

By Senator Harrell

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1 A bill to be entitled
2 An act relating to pediatric cardiac care; amending s.
3 395.1055, F.S.; revising requirements for members of
4 the pediatric cardiac technical advisory panel;
5 specifying that time spent as an alternate member does
6 not count toward panel member term limits; revising
7 the frequency with which the panel must meet;
8 extending sovereign immunity to apply to all
9 individuals who are members of a site visit review
10 team; requiring pediatric cardiac programs to include
11 certain cases in the program's required surgical
12 volume; authorizing site visit teams to conduct
13 virtual site inspections during a declared state of
14 emergency; authorizing the panel to alter certain
15 requirements for virtual site inspections; providing
16 that pediatric cardiac surgical centers that are
17 deemed by the panel to be noncompliant with certain
18 standards must come into compliance with those
19 standards within a specified timeframe; authorizing
20 the panel to make a certain recommendation to the
21 Secretary of Health Care Administration if a center
22 does not come into compliance within such timeframe;
23 requiring certain data submitted by the Surgeon
24 General to the Secretary of Health Care Administration
25 to follow specified guidelines and suggestions;
26 providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Paragraphs (b), (d), and (g) of subsection (10),
31 paragraph (c) of subsection (13), paragraph (c) of subsection
32 (14), and subsection (15) of section 395.1055, Florida Statutes,
33 are amended, and paragraphs (e) and (f) are added to subsection
34 (14) of that section, to read:

35 395.1055 Rules and enforcement.—

36 (10) The agency shall establish a pediatric cardiac
37 technical advisory panel, pursuant to s. 20.052, to develop
38 procedures and standards for measuring outcomes of pediatric
39 cardiac catheterization programs and pediatric cardiovascular
40 surgery programs.

41 (b) Voting members of the panel shall include: 3 at-large
42 members, and 3 alternate at-large members with different program
43 affiliations, including 1 cardiologist who is board certified in
44 caring for adults with congenital heart disease and 2 board-
45 certified pediatric cardiologists, none ~~neither~~ of whom may be
46 employed by any of the hospitals specified in subparagraphs 1.-
47 10. or their affiliates, each of whom is appointed by the
48 Secretary of Health Care Administration, and 10 members, and an
49 alternate for each member, one ~~each~~ of whom is a pediatric
50 cardiologist and one of whom is ~~or~~ a pediatric cardiovascular
51 surgeon, each appointed by the chief executive officer of the
52 following hospitals:

- 53 1. Johns Hopkins All Children's Hospital in St. Petersburg.
- 54 2. Arnold Palmer Hospital for Children in Orlando.
- 55 3. Joe DiMaggio Children's Hospital in Hollywood.
- 56 4. Nicklaus Children's Hospital in Miami.
- 57 5. St. Joseph's Children's Hospital in Tampa.
- 58 6. University of Florida Health Shands Hospital in

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59 Gainesville.

60 7. University of Miami Holtz Children's Hospital in Miami.

61 8. Wolfson Children's Hospital in Jacksonville.

62 9. Florida Hospital for Children in Orlando.

63 10. Nemours Children's Hospital in Orlando.

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65 Appointments made under subparagraphs 1.-10. are contingent upon
66 the hospital's compliance with this section and rules adopted
67 thereunder, as determined by the Secretary of Health Care
68 Administration. A member appointed under subparagraphs 1.-10.
69 whose hospital fails to comply with such standards may serve
70 only as a nonvoting member until the hospital complies with such
71 standards. A voting member may serve a maximum of two 2-year
72 terms and may be reappointed to the panel after being retired
73 from the panel for a full 2-year term. Time spent serving as an
74 alternate member on the panel does not count toward a member's
75 term limits.

76 (d) The panel shall meet quarterly ~~biannually~~, or more
77 frequently upon the call of the Secretary of Health Care
78 Administration. Such meetings may be conducted telephonically,
79 or by other electronic means.

80 (g) Panel members and all members of a site visit review
81 team are agents of the state for purposes of s. 768.28
82 throughout the good faith performance of the duties assigned to
83 them by the Secretary of Health Care Administration.

84 (13) A pediatric cardiac program shall:

85 (c) Have a risk adjustment surgical procedure protocol
86 following the guidelines established by the Society of Thoracic
87 Surgeons. The program's cardiac surgical volume must include

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88 cases involving children younger than 18 years of age with any
89 type of acquired or congenital heart disease and adults with
90 congenital heart disease. Cases involving open surgical
91 placement of a pacing wire count toward the surgical volume.

92 (14)

93 (c) A site visit team shall conduct an onsite inspection of
94 the designated hospital's pediatric medical and surgical
95 programs, and each member shall submit a written report of his
96 or her findings to the panel. During a declared state of
97 emergency, a site visit team may conduct a virtual site
98 inspection in lieu of an onsite inspection. The panel shall
99 discuss the written reports and present an advisory opinion to
100 the Secretary of Health Care Administration which includes
101 recommendations and any suggested actions for correction.

102 (e) For virtual site inspections conducted during a
103 declared state of emergency, the panel may alter the
104 requirements for the patient-specific data to be reviewed
105 virtually as appropriate to comply with the Health Insurance
106 Portability and Accountability Act and other laws governing the
107 electronic sharing of protected medical information.

108 (f) Following a site inspection, if the panel deems the
109 information contained in the submitted reports to establish that
110 the pediatric cardiac surgical center under inspection is
111 noncompliant with the agency's standards for pediatric cardiac
112 programs, the center has 24 consecutive months to come into
113 compliance with such standards. If at the end of the 24-month
114 period, the panel deems the center is still noncompliant with
115 the standards, the panel may recommend to the Secretary of
116 Health Care Administration that the center have its license to

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117 perform congenital cardiac surgery revoked.

118 (15) The Surgeon General shall provide quarterly reports to
119 the Secretary of Health Care Administration consisting of data
120 from the Children's Medical Services' critical congenital heart
121 disease screening program for review by the advisory panel. Data
122 submitted must follow the guidelines and suggestions established
123 by the Cardiac Subcommittee of the Children's Medical Services'
124 Genetics and Newborn Screening Advisory Council in consultation
125 with the panel.

126 Section 2. This act shall take effect July 1, 2021.