

Bill No. SB 968

Amendment No.      Barcode 680820

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Clary moved the following substitute for amendment (763044):

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

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

408.043 Special provisions.--  
(5) OPEN HEART SURGERY.  
(a) When an application is made for a certificate of need to establish an adult open heart surgery program in a county in which none of the hospitals has an existing or approved adult open heart surgery program, need for one program shall be evaluated under special circumstances to promote reasonable access to such a program within the county. The criteria on which the certificate of need is reviewed in such circumstances shall favor approval in those counties that can generate at least 1,200 annual hospital discharges with a principal diagnosis of ischemic heart

Bill No. SB 968

Amendment No.      Barcode 680820

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

25 408.036 Projects subject to review.--

26 (3) EXEMPTIONS.--Upon request, the following projects  
27 are subject to exemption from the provisions of subsection  
28 (1):

29 (r) For the provision of adult open heart surgery  
30 services in a hospital, the request for an exemption must  
31 comply with the following criteria:

Bill No. SB 968

Amendment No. \_\_\_\_ Barcode 680820

1           1. The hospital must have at least 390 licensed beds  
2 as of the date of the exemption request.

3           2. The hospital shall demonstrate, for the twelve  
4 month period ending one month prior to the date of the  
5 exemption request, at least 400 admissions to the hospital  
6 through its emergency room of patients with the primary  
7 diagnosis of acute myocardial infarction, and the performance  
8 of at least 1,000 diagnostic and therapeutic cardiac  
9 catheterizations.

10           3. The hospital shall certify that its provision of  
11 open heart surgery services will be offered in conjunction  
12 with a therapeutic cardiac catheterization program, will be  
13 available to all patients without regard as to ability to pay,  
14 will maintain sufficient and appropriate equipment and staff  
15 to ensure quality and safety, will be available 24 hours a  
16 day, 7 days a week, and will maintain appropriate volumes as  
17 reasonably necessary to ensure quality and safety.

18           4. The exemption shall terminate if the agency  
19 determines that the hospital has failed to comply with the  
20 certifications set forth in subparagraph 3. In the event the  
21 exemption terminates, the hospital will not again be eligible  
22 to apply for an exemption until two years following the date  
23 of termination.

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

26           Section 15.

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

30           (b) Workgroup participants shall be responsible for  
31 only the expenses that they generate individually through

Bill No. SB 968

Amendment No. \_\_\_\_ Barcode 680820

1 workgroup participation. The agency shall be responsible for  
2 expenses incidental to the production of any required data or  
3 reports.

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

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

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

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

Bill No. SB 968

Amendment No. \_\_\_\_ Barcode 680820

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

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

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

Bill No. SB 968

Amendment No.      Barcode 680820

1           (5) The workgroup shall meet at least annually, at the  
2 request of the chairperson. The workgroup shall submit ~~an~~  
3 ~~interim report by December 31, 2001, and a final report to the~~  
4 Governor, the President of the Senate, and the Speaker of the  
5 House of Representatives by January 7, by December 31, 2002.  
6 The workgroup is abolished effective May 3, 2002 ~~July 1, 2003.~~

7           Section 4. This act shall take effect upon becoming a  
8 law.

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11 ===== T I T L E    A M E N D M E N T =====  
12 And the title is amended as follows:

13           Delete everything before the enacting clause  
14  
15 and insert:

16                                   A bill to be entitled  
17           An act relating to certificate of need;  
18           amending s. 408.043, F.S.; providing criteria  
19           for review of a certificate-of-need application  
20           for establishment of an adult open heart  
21           surgery program in a county in which none of  
22           the hospitals has an existing or approved adult  
23           open heart surgery program; requiring an  
24           agreement that a certain percent of Medicaid  
25           and charity patients be served; requiring a  
26           specified number of operations; amending s.  
27           408.036, F.S.; authorizing certain facilities  
28           to request exemption from the certificate of  
29           need process; amending s. 15 of ch. 2000-318,  
30           Laws of Florida; providing for additional  
31           appointments to the workgroup; amending the

Bill No. SB 968

Amendment No. \_\_\_\_ Barcode 680820

1 scope of responsibility for the workgroup;  
2 providing new dates for final report to the  
3 Governor and Legislature and termination of the  
4 certificate-of-need workgroup; providing  
5 effective dates.  
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