

By the Council for Healthy Communities and Representatives
 Mayfield and Farkas

1 A bill to be entitled
 2 An act relating to health care; amending s.
 3 408.036, F.S.; revising the exemptions from
 4 certificate-of-need requirements for certain
 5 open heart surgery programs and for a satellite
 6 hospital; providing an effective date.

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

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 10 Section 1. Paragraphs (t) and (u) are added to
 11 subsection (3) of section 408.036, Florida Statutes, to read:

12 408.036 Projects subject to review.--

13 (3) EXEMPTIONS.--Upon request, the following projects
 14 are subject to exemption from the provisions of subsection
 15 (1):

16 (t) For the provision of adult open heart services in
 17 a hospital. When a clear problem exists in access to needed
 18 cardiac services, consideration must be given to creating an
 19 exemption. While such needs might be addressed by the changing
 20 of the specific need criteria under the certificate-of-need
 21 law, the problem of protracted administrative appeals would
 22 still remain. The exemption must be based upon objective
 23 criteria and address and solve the twin problems of geographic
 24 and temporal access. A hospital shall be exempt from the
 25 certificate-of-need review for the establishment of an open
 26 heart surgery program when the application for exemption
 27 submitted under this paragraph complies with the following
 28 criteria:

29 1. The applicant must certify it will meet and
 30 continuously maintain the minimum licensure requirements
 31 adopted by the agency governing adult open heart programs,

1 including the most current guidelines of the American College
2 of Cardiology and American Heart Association Guidelines for
3 Adult Open Heart Programs.
4 2. The applicant must certify it will maintain
5 sufficient appropriate equipment and health personnel to
6 ensure quality and safety.
7 3. 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 4. The applicant can demonstrate that it is referring
12 300 or more cardiac patients from the hospital, including the
13 emergency room, per year to a hospital with cardiac services,
14 or that the average wait for transfer for 50 percent or more
15 of the cardiac patients exceeds 4 hours.
16 5. The applicant is a general acute care hospital that
17 is in operation for 3 years or more.
18 6. The applicant is performing more than 500
19 diagnostic cardiac catheterization procedures per year,
20 combined inpatient and outpatient.
21 7. The applicant has a formal agreement with an
22 existing statutory teaching hospital or cardiac program
23 performing 750 open heart cases per year which creates at a
24 minimum an external peer review process. The peer review shall
25 be conducted quarterly the first year of operation and two
26 times a year in the succeeding years until either the program
27 reaches 350 cases per year or demonstrates consistency with
28 state-adopted quality and outcome standards for the service.
29 8. The applicant payor-mix at a minimum reflects the
30 community average for Medicaid, charity care, and self-pay or
31 the applicant must certify that it will provide a minimum of 5

1 percent of Medicaid, charity care, and self-pay to open heart
2 surgery patients.

3 9. If the applicant fails to meet the established
4 criteria for open heart programs or fails to reach 300
5 surgeries per year by the end of year 3, it must show cause
6 why its exemption should not be revoked.

7 (u) For the establishment of a satellite hospital
8 through the relocation of 100 general acute care beds from an
9 existing hospital located in the same district, as defined in
10 s. 408.032(5).

11 Section 2. This act shall take effect upon becoming a
12 law.

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