



HB 0177

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A bill to be entitled
An act relating to hospital licensing and regulation;
defining terms; prohibiting certain transfers of open-
heart surgery services; providing for a shared open-heart
certificate of need in specified circumstances; providing
an evidentiary presumption; providing a penalty; providing
an effective date.

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

Section 1. Transfer of open-heart surgery services
prohibited; shared certificate of need; penalty for closing
staff or removing services.--

(1) As used in this section, the term:

(a) "Closed-staff hospital" means a hospital in which the
physicians are salaried employees.

(b) "Open-staff hospital" means a hospital in which
physicians in the community can apply for admitting privileges.

(2) A private interest group or a licensed general
hospital as defined under section 395.002, Florida Statutes, may
not remove open-heart surgery services from a licensed general
hospital that has an open medical staff to a closed-staff
general hospital.

(3) If the situation described in subsection (2) arises,
the Agency for Health Care Administration may allow a shared
open-heart certificate of need between the two licensed general
hospitals to prevent the interruption of open-heart services at
either of the two hospitals.

(4) The closing of a hospital's staff or the removal of
open-heart services from an open-staff general hospital to a



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31 closed-staff hospital is prima facie evidence that the licensed
32 general hospital no longer makes its facilities and services
33 available to the general population and that the hospital is no
34 longer a general hospital; consequently, the hospital's license
35 is subject to revocation or suspension by the agency as
36 authorized under section 395.003(8), Florida Statutes.

37 Section 2. This act shall take effect July 1, 2003.