No. Barcode 381218

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Clary and Klein moved the following amendment to amendment (763044):

Senate Amendment (with title amendment)

On page 1, line 23, after the period

insert:

Section 2. Paragraph (c) of subsection (5) of section 408.039, Florida Statutes, is amended to read:

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

(5) ADMINISTRATIVE HEARINGS.--

(c) In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the agency in the same batching cycle are entitled to a comparative hearing on their applications. Existing health care facilities may initiate or intervene in an administrative hearing only upon a showing that an established program will be substantially affected by the issuance of any certificate of need, whether reviewed under s. 408.036(1) or (2), to a competing proposed facility or program

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1 within the same district. Any party appealing a final order
2 approving or denying a certificate of need to a district court
3 of appeal shall place in escrow an amount equal to the
4 proposed project cost or \$500,000, whichever amount is less.
5 If any party appealing a final order fails in the appeal, that
6 party shall pay all costs of litigation, including treble
7 attorney fees, of the party that was issued the certificate of
8 need. Such amounts shall be taken first from the escrow
9 account established for this purpose, the balance to be
10 considered enforceable as an obligation created by final order
11 of the agency. The challenging facility may satisfy the escrow
12 requirement with a bond of sufficient type and amount.

13 Section 3. Effective July 1, 2001, section 15 of
14 chapter 2000-318, Laws of Florida, is amended to read:

15 Section 15.

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

19 (b) Workgroup participants shall be responsible for
20 only the expenses that they generate individually through
21 workgroup participation. The agency shall be responsible for
22 expenses incidental to the production of any required data or
23 reports.

24 (2) The workgroup shall consist of 32 ~~30~~ members, 10
25 appointed by the Governor, 11 ~~10~~ appointed by the President of
26 the Senate, and 11 ~~10~~ appointed by the Speaker of the House of
27 Representatives. The workgroup chairperson shall be selected
28 by majority vote of a quorum present. Sixteen members shall
29 constitute a quorum. The membership shall include, but not be
30 limited to, representatives from health care provider
31 organizations, health care facilities, individual health care

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1 practitioners, local health councils, and consumer
2 organizations, and persons with health care market expertise
3 as a private-sector consultant.

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

5 (a) The Governor shall appoint one representative each
6 from the hospital industry; nursing home industry; hospice
7 industry; local health councils; a consumer organization; and
8 three health care market consultants, one of whom is a
9 recognized expert on hospital markets, one of whom is a
10 recognized expert on nursing home or long-term-care markets,
11 and one of whom is a recognized expert on hospice markets; one
12 representative from the Medicaid program; and one
13 representative from a health care facility that provides a
14 tertiary service.

15 (b) The President of the Senate shall appoint a
16 representative of a for-profit hospital, a representative of a
17 not-for-profit hospital, a representative of a public
18 hospital, two representatives of the nursing home industry,
19 two representatives of the hospice industry, a representative
20 of a consumer organization, a representative from the
21 Department of Elderly Affairs involved with the implementation
22 of a long-term-care community diversion program, ~~and~~ a health
23 care market consultant with expertise in health care
24 economics, and a member of the Senate.

25 (c) The Speaker of the House of Representatives shall
26 appoint a representative from the Florida Hospital
27 Association, a representative of the Association of Community
28 Hospitals and Health Systems of Florida, a representative of
29 the Florida League of Health Systems, a representative of the
30 Florida Health Care Association, a representative of the
31 Florida Association of Homes for the Aging, three

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1 representatives of Florida Hospices and Palliative Care, one
2 representative of local health councils, ~~and~~ one
3 representative of a consumer organization, and a member of the
4 House.

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

21 (5) ~~The workgroup shall meet at least annually, at the~~
22 ~~request of the chairperson. The workgroup shall submit an~~
23 ~~interim report by December 31, 2001, and a final report by~~
24 ~~December 31, 2002.~~The workgroup is abolished effective July
25 1, 2003.

26
27 (Redesignate subsequent sections.)
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29

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

31 And the title is amended as follows:

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On page 2, line 3, after the semicolon
insert:
amending s. 408.039, F.S.; revising the review
process for certificates of need; amending s.
15 of ch. 2000-318, Laws of Florida; providing
for additional appointments to the
certificate-of-need workgroup; amending the
scope of responsibility for the workgroup;