Florida Senate - 2006

By the Committee on Health Care

587-586-06 1 A bill to be entitled 2 An act relating to certificates of need; transferring, renumbering, and amending s. 3 651.1185, F.S.; extending the moratorium on 4 5 certificates of need for additional community б nursing home beds until July 1, 2011; providing 7 an exception to the moratorium; providing an 8 effective date. 9 Be It Enacted by the Legislature of the State of Florida: 10 11 12 Section 1. Section 651.1185, Florida Statutes, is 13 transferred, renumbered as section 408.0435, Florida Statutes, and amended to read: 14 408.0435 651.1185 Moratorium on nursing home 15 certificates of need. --16 17 (1) Notwithstanding the establishment of need as 18 provided for in this chapter 408, a no certificate of need for additional community nursing home beds may not shall be 19 approved by the agency until July 1, 2011 2006. 20 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 residents through the use of less restrictive and less 2.4 institutional methods of long-term care. It is therefore the 25 intent of the Legislature to limit the increase in Medicaid 26 27 nursing home expenditures in order to provide funds to invest 28 in long-term care that is community-based and provides supportive services in a manner that is both more 29 cost-effective and more in keeping with the wishes of the 30 elderly residents of this state. 31

CODING: Words stricken are deletions; words underlined are additions.

(3) This moratorium on certificates of need shall not 1 2 apply to sheltered nursing home beds in a continuing care retirement community certified by the former Department of 3 Insurance or by the Office of Insurance Regulation pursuant to 4 chapter 651. 5 б (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 following circumstances: 9 10 1. The county has no community nursing home beds; and The lack of community nursing home beds occurs 11 2. 12 because all nursing home beds in the county that were licensed 13 on July 1, 2001, have subsequently closed. (b) The certificate-of-need review for such 14 circumstances shall be subject to the comparative review 15 process consistent with the provisions of s. 408.039, and the 16 17 number of beds may not exceed the number of beds lost by the county after July 1, 2001. 18 19 This subsection shall be repealed upon the expiration of the 20 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 chapter 400 to a nursing home located in a county having up to 2.4 50,000 residents, in a number not exceeding 10 total beds or 25 10 percent of the number of beds licensed in the facility 26 being expanded, whichever is greater. In addition to any other 27 2.8 documentation required by the agency, a request submitted under this subsection must: 29 30 31

2

CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2006 587-586-06

1 (a) Certify that the facility has not had any class I 2 or class II deficiencies within the 30 months preceding the request for addition. 3 (b) Certify that the prior 12-month average occupancy 4 rate for the nursing home beds at the facility meets or 5 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 than 24 months, certify that the prior 6-month average 9 occupancy rate for the nursing home beds at the facility meets 10 or exceeds 94 percent and that the facility has not had any 11 12 class I or class II deficiencies since its initial licensure. 13 This subsection shall be repealed upon the expiration of the 14 moratorium established in subsection (1). 15 (6) The moratorium on certificates of need does not 16 17 apply for the addition of nursing home beds licensed under 18 chapter 400 in a number not exceeding 10 total beds or 10 percent of the number of beds licensed in the facility being 19 expanded, whichever is greater, if the facility meets the 2.0 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 subsection must certify that: 2.4 1. The facility has not had any class I or class II 25 deficiencies within the 30 months preceding the request for 26 27 addition; 2.8 2. The prior 12-month average occupancy rate for the nursing home beds at the facility meets or exceeds 96 percent; 29 30 3. The occupancy rate for nursing home beds in the subdistrict is 94 percent or greater; and 31

CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2006 587-586-06

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 б 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). Section 2. This act shall take effect upon becoming a 14 law. 15 16 17 18 SENATE SUMMARY 19 Extends the moratorium on certificates of need for additional community nursing home beds from July 1, 2006, until July 1, 2011. Specifies circumstances under which the Agency for Health Care Administration may grant an exemption from the moratorium. 20 21 22 23 2.4 25 26 27 28 29 30 31

CODING: Words stricken are deletions; words underlined are additions.

4