

587-586-06

1                                   A bill to be entitled  
2           An act relating to certificates of need;  
3           transferring, renumbering, and amending s.  
4           651.1185, F.S.; extending the moratorium on  
5           certificates of need for additional community  
6           nursing home beds until July 1, 2011; providing  
7           an exception to the moratorium; providing an  
8           effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Section 651.1185, Florida Statutes, is  
13 transferred, renumbered as section 408.0435, Florida Statutes,  
14 and amended to read:

15           408.0435 ~~651.1185~~ Moratorium on nursing home  
16 certificates of need.--

17           (1) Notwithstanding the establishment of need as  
18 provided for in this chapter ~~408~~, ~~a~~ ~~no~~ certificate of need for  
19 additional community nursing home beds may not ~~shall~~ be  
20 approved by the agency until July 1, 2011 ~~2006~~.

21           (2) The Legislature finds that the continued growth in  
22 the Medicaid budget for nursing home care has constrained the  
23 ability of the state to meet the needs of its elderly  
24 residents through the use of less restrictive and less  
25 institutional methods of long-term care. It is therefore the  
26 intent of the Legislature to limit the increase in Medicaid  
27 nursing home expenditures in order to provide funds to invest  
28 in long-term care that is community-based and provides  
29 supportive services in a manner that is both more  
30 cost-effective and more in keeping with the wishes of the  
31 elderly residents of this state.

1 (3) This moratorium on certificates of need shall not  
2 apply to sheltered nursing home beds in a continuing care  
3 retirement community certified by the former Department of  
4 Insurance or by the Office of Insurance Regulation pursuant to  
5 chapter 651.

6 (4)(a) The moratorium on certificates of need does not  
7 apply and a certificate of need for additional community  
8 nursing home beds may be approved for a county that meets the  
9 following circumstances:

- 10 1. The county has no community nursing home beds; and  
11 2. The lack of community nursing home beds occurs  
12 because all nursing home beds in the county that were licensed  
13 on July 1, 2001, have subsequently closed.

14 (b) The certificate-of-need review for such  
15 circumstances shall be subject to the comparative review  
16 process consistent with the provisions of s. 408.039, and the  
17 number of beds may not exceed the number of beds lost by the  
18 county after July 1, 2001.

19  
20 This subsection shall be repealed upon the expiration of the  
21 moratorium established in subsection (1).

22 (5) The moratorium on certificates of need does not  
23 apply for the addition of nursing home beds licensed under  
24 chapter 400 to a nursing home located in a county having up to  
25 50,000 residents, in a number not exceeding 10 total beds or  
26 10 percent of the number of beds licensed in the facility  
27 being expanded, whichever is greater. In addition to any other  
28 documentation required by the agency, a request submitted  
29 under this subsection must:

1 (a) Certify that the facility has not had any class I  
2 or class II deficiencies within the 30 months preceding the  
3 request for addition.

4 (b) Certify that the prior 12-month average occupancy  
5 rate for the nursing home beds at the facility meets or  
6 exceeds 94 percent and the facility had not had any class I or  
7 class II deficiencies since its initial licensure.

8 (c) For a facility that has been licensed for less  
9 than 24 months, certify that the prior 6-month average  
10 occupancy rate for the nursing home beds at the facility meets  
11 or exceeds 94 percent and that the facility has not had any  
12 class I or class II deficiencies since its initial licensure.

13  
14 This subsection shall be repealed upon the expiration of the  
15 moratorium established in subsection (1).

16 (6) The moratorium on certificates of need does not  
17 apply for the addition of nursing home beds licensed under  
18 chapter 400 in a number not exceeding 10 total beds or 10  
19 percent of the number of beds licensed in the facility being  
20 expanded, whichever is greater, if the facility meets the  
21 requirements of paragraph (a).

22 (a) In addition to any other documentation required by  
23 the agency, a request for the addition of beds under this  
24 subsection must certify that:

25 1. The facility has not had any class I or class II  
26 deficiencies within the 30 months preceding the request for  
27 addition;

28 2. The prior 12-month average occupancy rate for the  
29 nursing home beds at the facility meets or exceeds 96 percent;

30 3. The occupancy rate for nursing home beds in the  
31 subdistrict is 94 percent or greater; and

1           4. Any beds authorized for the facility under this  
2 subsection before the date of the current request for  
3 additional beds have been licensed and operational for at  
4 least 12 months.

5           **(b)** The timeframes and monitoring process specified in  
6 s. 408.040(2)(a)-(c) apply to any exemption issued under this  
7 subsection.

8           **(c)** The agency shall count beds authorized under this  
9 subsection as approved beds in the published inventory of  
10 nursing home beds until the beds are licensed.

11  
12 This subsection shall be repealed upon the expiration of the  
13 moratorium established in subsection (1).

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

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18                         SENATE SUMMARY

19           Extends the moratorium on certificates of need for  
20 additional community nursing home beds from July 1, 2006,  
21 until July 1, 2011. Specifies circumstances under which  
the Agency for Health Care Administration may grant an  
exemption from the moratorium.