

By Senator Pruitt

28-869-04

See HB

1 A bill to be entitled
2 An act relating to health care; amending s.
3 408.036, F.S.; revising an exemption from
4 certificate-of-need requirements for certain
5 open-heart-surgery programs to apply the
6 exemption to any hospital located within a
7 specified health service planning district or a
8 specified acute care subdistrict; providing
9 criteria for qualifying for the exemption;
10 requiring the Agency for Health Care
11 Administration to report to the Legislature
12 regarding the number of such exemptions
13 requested and the number granted or denied each
14 year; providing an effective date.

15
16 WHEREAS, appropriate access to adult cardiac care is an
17 issue of critical state importance to all citizens of the
18 state and to all health service planning districts of the
19 state, and

20 WHEREAS, the certificate-of-need process, for most
21 geographic areas in the state, has provided adequate access to
22 adult open-heart-surgery services to Floridians as well as
23 tourists, business travelers, indigents, and migrant workers
24 who receive such services, and

25 WHEREAS, the Legislature has found an anomaly in the
26 state's health care network of adult cardiac care which has
27 created a lack of geographic and temporal access to such care
28 within Health Service Planning District 9 and Acute Care
29 Subdistrict 6-2, and

30 WHEREAS, the assurance of timely and appropriate access
31 to adult cardiac care is critical not only to the citizens

1 residing in Health Service Planning District 9 and Acute Care
2 Subdistrict 6-2, but also to the entire state, since it has a
3 direct effect on commerce, seasonal visitors, the tourist
4 industry, the migrant population, the working poor, and
5 indigents from all parts of the state as well as outside its
6 borders, and

7 WHEREAS, the number of adult open-heart-surgery
8 programs in Health Service Planning District 9 and Acute Care
9 Subdistrict 6-2 has not kept pace with the dramatic increase
10 in population in those areas, and

11 WHEREAS, the disparity in the number of adult
12 open-heart-surgery programs has significantly contributed to
13 the lack of geographic and temporal access to adult cardiac
14 care in Health Service Planning District 9 and Acute Care
15 Subdistrict 6-2, and

16 WHEREAS, there have been numerous technological
17 advances in the area of primary angioplasty and stent
18 procedures known collectively as percutaneous coronary
19 interventions, and these advanced interventional treatments
20 provide the highest standard of care for people suffering
21 acute myocardial infarctions, and

22 WHEREAS, the success of these interventional treatments
23 requires immediate access (within 1 hour) to hospitals having
24 interventional technology and backup open-heart-surgery
25 programs, and

26 WHEREAS, in Florida a hospital is prohibited from
27 performing these advanced interventional cardiac services
28 without having onsite adult open-heart-surgery capabilities,
29 and

30 WHEREAS, hospitals that cannot perform percutaneous
31 coronary interventions must resort to the use of

1 thrombolytics, a less effective treatment in many instances;
2 therefore, adults in need of percutaneous coronary
3 interventions are being denied these procedures due to
4 artificial barriers to geographic and temporal access, and
5 WHEREAS, because a sufficient number of open-heart
6 procedures for adults are being performed by existing
7 open-heart providers, the addition of new open-heart units
8 through the exemption provided by this act will not reduce the
9 standard of care and quality associated with the standard
10 volume of procedures, and
11 WHEREAS, the lack of geographic and temporal access to
12 adult cardiac care is caused not only by physical distance
13 between those hospitals that do not have open-heart programs
14 and those hospitals that have available open-heart programs,
15 but also by the actual time taken to transfer an emergent
16 cardiac patient to a receiving facility, and
17 WHEREAS, diagnosis; discharge from the transferring
18 hospital; transfer arrangements, including, but not limited
19 to, insurance and administrative approval; transportation
20 availability; admission to the receiving hospital; staff
21 availability at the receiving hospital; and, most importantly,
22 bed availability at the receiving hospital as well as travel
23 delays to the receiving hospital contribute to the time taken
24 to effectuate a transfer of a cardiac patient, and
25 WHEREAS, these and other factors have contributed to
26 the inadequate geographic and temporal access to adult cardiac
27 care in Health Service Planning District 9 and Acute Care
28 Subdistrict 6-2, and
29 WHEREAS, particular to Acute Care Subdistrict 6-2 is
30 the added impediment to geographic and temporal access in that
31 the main transportation corridors to open-heart-surgery

1 facilities in the subdistrict operate at extremely low to near
2 failure of transit, which contributes to failure to transfer
3 emergent cardiac patients within the recommended time in which
4 to receive the highest standard of care for people suffering
5 acute myocardial infarctions, and

6 WHEREAS, the Legislature finds that timely access and
7 availability for every adult citizen, regardless of
8 socioeconomic class or geographic location, to these
9 interventional treatments and open-heart surgery is of
10 critical state concern, especially because myocardial
11 infarctions and related coronary disease are no respecters of
12 location or time, and

13 WHEREAS, the Legislature finds that the exemption
14 provided by this act in Health Service Planning District 9 and
15 Acute Care Subdistrict 6-2 will further serve an important
16 state interest by increasing access to the appropriate
17 life-saving treatment for all adults present in those areas,
18 whether they are commercial visitors, seasonal visitors,
19 residents, tourists, migrant workers, indigents, or other
20 traditionally underserved individuals, and

21 WHEREAS, the Legislature further finds that the
22 exemption provided by this act will serve an issue of critical
23 state importance by reducing the cost of open-heart-surgery
24 and angioplasty services by increasing quality competition by
25 removing artificial barriers to entry amongst providers and
26 providing additional choices to those individuals needing
27 these services, and

28 WHEREAS, to ensure that it provides the quality of care
29 desired, each hospital that qualifies for the exemption
30 provided by this act will be subject to more stringent
31 criteria than those imposed by the current certificate-of-need

1 process and will also be subject to continual monitoring by
2 the Agency for Health Care Administration, and

3 WHEREAS, the Legislature intends to ensure that
4 standards of quality are maintained while promoting
5 competition in the provision of adult cardiac care, NOW,
6 THEREFORE,

7

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

9

10 Section 1. Paragraph (t) of subsection (3) of section
11 408.036, Florida Statutes, is amended to read:

12 408.036 Projects subject to review; exemptions.--

13 (3) EXEMPTIONS.--Upon request, the following projects
14 are subject to exemption from the provisions of subsection
15 (1):

16 (t)1. For the provision of adult open-heart services
17 in a hospital located within the boundaries of Health Service
18 Planning District 9, as defined in s. 408.032(5), or Acute
19 Care Subdistrict 6-2, as defined in Rule 59C-2.100(3)(f)2.,
20 Florida Administrative Code Palm Beach, Polk, Martin, St.
21 Lucie, and Indian River Counties if the following conditions
22 are met: The exemption must be based upon objective criteria
23 and address and solve the twin problems of geographic and
24 temporal access. A hospital shall be exempt from the
25 certificate-of-need review for the establishment of an
26 open-heart-surgery program when the application for exemption
27 submitted under this paragraph complies with the following
28 criteria:

29 a. The applicant must certify that it will meet and
30 continuously maintain the minimum licensure requirements
31 adopted by the agency governing adult open-heart programs,

1 including the most current guidelines of the American College
2 of Cardiology and American Heart Association Guidelines for
3 Adult Open Heart Programs.

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

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

11 d. The applicant must certify ~~can demonstrate~~ that it
12 is referring 300 or more patients per year from the hospital,
13 including the emergency room, for cardiac services at a
14 hospital with cardiac services, or that the average wait for
15 transfer for 50 percent or more of the cardiac patients
16 exceeds 4 hours.

17 e. The applicant is a general acute care hospital that
18 is in operation for 3 years or more.

19 f. The applicant is performing more than 300
20 diagnostic cardiac catheterization procedures per year,
21 combined inpatient and outpatient.

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

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

31

1 2. By December 31, 2004, and annually thereafter, the
2 agency ~~for Health Care Administration~~ shall submit a report to
3 the Legislature providing information concerning the number of
4 requests for exemption it has received under this paragraph
5 during the calendar year and the number of exemptions it has
6 granted or denied during the calendar year.

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

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31