



HB 0865

2003  
CS

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; 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



HB 0865

2003  
CS

29 criteria and address and solve the twin problems of geographic  
30 and temporal access. A hospital shall be exempt from the  
31 certificate-of-need review for the establishment of an open-  
32 heart-surgery program when the application for exemption  
33 submitted under this paragraph complies with the following  
34 criteria:

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

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

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

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

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



HB 0865

2003  
CS

55 | f. The applicant is performing more than 300 diagnostic  
56 | cardiac catheterization procedures per year, combined inpatient  
57 | and outpatient.

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

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

67 | 2. By December 31, 2004, and annually thereafter, the  
68 | Agency for Health Care Administration shall submit a report to  
69 | the Legislature providing information concerning the number of  
70 | requests for exemption received under this paragraph and the  
71 | number of exemptions granted or denied.

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