

Bill No. SB 790

Barcode 202778

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Peaden) recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 13 and 14,

insert:

Section 2. Subsection (1) of section 408.040, Florida Statutes, is amended to read:

408.040 Conditions and monitoring.--

(1)(a) The agency may issue a certificate of need, or an exemption, predicated upon statements of intent expressed by an applicant in the application for a certificate of need or an exemption. Any conditions imposed on a certificate of need or an exemption based on such statements of intent shall be stated on the face of the certificate of need or in the exemption approval.

(b) The agency may consider, in addition to the other criteria specified in s. 408.035, a statement of intent by the applicant that a specified percentage of the annual patient days at the facility will be utilized by patients eligible for

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1 care under Title XIX of the Social Security Act. Any
 2 certificate of need issued to a nursing home in reliance upon
 3 an applicant's statements that a specified percentage of
 4 annual patient days will be utilized by residents eligible for
 5 care under Title XIX of the Social Security Act must include a
 6 statement that such certification is a condition of issuance
 7 of the certificate of need. The certificate-of-need program
 8 shall notify the Medicaid program office and the Department of
 9 Elderly Affairs when it imposes conditions as authorized in
 10 this paragraph in an area in which a community diversion pilot
 11 project is implemented.

12 (c) A certificateholder or an exemption holder may
 13 apply to the agency for a modification of conditions imposed
 14 under paragraph (a) or paragraph (b). If the holder of a
 15 certificate of need or an exemption demonstrates good cause
 16 why the certificate or exemption should be modified, the
 17 agency shall reissue the certificate of need or exemption with
 18 such modifications as may be appropriate. The agency shall by
 19 rule define the factors constituting good cause for
 20 modification.

21 (d) If a nursing home is located in a county where a
 22 long-term care community diversion pilot project has been
 23 implemented under s. 430.705 or in a county where an
 24 integrated, fixed-payment delivery system for Medicaid
 25 recipients who are 60 years of age or older has been
 26 implemented under s. 409.912(5), the nursing home may request
 27 a reduction in the percentage of annual patient days utilized
 28 by residents who are eligible for care under Title XIX of the
 29 Social Security Act, which is a condition of the nursing
 30 home's certificate of need. The agency shall automatically
 31 grant the nursing home's request if the reduction is not more

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1 than 15 percent of the nursing home's annual
2 Medicaid-patient-days condition. A nursing home may submit
3 only one request every 2 years for an automatic reduction. A
4 requesting nursing home must notify the agency in writing at
5 least 60 days in advance of its intent to reduce its annual
6 Medicaid-patient-days condition by not more than 15 percent.
7 The agency must acknowledge the request in writing and must
8 change its records to reflect the revised certificate-of-need
9 condition. This paragraph expires June 30, 2011.

10 (e)~~(d)~~ If the holder of a certificate of need or an
11 exemption fails to comply with a condition upon which the
12 issuance of the certificate or exemption was predicated, the
13 agency may assess an administrative fine against the
14 certificateholder or exemption holder in an amount not to
15 exceed \$1,000 per failure per day. Failure to annually report
16 compliance with any condition upon which the issuance of the
17 certificate or exemption was predicated constitutes
18 noncompliance. In assessing the penalty, the agency shall take
19 into account as mitigation the degree of noncompliance.
20 Proceeds of such penalties shall be deposited in the Public
21 Medical Assistance Trust Fund.

22
23 (Redesignate subsequent sections.)

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 7, after the semicolon,

29

30 insert:

31 amending s. 408.040, F.S.; authorizing nursing

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1 homes in certain counties to request a
2 reduction in their annual Medicaid patient
3 days; requiring the Agency for Health Care
4 Administration to automatically grant such a
5 request if the nursing home meets certain
6 conditions; providing for future repeal;

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