

By the Committee on Health Regulation and Representatives
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1 A bill to be entitled
2 An act relating to certificates of need;
3 amending s. 408.036, F.S.; exempting health
4 services, long-term care hospital services, new
5 construction, or certain tertiary health
6 services programs from certificate-of-need
7 review requirements for existing health
8 facilities, provided licensed bed capacity is
9 not exceeded; requiring exempt programs to meet
10 specified requirements; requiring the Agency
11 for Health Care Administration to adopt rules
12 and monitor programs for compliance; providing
13 conditions for expiration of an exemption and
14 for prohibiting another exemption for a
15 specified period; providing an effective date.

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

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19 Section 1. Paragraph (t) is added to subsection (3) of
20 section 408.036, Florida Statutes, to read:

21 408.036 Projects subject to review.--

22 (3) EXEMPTIONS.--Upon request, the following projects
23 are subject to exemption from the provisions of subsection
24 (1):

25 (t) For the provision of health services, long-term
26 care hospital services, new construction, or tertiary health
27 services excluding solid organ transplant services, by an
28 existing hospital, provided that the hospital utilizes
29 existing bed capacity and does not exceed the current licensed
30 bed capacity for that facility. Utilizing existing bed

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1 capacity, a hospital may offer the exempted services within
2 the hospital's respective health planning district.

3 1. In addition to any other documentation required by
4 the agency, a request for an exemption submitted under this
5 paragraph must certify that the applicant will meet and
6 continuously maintain the minimum licensure requirements
7 governing such programs adopted by the agency pursuant to
8 subparagraph 2.

9 2. The agency shall adopt minimum licensure
10 requirements by rule which govern the operation of health
11 services, long-term care hospital services, and tertiary
12 health services excluding solid organ transplant services,
13 established pursuant to the exemption provided in this
14 paragraph. The rules shall ensure that such programs:

15 a. Perform only services authorized by the exemption
16 and will not provide any other services not authorized by the
17 exemption.

18 b. Maintain sufficient appropriate equipment and
19 health personnel to ensure quality and safety.

20 c. Maintain appropriate times of operation and
21 protocols to ensure availability and appropriate referrals in
22 emergencies.

23 d. Provide a minimum of 10 percent of its services to
24 charity and Medicaid patients each year.

25 e. Establish quality outcome measures that are
26 evidence-based. The performance of quality outcome measures
27 for such programs must be at least at the 50th percentile of
28 state and national outcome measures.

29 f. Be given an opportunity to correct any deficiencies
30 as noted by the agency prior to the expiration of the
31 authorized exemption.

1 3. The exemption provided by this paragraph shall not
2 apply unless the agency determines that the program is in
3 compliance with the requirements of subparagraph 1. and that
4 the program will, after beginning operation, continuously
5 comply with the rules adopted pursuant to subparagraph 2. The
6 agency shall monitor such programs to ensure compliance with
7 the requirements of subparagraph 2.

8 4.a. The exemption for a program shall expire
9 immediately when the agency determines that the program fails
10 to comply with the rules adopted pursuant to sub-subparagraphs
11 2.a., b., and c.

12 b. Beginning 24 months after a program first begins
13 treating patients, the exemption for the program shall expire
14 when the program fails to comply with the rules adopted
15 pursuant to sub-subparagraph 2.d.

16 5. If the exemption for a program expires pursuant to
17 sub-subparagraph 4.a. or sub-subparagraph 4.b., the agency
18 shall not grant an exemption pursuant to this paragraph for a
19 program located at the same hospital until 2 years following
20 the date of the determination by the agency that the program
21 failed to comply with the rules adopted pursuant to
22 subparagraph 2.

23 Section 2. This act shall take effect July 1, 2002.
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HOUSE SUMMARY

Exempts health services, long-term care hospital services, new construction, or certain tertiary health services programs from requirements for certificate-of-need review for existing health facilities, provided the current licensed bed capacity for that facility is not exceeded. Requires exempt programs to meet and maintain certain minimum requirements, as adopted by rule by the Agency for Health Care Administration. Requires the agency to monitor programs for compliance. Provides for expiration of the exemption for failure to comply with the rules, and prohibits grant of another such exemption at the same location for a 2-year period.