

By Senator Joyner

18-1714-07

See HB

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A bill to be entitled

An act relating to nursing home certificates of need; amending s. 408.036, F.S.; deleting an exemption for nursing homes created by combining licensed beds from two or more nursing homes; providing exemptions from certificate-of-need requirements for certain nursing home facilities; providing criteria for qualifying for the exemptions; providing an effective date.

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

Section 1. Paragraph (f) of subsection (3) of section 408.036, Florida Statutes, is amended, paragraphs (g) through (t) are redesignated as paragraphs (h) through (u), respectively, and a new paragraphs (g) is added to that subsection, 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):

(f) For the addition of nursing home beds licensed under chapter 400 in a number not exceeding 60 total beds at a nursing home facility that has fewer than 60 community nursing home beds. In addition to any other documentation required by the agency, a request for exemption submitted under this paragraph must:

1. Certify that the prior 12-month average occupancy rate for the nursing home beds meets or exceeds 92 percent.

1 2. Certify that the facility has not had any class I
2 or II deficiencies within the 30 months preceding the request
3 for additional beds. For the creation of a single nursing home
4 within a district by combining licensed beds from two or more
5 licensed nursing homes within such district, regardless of
6 subdistrict boundaries, if 50 percent of the beds in the
7 created nursing home are transferred from the only nursing
8 home in a county and its utilization data demonstrate that it
9 had an occupancy rate of less than 75 percent for the 12 month
10 period ending 90 days before the request for the exemption.
11 ~~This paragraph is repealed upon the expiration of the~~
12 ~~moratorium established in s. 651.1185(1).~~

13 (g) For the addition of nursing home beds licensed
14 under chapter 400 in a number not exceeding 120 total beds at
15 a nursing home facility that is petitioning to construct a
16 replacement facility with a capacity not exceeding 120 beds
17 and the facility is currently over 60 years of age. In
18 addition to any other documentation required by the agency, a
19 request for exemption submitted under this paragraph must:

20 1. Certify that the prior 12-month average occupancy
21 rate for the nursing home beds meets or exceeds 92 percent.

22 2. Certify that the facility has not had any class I
23 or II deficiencies within the 30 months preceding the request
24 for additional beds.

25 Section 2. This act shall take effect July 1, 2007.