

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Regulation Committee

BILL: SB 2634

INTRODUCER: Senator Peaden

SUBJECT: Hospice Facility Construction

DATE: March 23, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bedford	Wilson	HR	Favorable
2.			HA	
3.				
4.				
5.				
6.				

I. Summary:

The bill authorizes the Agency for Health Care Administration (AHCA or agency), at the request of the prospective licensee of an inpatient hospice facility, to provide an informal review of the facility plans prior to construction to assist the facility in complying with the Florida Building Code requirements. It further authorizes the agency to charge a fee commensurate with the cost of providing this consultation.

This bill amends s. 400.6051, F.S.

II. Present Situation:

Presently the agency has no authority to review the construction documents for inpatient hospice facilities to ensure the construction documents have been prepared to meet the requirements for these facilities as described in the Florida Building Code prior to the facility being constructed. However, after the facility has been constructed, the agency must conduct facility inspections prior to issuing a license to the facility. During these inspections, deficiencies in the design and construction of the facility are sometimes discovered, after the facility has been constructed. This has resulted in costly repairs to the facility and has prevented the facility from becoming licensed and operational, resulting in lost revenue to the provider and lost service to the residents of Florida.

Section 408.806(7)(a), F.S., requires that an applicant for licensure demonstrate compliance with the requirements of part II of ch. 408 (Health Care Licensing: General Provisions), authorizing statutes, and applicable rules during an inspection of a facility pursuant to s. 408.811, F.S. Section 408.811, F.S., provides for an inspection in conjunction with the application process to

determine compliance with part II of ch. 408, F.S., authorizing statutes, and applicable rules. It also allows appropriate inspection to verify the information submitted on or in connection with the application. It is during this inspection process that construction and design deficiencies are often cited.

III. Effect of Proposed Changes:

Section 1. Authorizes the agency, at the request of the prospective licensee of an inpatient hospice facility, to provide an informal review of the facility plans prior to construction to assist the facility in complying with the Florida Building Code requirements. It further authorizes the agency to charge a fee commensurate with the cost of providing this consultation.

Section 2. Provides that the act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

If an inpatient hospice provider requests the agency to provide a consultation review, the provider will be charged an hourly fee commensurate with the cost of providing the consultation service.

B. Private Sector Impact:

The private sector will benefit by not being required to make costly renovations at the end of the project and will be able to gain a license for the facility without costly delays.

C. Government Sector Impact:

The agency indicated that no material impact is anticipated. Very few facilities are expected to use this option and the costs will not be material. Existing staff will absorb any increase in the workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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