By Senator Wise

5-67-03

A bill to be entitled 1 2 An act relating to hospital licensing and 3 regulation; defining terms; prohibiting certain 4 transfers of open-heart surgery services; 5 providing for a shared open-heart certificate 6 of need in specified circumstances; providing 7 an evidentiary presumption; providing a penalty; providing an effective date. 8 9 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Transfer of open-heart surgery services prohibited; shared certificate of need; penalty for closing 13 14 staff or removing services.--(1) As used in this section, the term: 15 "Closed-staff hospital" means a hospital in which 16 17 the physicians are salaried employees. "Open-staff hospital" means a hospital in which 18 19 physicians in the community can apply for admitting privileges. 20 21 (2) A private interest group or a licensed general 22 hospital as defined under section 395.002, Florida Statutes, 23 may not remove open-heart surgery services from a licensed 24 general hospital that has an open medical staff to a 25 closed-staff general hospital. (3) If the situation described in subsection (2) 26 27 arises, the Agency for Health Care Administration may allow a 2.8 shared open-heart certificate of need between the two licensed general hospitals to prevent the interruption of open-heart 29 30 services at either of the two hospitals. 31

(4) The closing of a hospital's staff or the removal of open-heart services from an open-staff general hospital to a closed-staff hospital is prima facie evidence that the licensed general hospital no longer makes its facilities and services available to the general population and that the hospital is no longer a general hospital; consequently, the hospital's license is subject to revocation or suspension by the agency as authorized under section 395.003(8), Florida Statutes. Section 2. This act shall take effect July 1, 2003. ********** SENATE SUMMARY Prohibits certain transfers of open-heart surgery services from an open-staff hospital to a closed-staff services from an open-staff hospital to a closed-staff hospital. Permits the Agency for Health Care Administration to allow a shared open-heart certificate of need in such circumstances. Provides an evidentiary presumption and provides for the agency to revoke or suspend a hospital's license if a hospital's staff is closed or if open-heart services are removed from an open-staff hospital to a closed-staff hospital.