

By the Committee on Health, Aging, and Long-Term Care; and
Senator Wise

317-2133-03

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

a. The applicant must certify that it will meet and
continuously maintain the minimum Florida Administrative Code

1 and any future licensure requirements governing adult
2 open-heart programs adopted by the agency, including the most
3 current guidelines of the American College of Cardiology and
4 American Heart Association Guidelines for Adult Open Heart
5 Programs.

6 b. The applicant must certify that it will maintain
7 sufficient appropriate equipment and health personnel to
8 ensure quality and safety.

9 c. The applicant must certify that it will maintain
10 appropriate times of operation and protocols to ensure
11 availability and appropriate referrals in the event of
12 emergencies.

13 d. The applicant is a newly licensed hospital in a
14 physical location previously owned and licensed to a hospital
15 performing more than 300 open-heart procedures each year,
16 including heart transplants.

17 e. The applicant must certify that it can perform more
18 than 300 diagnostic cardiac catheterization procedures per
19 year, combined inpatient and outpatient, by the end of the
20 third year of it's operation.

21 f. The applicant's payor mix at a minimum reflects the
22 community average for Medicaid, charity care, and self-pay
23 patients or the applicant must certify that it will provide a
24 minimum of 5 percent of Medicaid, charity care, and self-pay
25 to open-heart-surgery patients.

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

30 h. In order to ensure continuity of available
31 services, the applicant of the newly licensed hospital may

1 apply for this certificate-of-need before taking possession of
2 the physical facilities. The effective date of the
3 certificate-of-need will be concurrent with the effective date
4 of the newly issued hospital license.

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

10 3. This paragraph is repealed effective January 1,
11 2008.

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

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15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
16 COMMITTEE SUBSTITUTE FOR
17 Senate Bill 56

18 The Committee Substitute creates an exemption from
19 certificate-of-need review for an adult open-heart surgery
20 program that is being established in the location of an
21 existing hospital when the existing hospital and existing
22 adult open-heart surgery program are relocated to a
23 replacement hospital that will use a closed staff model. The
24 bill provides criteria that the hospital must meet in order to
25 qualify for the exemption.

26 If the adult open-heart surgery program fails to meet these
27 criteria or fails to reach 300 surgeries per year by the end
28 of its third year of operation, the hospital must show cause
29 why its exemption should not be revoked.
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