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CS/CS/HB 873, Engrossed 1

2009 Legislature

1 A bill to be entitled
2 An act relating to inactive licenses and certificates of
3 need for health care providers; amending s. 408.040, F.S.;
4 extending the period for which a certificate of need is
5 valid; amending s. 408.808, F.S.; providing for renewal of
6 inactive license status for statutory rural hospitals
7 under certain circumstances; requiring plan approval and
8 commencement of construction under certain circumstances;
9 requiring certain proof of enforceable capital
10 expenditures under certain circumstances; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (a) of subsection (2) of section
16 408.040, Florida Statutes, is amended to read:

17 408.040 Conditions and monitoring.--

18 (2)(a) Unless the applicant has commenced construction, if
19 the project provides for construction, unless the applicant has
20 incurred an enforceable capital expenditure commitment for a
21 project, if the project does not provide for construction, or
22 unless subject to paragraph (b), a certificate of need shall
23 terminate 3 years ~~18 months~~ after the date of issuance. The
24 agency shall monitor the progress of the holder of the
25 certificate of need in meeting the timetable for project
26 development specified in the application, and may revoke the
27 certificate of need, if the holder of the certificate is not
28 meeting such timetable and is not making a good-faith effort, as

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29 defined by rule, to meet it.

30 Section 2. Subsection (3) of section 408.808, Florida
31 Statutes, is amended to read:

32 408.808 License categories.--

33 (3) INACTIVE LICENSE.--An inactive license may be issued
34 to a health care provider subject to the certificate-of-need
35 provisions in part I of this chapter when the provider is
36 currently licensed, does not have a provisional license, and
37 will be temporarily unable to provide services but is reasonably
38 expected to resume services within 12 months. Such designation
39 may be made for a period not to exceed 12 months but may be
40 renewed by the agency for up to 12 additional months upon
41 demonstration by the licensee of the provider's progress toward
42 reopening. However, if after 20 months in an inactive license
43 status, a statutory rural hospital, as defined in s. 395.602,
44 has demonstrated progress toward reopening, but may not be able
45 to reopen prior to the inactive license expiration date, the
46 inactive designation may be renewed again by the agency for up
47 to 12 additional months. For purposes of such a second renewal,
48 if construction or renovation is required, the licensee must
49 have had plans approved by the agency and construction must have
50 already commenced pursuant to s. 408.032(4); however, if
51 construction or renovation is not required, the licensee must
52 provide proof of having made an enforceable capital expenditure
53 greater than 25 percent of the total costs associated with the
54 hiring of staff and the purchase of equipment and supplies
55 needed to operate the facility upon opening. A request by a
56 licensee for an inactive license or to extend the previously

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57 | approved inactive period must be submitted to the agency and
58 | must include a written justification for the inactive license
59 | with the beginning and ending dates of inactivity specified, a
60 | plan for the transfer of any clients to other providers, and the
61 | appropriate licensure fees. The agency may not accept a request
62 | that is submitted after initiating closure, after any suspension
63 | of service, or after notifying clients of closure or suspension
64 | of service, unless the action is a result of a disaster at the
65 | licensed premises. For the purposes of this section, the term
66 | "disaster" means a sudden emergency occurrence beyond the
67 | control of the licensee, whether natural, technological, or
68 | manmade, which renders the provider inoperable at the premises.
69 | Upon agency approval, the provider shall notify clients of any
70 | necessary discharge or transfer as required by authorizing
71 | statutes or applicable rules. The beginning of the inactive
72 | license period is the date the provider ceases operations. The
73 | end of the inactive license period shall become the license
74 | expiration date. All licensure fees must be current, must be
75 | paid in full, and may be prorated. Reactivation of an inactive
76 | license requires the approval of a renewal application,
77 | including payment of licensure fees and agency inspections
78 | indicating compliance with all requirements of this part,
79 | authorizing statutes, and applicable rules.

80 | Section 3. This act shall take effect upon becoming a law.