

By the Committee on Health Policy; and Senator Harrell

588-02183-21

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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 requiring the panel's chair and vice chair, in
9 consultation with the Agency for Health Care
10 Administration, to develop panel meeting agendas;
11 requiring a certain annual report composed and
12 submitted by the panel to be signed by the panel's
13 chair and vice chair; extending sovereign immunity to
14 apply to all individuals who are members of a site
15 visit review team; requiring pediatric cardiac
16 programs to include certain cases in the program's
17 required surgical volume; authorizing site visit teams
18 to conduct virtual site inspections during a declared
19 state of emergency; authorizing the panel to alter
20 certain requirements for virtual site inspections;
21 providing that pediatric cardiac surgical centers that
22 are deemed by the panel to be noncompliant with
23 certain standards must come into compliance with those
24 standards within a specified timeframe; authorizing
25 the panel to make a certain recommendation to the
26 Secretary of Health Care Administration if a center
27 does not come into compliance within such timeframe;
28 authorizing the Secretary for Health Care
29 Administration to accept or modify the panel's

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30 recommendations and requiring enforcement of the
31 agency's standards accordingly;
32 requiring certain data submitted by the Surgeon
33 General to the Secretary of Health Care Administration
34 to follow specified guidelines and suggestions;
35 providing an effective date.
36

37 Be It Enacted by the Legislature of the State of Florida:
38

39 Section 1. Paragraphs (b), (d), (f), and (g) of subsection
40 (10), paragraph (c) of subsection (13), paragraph (c) of
41 subsection (14), and subsection (15) of section 395.1055,
42 Florida Statutes, are amended, and paragraphs (e) and (f) are
43 added to subsection (14) of that section, to read:

44 395.1055 Rules and enforcement.—

45 (10) The agency shall establish a pediatric cardiac
46 technical advisory panel, pursuant to s. 20.052, to develop
47 procedures and standards for measuring outcomes of pediatric
48 cardiac catheterization programs and pediatric cardiovascular
49 surgery programs.

50 (b) Voting members of the panel shall include the following
51 individuals appointed in the following manner:

52 1. Three ~~3~~ at-large members, and three ~~3~~ alternate at-large
53 members, each with different program affiliations, including one
54 ~~1~~ cardiologist who is board-certified ~~board-certified~~ in caring
55 for adults with congenital heart disease and two ~~2~~ board-
56 certified pediatric cardiologists, none ~~neither~~ of whom may be
57 employed by any of the hospitals specified in subparagraph 2.
58 ~~subparagraphs 1.-10.~~ or ~~their~~ affiliates of those hospitals, and

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59 each of whom is appointed by the Secretary of Health Care
60 Administration.

61 2. One member, and 10 members, and one an alternate for
62 each member, from each of the following hospitals, each of whom
63 is a pediatric cardiologist or a pediatric cardiovascular
64 surgeon, each appointed by the chief executive officer of their
65 respective hospital the following hospitals:

66 a.1. Johns Hopkins All Children's Hospital in St.
67 Petersburg.

68 b.2. Arnold Palmer Hospital for Children in Orlando.

69 c.3. Joe DiMaggio Children's Hospital in Hollywood.

70 d.4. Nicklaus Children's Hospital in Miami.

71 e.5. St. Joseph's Children's Hospital in Tampa.

72 f.6. University of Florida Health Shands Hospital in
73 Gainesville.

74 g.7. University of Miami Holtz Children's Hospital in
75 Miami.

76 h.8. Wolfson Children's Hospital in Jacksonville.

77 i.9. Florida Hospital for Children in Orlando.

78 j.10. Nemours Children's Hospital in Orlando.

79 3. For each member and corresponding alternate member
80 appointed under subparagraph 2., one must be a pediatric
81 cardiologist and the other must be a pediatric cardiovascular
82 surgeon. Appointments made under subparagraph 2. subparagraphs
83 1.-10. are contingent upon the hospital's compliance with this
84 section and rules adopted thereunder, as determined by the
85 Secretary of Health Care Administration. A member appointed
86 under subparagraph 2. subparagraphs 1.-10. whose hospital fails
87 to comply with such standards may serve only as a nonvoting

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88 member until the hospital complies with such standards. A voting
89 member may serve a maximum of two 2-year terms and may be
90 reappointed to the panel after being retired from the panel for
91 a full 2-year term. Time spent serving as an alternate member on
92 the panel does not count toward a member's term limits.

93 (d) The panel shall meet quarterly ~~biannually~~, or more
94 frequently upon the call of the Secretary of Health Care
95 Administration. Such meetings may be conducted telephonically,
96 or by other electronic means. The chair and vice chair of the
97 panel, in consultation with the agency, shall develop the
98 agendas for panel meetings.

99 (f) Beginning on January 1, 2020, and annually thereafter,
100 the panel shall compose a report signed by the chair and vice
101 chair of the panel and submit the ~~a~~ report to the Governor, the
102 President of the Senate, the Speaker of the House of
103 Representatives, the Secretary of Health Care Administration,
104 and the State Surgeon General. The report must summarize the
105 panel's activities during the preceding fiscal year and include
106 data and performance measures on surgical morbidity and
107 mortality for all pediatric cardiac programs.

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

112 (13) A pediatric cardiac program shall:

113 (c) Have a risk adjustment surgical procedure protocol
114 following the guidelines established by the Society of Thoracic
115 Surgeons. The program's cardiac surgical volume must include
116 cases involving children younger than 18 years of age with any

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117 type of acquired or congenital heart disease and adults with
118 congenital heart disease. Cases involving open surgical
119 placement of a pacing wire count toward the surgical volume.

120 (14)

121 (c) A site visit team shall conduct an onsite inspection of
122 the designated hospital's pediatric medical and surgical
123 programs, and each member shall submit a written report of his
124 or her findings to the panel. During a declared state of
125 emergency, a site visit team may conduct a virtual site
126 inspection in lieu of an onsite inspection. The panel shall
127 discuss the written reports and present an advisory opinion to
128 the Secretary of Health Care Administration which includes
129 recommendations and any suggested actions for correction.

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

136 (f) Following a site inspection, if the panel deems the
137 information contained in the submitted reports to establish that
138 the pediatric cardiac surgical center under inspection is
139 noncompliant with the agency's standards for pediatric cardiac
140 programs, the center has 24 consecutive months to come into
141 compliance with such standards. If at the end of the 24-month
142 period, the panel deems the center is still noncompliant with
143 the standards, the panel may recommend to the Secretary of
144 Health Care Administration that the center have its license to
145 perform congenital cardiac surgery revoked. The Secretary of

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146 Health Care Administration may accept or modify the panel's
147 recommendations and shall enforce compliance with the agency's
148 standards accordingly.

149 (15) The Surgeon General shall provide quarterly reports to
150 the Secretary of Health Care Administration consisting of data
151 from the Children's Medical Services' critical congenital heart
152 disease screening program for review by the advisory panel. Data
153 submitted must follow the guidelines and suggestions established
154 by the Cardiac Subcommittee of the Children's Medical Services'
155 Genetics and Newborn Screening Advisory Council in consultation
156 with the panel.

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