

By the Committee on Health, Aging and Long-Term Care; and  
 Senators Clary, Brown-Waite, Klein and Campbell

317-1799-02

1                                   A bill to be entitled  
 2           An act relating to certificates of need;  
 3           amending s. 408.036, F.S.; revising the  
 4           exemption from certificate-of-need review  
 5           requirements for the addition of acute care  
 6           beds in hospitals that have met certain  
 7           occupancy criteria; exempting additions of beds  
 8           at hospitals that have met occupancy criteria  
 9           with respect to neonatal intensive care units  
 10          from review requirements and authorizing the  
 11          transfer of beds between neonatal intensive  
 12          care unit levels III and II; exempting projects  
 13          that are subject to expedited review, other  
 14          than replacement hospitals and conversion of  
 15          mental health beds to general acute beds, from  
 16          review requirements; exempting certain  
 17          open-heart-surgery programs from  
 18          certificate-of-need review requirements;  
 19          providing an effective date.

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

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 23           Section 1. Paragraph (o) of subsection (3) of section  
 24 408.036, Florida Statutes, is amended, and paragraphs (t),  
 25 (u), and (v) are added to that subsection, to read:

26           408.036 Projects subject to review.--

27           (3) EXEMPTIONS.--Upon request, the following projects  
 28 are subject to exemption from the provisions of subsection  
 29 (1):

30           (o) For the addition of acute care beds, as authorized  
 31 by rule consistent with s. 395.003(4), in a number that may

1 not exceed 30 ~~±~~ total beds or 10 percent of licensed bed  
2 capacity, whichever is greater, for ~~temporary~~ beds in a  
3 hospital that has experienced an acute care high seasonal  
4 occupancy rate of 80 percent within the prior 12-month period  
5 or an acute care occupancy rate of 90 percent for any 3  
6 consecutive months in a hospital that must respond to  
7 ~~emergency circumstances~~. If the hospital has an organized  
8 obstetric unit or pediatric unit, or both, the number of beds  
9 in this unit or units and their occupancy rate may not be  
10 considered in determining occupancy for the purposes of this  
11 paragraph.

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

21 (u) For any project except a replacement hospital or  
22 the conversion of mental health beds to general acute beds  
23 which, on the effective date of this act, is subject to  
24 expedited review under subsection (2). The conversion of  
25 mental health beds must be reviewed to determine the effect on  
26 the availability of mental health services in the community.

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

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

1           a. The applicant must certify that, prior to  
2 initiating adult open-heart services, it will meet and  
3 continuously maintain the minimum licensure requirements  
4 adopted by the agency governing adult open-heart programs,  
5 including the most current guidelines of the American College  
6 of Cardiology and American Heart Association Guidelines for  
7 Adult Open-Heart Programs.

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

11           c. The applicant must certify that it will maintain  
12 sufficient appropriate equipment and health personnel to  
13 ensure quality and safety.

14           d. The applicant must certify that it will maintain  
15 appropriate times of operation and protocols to ensure  
16 availability and appropriate referrals in the event of  
17 emergencies.

18           e. The applicant must certify that it will provide a  
19 minimum of 300 open-heart surgery procedures per year by the  
20 completion of the 3rd full year of operation.

21           f. If the exempted provider fails to meet the  
22 requirements listed in sub-subparagraph e., the agency shall  
23 initiate revocation proceedings involving the  
24 open-heart-services license within 90 days after the  
25 completion of the 3rd full year of operation.

26           2. The exemption provided by this paragraph shall not  
27 apply unless the agency determines that the program is in  
28 compliance with the certifications required by subparagraph 1.  
29 The agency shall monitor such programs to ensure compliance  
30 with the certifications required by subparagraph 1.

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

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   SB 698

7 The committee substitute creates an exemption from  
8 certificate-of-need review for open-heart surgery provided  
9 certain criteria are met The bill also creates exemptions for  
10 hospitals increasing acute care beds and neonatal intensive  
11 care beds and exempts certain projects from the requirement  
12 for an expedited review.  
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