



HB 0177

2003
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CHAMBER ACTION

The Committee on Health Care recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to health care; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature annually; providing for expiration of the exemption; providing an effective date.

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

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

408.036 Projects subject to review; exemptions.--

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

(t)1. For an adult open-heart surgery program to be located in a new hospital, provided the new hospital is being established in the location of an existing hospital with an



HB 0177

2003
CS

29 adult open-heart surgery program, the existing hospital and the
30 existing adult-open heart surgery program are being relocated to
31 the replacement hospital, and the replacement hospital will
32 utilize a closed-staff model. A hospital is exempt from the
33 certificate-of-need review for the establishment of an open-
34 heart-surgery program if the application for exemption submitted
35 under this paragraph complies with the following criteria:

36 a. The applicant must certify that it will meet and
37 continuously maintain the minimum Florida Administrative Code
38 and any future licensure requirements governing open-heart
39 programs adopted by the agency, including the most current
40 guidelines of the American College of Cardiology and American
41 Heart Association Guidelines for Adult Open Heart Programs.

42 b. The applicant must certify that it will maintain
43 sufficient appropriate equipment and health personnel to ensure
44 quality and safety.

45 c. The applicant must certify that it will maintain
46 appropriate times of operation and protocols to ensure
47 availability and appropriate referrals in the event of
48 emergencies.

49 d. The applicant is a newly licensed hospital in a
50 physical location previously owned and licensed to a hospital
51 performing more than 300 open-heart procedures each year,
52 including heart transplant.

53 e. The applicant must certify that it can perform more
54 than 300 diagnostic cardiac catheterization procedures per year,
55 combined inpatient and outpatient, by the end of its third year
56 of operation.



HB 0177

2003
CS

57 f. The applicant's payor mix at a minimum reflects the
58 community average for Medicaid, charity care, and self-pay
59 patients or the applicant must certify that it will provide a
60 minimum of 5 percent of Medicaid, charity care, and self-pay to
61 open-heart-surgery patients.

62 g. If the applicant fails to meet the established criteria
63 for open-heart programs or fails to reach 300 surgeries per year
64 by the end of its third year of operation, it must show cause
65 why its exemption should not be revoked.

66 h. In order to ensure continuity of available services,
67 the applicant of the newly licensed hospital may apply for this
68 certificate of need prior to taking possession of the physical
69 facilities. The effective date of the certificate of need will
70 be concurrent with the effective date of the newly issued
71 hospital license.

72 2. By December 31, 2004, and annually thereafter, the
73 agency shall submit a report to the Legislature providing
74 information concerning the number of requests for exemption
75 received under this paragraph and the number of exemptions
76 granted or denied.

77 3. This paragraph is repealed effective January 1, 2008.

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