



HB 0865

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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 the provision of adult open-heart services in a  
 hospital located within the boundaries of Palm Beach, Polk,  
 Martin, St. Lucie, or Indian River Counties if the following  
 conditions are met: the exemption must be based upon objective  
 criteria and address and solve the twin problems of geographic  
 and temporal access. A hospital shall be exempt from the  
 certificate-of-need review for the establishment of an open-  
 heart-surgery program when 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 licensure requirements adopted  
 by the agency governing adult open-heart programs, including the  
 most current guidelines of the American College of Cardiology



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31 and American Heart Association Guidelines for Adult Open Heart  
32 Programs.

33 b. The applicant must certify that it will maintain  
34 sufficient appropriate equipment and health personnel to ensure  
35 quality and safety.

36 c. The applicant must certify that it will maintain  
37 appropriate times of operation and protocols to ensure  
38 availability and appropriate referrals in the event of  
39 emergencies.

40 d. The applicant can demonstrate that it is referring 300  
41 or more patients per year from the hospital, including the  
42 emergency room, for cardiac services at a hospital with cardiac  
43 services, or that the average wait for transfer for 50 percent  
44 or more of the cardiac patients exceeds 4 hours.

45 e. The applicant is a general acute care hospital that has  
46 been in operation for 3 years or more.

47 f. The applicant is performing more than 300 diagnostic  
48 cardiac catheterization procedures per year, combined inpatient  
49 and outpatient.

50 g. The applicant's payor mix at a minimum reflects the  
51 community average for Medicaid, charity care, and self-pay  
52 patients or the applicant must certify that it will provide a  
53 minimum of 5 percent of Medicaid, charity care, and self-pay to  
54 open-heart-surgery patients.

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

59 2. By December 31, 2004, and annually thereafter, the  
60 Agency for Health Care Administration shall submit a report to



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61 the Legislature providing information concerning the number of  
62 requests for exemption received under this paragraph and the  
63 number of exemptions granted or denied.

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

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