

By Senators Pruitt and Klein

28-344B-03

1 A bill to be entitled
2 An act relating to health care; amending s.
3 408.036, F.S.; providing an exemption from
4 certificate-of-need requirements for certain
5 open-heart-surgery programs; providing criteria
6 for qualifying for the exemption; requiring the
7 Agency for Health Care Administration to report
8 to the Legislature; providing for expiration of
9 the exemption; providing an effective date.

10

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

12

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

15 408.036 Projects subject to review.--

16 (3) EXEMPTIONS.--Upon request, the following projects
17 are subject to exemption from the provisions of subsection
18 (1):

19 (t)1. For the provision of adult open-heart services
20 in a hospital located within the boundaries of the Agency for
21 Health Care Administration's service district 1, service
22 district 6, or service district 9. When a clear problem exists
23 in access to needed cardiac services, consideration must be
24 given to creating an exemption. While such needs might be
25 addressed by the changing of the specific need criteria under
26 the certificate-of-need law, the problem of protracted
27 administrative appeals would still remain. The exemption must
28 be based upon objective criteria and address and solve the
29 twin problems of geographic and temporal access. A hospital
30 shall be exempt from the certificate-of-need review for the
31 establishment of an open-heart-surgery program when the

- 1 application for exemption submitted under this paragraph
2 complies with the following criteria:
- 3 a. The applicant must certify that it will meet and
4 continuously maintain the minimum licensure requirements
5 adopted by the agency governing adult open-heart programs,
6 including the most current guidelines of the American College
7 of Cardiology and American Heart Association Guidelines for
8 Adult Open Heart Programs.
- 9 b. The applicant must certify that it will maintain
10 sufficient appropriate equipment and health personnel to
11 ensure quality and safety.
- 12 c. The applicant must certify that it will maintain
13 appropriate times of operation and protocols to ensure
14 availability and appropriate referrals in the event of
15 emergencies.
- 16 d. The applicant can demonstrate that it is referring
17 300 or more cardiac patients from the hospital, including the
18 emergency room, per year to a hospital with cardiac services,
19 or that the average wait for transfer for 50 percent or more
20 of the cardiac patients exceeds 4 hours.
- 21 e. The applicant is a general acute care hospital that
22 is in operation for 3 years or more.
- 23 f. The applicant is performing more than 300
24 diagnostic cardiac catheterization procedures per year,
25 combined inpatient and outpatient.
- 26 g. The applicant's payor mix at a minimum reflects the
27 community average for Medicaid, charity care, and self-pay
28 patients or the applicant must certify that it will provide a
29 minimum of 5 percent of Medicaid, charity care, and self-pay
30 to open-heart-surgery patients.
31

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

5 2. By December 31, 2004, and annually thereafter, the
6 Agency for Health Care Administration shall submit a report to
7 the Legislature providing information concerning the number of
8 requests for exemption received under this paragraph and the
9 number of exemptions granted or denied.

10 3. This paragraph is repealed effective July 1, 2006.

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

13

14 *****

15 SENATE SUMMARY

16 Until July 1, 2006, exempts a hospital located within the
17 boundaries of the Agency for Health Care Administration's
18 service district 1, service district 6, or service
19 district 9 which provides certain adult
20 open-heart-surgery services from the requirement that it
21 obtain a certificate of need from the Agency for Health
22 Care Administration. Requires the hospital to certify
23 that it will provide at least 5 percent of such services
24 to charity, Medicaid, or self-pay patients.

21

22

23

24

25

26

27

28

29

30

31