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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Health Regulation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1708 - 1718  
and insert:

Section 47. Paragraph (d) of subsection (1) and paragraph (m) of subsection (3) of section 408.036, Florida Statutes, are amended to read:

408.036 Projects subject to review; exemptions.-

(1) APPLICABILITY.—Unless exempt under subsection (3), all health-care-related projects, as described in paragraphs (a)–(g), are subject to review and must file an application for a certificate of need with the agency. The agency is exclusively



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13 responsible for determining whether a health-care-related  
14 project is subject to review under ss. 408.031-408.045.

15 (d) The establishment of a hospice or hospice inpatient  
16 facility, ~~except as provided in s. 408.043.~~

17 (3) EXEMPTIONS.—Upon request, the following projects are  
18 subject to exemption from the provisions of subsection (1):

19 (m)1. For the provision of adult open-heart services in a  
20 hospital located within the boundaries of a health service  
21 planning district, as defined in s. 408.032(5), which has  
22 experienced an annual net out-migration of at least 600 open-  
23 heart-surgery cases for 3 consecutive years according to the  
24 most recent data reported to the agency, and the district's  
25 population per licensed and operational open-heart programs  
26 exceeds the state average of population per licensed and  
27 operational open-heart programs by at least 25 percent. All  
28 hospitals within a health service planning district which meet  
29 the criteria reference in sub-subparagraphs 2.a.-h. shall be  
30 eligible for this exemption on July 1, 2004, and shall receive  
31 the exemption upon filing for it and subject to the following:

32 a. A hospital that has received a notice of intent to grant  
33 a certificate of need or a final order of the agency granting a  
34 certificate of need for the establishment of an open-heart-  
35 surgery program is entitled to receive a letter of exemption for  
36 the establishment of an adult open-heart-surgery program upon  
37 filing a request for exemption and complying with the criteria  
38 enumerated in sub-subparagraphs 2.a.-h., and is entitled to  
39 immediately commence operation of the program.

40 b. An otherwise eligible hospital that has not received a  
41 notice of intent to grant a certificate of need or a final order



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42 of the agency granting a certificate of need for the  
43 establishment of an open-heart-surgery program is entitled to  
44 immediately receive a letter of exemption for the establishment  
45 of an adult open-heart-surgery program upon filing a request for  
46 exemption and complying with the criteria enumerated in sub-  
47 subparagraphs 2.a.-h., but is not entitled to commence operation  
48 of its program until December 31, 2006.

49 2. A hospital shall be exempt from the certificate-of-need  
50 review for the establishment of an open-heart-surgery program  
51 when the application for exemption submitted under this  
52 paragraph complies with the following criteria:

53 a. The applicant must certify that it will meet and  
54 continuously maintain the minimum licensure requirements adopted  
55 by the agency governing adult open-heart programs, including the  
56 most current guidelines of the American College of Cardiology  
57 and American Heart Association Guidelines for Adult Open Heart  
58 Programs.

59 b. The applicant must certify that it will maintain  
60 sufficient appropriate equipment and health personnel to ensure  
61 quality and safety.

62 c. The applicant must certify that it will maintain  
63 appropriate times of operation and protocols to ensure  
64 availability and appropriate referrals in the event of  
65 emergencies.

66 d. The applicant can demonstrate that it has discharged at  
67 least 300 inpatients with a principal diagnosis of ischemic  
68 heart disease for the most recent 12-month period as reported to  
69 the agency.

70 e. The applicant is a general acute care hospital that is



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71 in operation for 3 years or more.

72 f. The applicant is performing more than 300 diagnostic  
73 cardiac catheterization procedures per year, combined inpatient  
74 and outpatient.

75 g. The applicant's payor mix at a minimum reflects the  
76 community average for Medicaid, charity care, and self-pay  
77 patients or the applicant must certify that it will provide a  
78 minimum of 5 percent of Medicaid, charity care, and self-pay to  
79 open-heart-surgery patients.

80 h. If the applicant fails to meet the established criteria  
81 for open-heart programs or fails to reach 300 surgeries per year  
82 by the end of its third year of operation, it must show cause  
83 why its exemption should not be revoked.

84 ~~3. By December 31, 2004, and annually thereafter, the~~  
85 ~~agency shall submit a report to the Legislature providing~~  
86 ~~information concerning the number of requests for exemption it~~  
87 ~~has received under this paragraph during the calendar year and~~  
88 ~~the number of exemptions it has granted or denied during the~~  
89 ~~calendar year.~~

90  
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete line 145

94 and insert:

95 facility; deleting a requirement that the agency  
96 submit a report to the Legislature providing  
97 information concerning the number of requests it  
98 receives for an exemption from certificate-of-need  
99 review; amending s. 408.043, F.S.; revising