

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Health Regulation offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Paragraph (o) of subsection (3) of section 408.036, Florida Statutes, is amended, and paragraphs (t), (u) and (v) are added to that subsection, to read:

408.036 Projects subject to review.--

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

(o) For the addition of acute care beds, as authorized by rule consistent with s. 395.003(4), in a number that may not exceed 30 ~~10~~ total beds or 10 percent of licensed bed capacity, whichever is greater, for ~~temporary~~ beds in a hospital that has experienced an acute care high seasonal occupancy rate of 80 percent within the prior 12-month period or an acute care occupancy rate of 90 percent for any 3 consecutive months ~~in a hospital that must respond to~~

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1 emergency circumstances. If the hospital has an organized
2 obstetric unit or pediatric unit, or both, the number of beds
3 in this unit or units and their occupancy rate may not be
4 considered in determining occupancy for the purposes of this
5 paragraph.

6 (t) For the addition of neonatal intensive care unit
7 beds equal to 10 percent of licensed capacity or eight beds,
8 whichever is greater, in any hospital that provides neonatal
9 intensive care unit services and that has had occupancy of 80
10 percent or more during the preceding 12 months. A hospital
11 that is a provider of neonatal intensive care unit Level III
12 services may shift capacity between its Level III unit and its
13 Level II unit as long as appropriate staffing levels are
14 provided and the units meet architectural requirements.

15 (u) For any project except a replacement hospital or
16 the conversion of mental health beds to general acute beds
17 which, on the effective date of this act, is subject to
18 expedited review under subsection (2). The conversion of
19 mental health beds must be reviewed to determine the effect on
20 the availability of mental health services in the community.

21 (v) For the provision of adult open-heart services in
22 a hospital.

23 1. In addition to any documentation otherwise required
24 by the agency, a request for an exemption submitted under this
25 paragraph must comply with the following criteria:

26 a. The applicant must certify it will meet and
27 continuously maintain the minimum licensure requirements
28 adopted by the agency governing adult open-heart programs,
29 including the most current guidelines of the American College
30 of Cardiology and American Heart Association Guidelines for
31 Adult Open-Heart Programs.

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1 b. The applicant must certify it will provide a
2 minimum of 10 percent of its services to charity and Medicaid
3 patients.

4 c. The applicant must certify it will maintain
5 sufficient appropriate equipment and health personnel to
6 ensure quality and safety.

7 d. The applicant must certify it will maintain
8 appropriate times of operation and protocols to ensure
9 availability and appropriate referrals in the event of
10 emergencies.

11 e. The applicant must certify that it will provide a
12 minimum of 300 open-heart surgery procedures per year by the
13 completion of the third full year of operation.

14 f. If the exempted provider fails to meet the
15 requirements listed in paragraph (e) the exemption
16 automatically expires.

17 2. The exemption provided by this paragraph shall not
18 apply unless the agency determines that the program is in
19 compliance with the certifications required by subparagraph 1.
20 The agency shall monitor such programs to ensure compliance
21 with the certifications required by subparagraph 1.

22 Section 2. This act shall take effect upon becoming a
23 law.

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25
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 1, line 2, after the semicolon,

29
30 insert:

31 revising the exemption from certificate-of-need

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1 review requirements for the addition of acute
2 care beds in hospitals that have met certain
3 occupancy criteria; exempting additions of beds
4 at hospitals that have met occupancy criteria
5 with respect to neonatal intensive care units
6 from review requirements and authorizing the
7 transfer of beds between neonatal intensive
8 care unit levels III and II; exempting projects
9 that are subject to expedited review, other
10 than replacement hospitals and conversion of
11 mental health beds to general acute beds, from
12 review requirements; exempting certain
13 open-heart surgery programs from
14 certificate-of-need review requirements;
15 providing for licensure compliance; providing
16 for an effective date.

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