

By the Committee on Health Regulation

588-01826-11

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1 A bill to be entitled
2 An act relating to certificates of need; amending s.
3 408.040, F.S.; extending until July 1, 2016,
4 provisions authorizing the Agency for Health Care
5 Administration to automatically grant a nursing home's
6 request for a reduction in annual Medicaid patient
7 days as a condition of its certificate of need in
8 specified circumstances; amending s. 408.0435, F.S.;
9 extending the moratorium on nursing home certificates
10 of need until July 1, 2016; providing conditions to be
11 met by nursing homes in order to qualify for an
12 exemption to the moratorium on certificates of need
13 for nursing home facilities; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (d) of subsection (1) of section
19 408.040, Florida Statutes, is amended to read:

20 408.040 Conditions and monitoring.—

21 (1)

22 (d) If a nursing home is located in a county in which a
23 long-term care community diversion pilot project has been
24 implemented under s. 430.705 or in a county in which an
25 integrated, fixed-payment delivery program for Medicaid
26 recipients who are 60 years of age or older or dually eligible
27 for Medicare and Medicaid has been implemented under s.
28 409.912(5), the nursing home may request a reduction in the
29 percentage of annual patient days used by residents who are

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30 eligible for care under Title XIX of the Social Security Act,
31 which is a condition of the nursing home's certificate of need.
32 The agency shall automatically grant the nursing home's request
33 if the reduction is not more than 15 percent of the nursing
34 home's annual Medicaid-patient-days condition. A nursing home
35 may submit only one request every 2 years for an automatic
36 reduction. A requesting nursing home must notify the agency in
37 writing at least 60 days in advance of its intent to reduce its
38 annual Medicaid-patient-days condition by not more than 15
39 percent. The agency must acknowledge the request in writing and
40 must change its records to reflect the revised certificate-of-
41 need condition. This paragraph expires July 1, 2016 ~~June 30,~~
42 ~~2011~~.

43 Section 2. Subsections (1) and (5) of section 408.0435,
44 Florida Statutes, are amended to read:

45 408.0435 Moratorium on nursing home certificates of need.—

46 (1) Notwithstanding the establishment of need as provided
47 for in this chapter, a certificate of need for additional
48 community nursing home beds may not be approved by the agency
49 until July 1, 2016 ~~2011~~.

50 (5) The moratorium on certificates of need does not apply
51 for the addition of nursing home beds licensed under chapter 400
52 to a nursing home located in a county having up to 50,000
53 residents, in a number not exceeding 10 total beds or 10 percent
54 of the number of beds licensed in the facility being expanded,
55 whichever is greater. In addition to any other documentation
56 required by the agency, a request submitted under this
57 subsection must:

58 (a) Certify that the facility has not had any class I or

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59 class II deficiencies within the 30 months preceding the request
60 for addition or since initial licensure if the facility has been
61 licensed less than 30 months; and-

62 (b) For a facility that has been licensed 24 months or
63 longer, certify that the prior 12-month average occupancy rate
64 for the nursing home beds at the facility meets or exceeds 94
65 percent, or, ~~and the facility had not had any class I or class~~
66 ~~II deficiencies since its initial licensure.~~

67 ~~(c)~~ for a facility that has been licensed for less than 24
68 months, certify that the prior 6-month average occupancy rate
69 for the nursing home beds at the facility meets or exceeds 94
70 percent ~~and that the facility has not had any class I or class~~
71 ~~II deficiencies since its initial licensure.~~

72
73 This subsection expires ~~shall be repealed~~ upon the expiration of
74 the moratorium established in subsection (1).

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