

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 authorizing the Secretary of Health Care
24 Administration to accept or modify such recommendation
25 and enforce compliance with certain standards;

26 requiring certain data submitted by the Surgeon
 27 General to the Secretary of Health Care Administration
 28 to follow specified guidelines and suggestions;
 29 providing an effective date.

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 31 Be It Enacted by the Legislature of the State of Florida:

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 33 Section 1. Paragraphs (b), (d), and (g) of subsection
 34 (10), paragraph (c) of subsection (13), paragraph (c) of
 35 subsection (14), and subsection (15) of section 395.1055,
 36 Florida Statutes, are amended, and paragraphs (e) and (f) are
 37 added to subsection (14) of that section, to read:

38 395.1055 Rules and enforcement.—

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

44 (b) Voting members of the panel shall include ~~3~~ 3 at-large
 45 members, and 3 alternate at-large members with different program
 46 affiliations, including 1 cardiologist who is board certified in
 47 caring for adults with congenital heart disease and 2 board-
 48 certified pediatric cardiologists, none ~~neither~~ of whom may be
 49 employed by any of the hospitals specified in subparagraphs 1.-
 50 10. or their affiliates, each of whom is appointed by the

51 Secretary of Health Care Administration, and 10 members, and an
52 alternate for each member, one ~~each~~ of whom is a pediatric
53 cardiologist and one of whom is ~~or~~ a pediatric cardiovascular
54 surgeon, each appointed by the chief executive officer of the
55 following hospitals:

- 56 1. Johns Hopkins All Children's Hospital in St.
57 Petersburg.
- 58 2. Arnold Palmer Hospital for Children in Orlando.
- 59 3. Joe DiMaggio Children's Hospital in Hollywood.
- 60 4. Nicklaus Children's Hospital in Miami.
- 61 5. St. Joseph's Children's Hospital in Tampa.
- 62 6. University of Florida Health Shands Hospital in
63 Gainesville.
- 64 7. University of Miami Holtz Children's Hospital in Miami.
- 65 8. Wolfson Children's Hospital in Jacksonville.
- 66 9. Florida Hospital for Children in Orlando.
- 67 10. Nemours Children's Hospital in Orlando.

68
69 Appointments made under subparagraphs 1.-10. are contingent upon
70 the hospital's compliance with this section and rules adopted
71 thereunder, as determined by the Secretary of Health Care
72 Administration. A member appointed under subparagraphs 1.-10.
73 whose hospital fails to comply with such standards may serve
74 only as a nonvoting member until the hospital complies with such
75 standards. A voting member may serve a maximum of two 2-year

76 terms and may be reappointed to the panel after being retired
77 from the panel for a full 2-year term. Time spent serving as an
78 alternate member on the panel does not count toward a member's
79 term limits.

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

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

88 (13) A pediatric cardiac program shall:

89 (c) Have a risk adjustment surgical procedure protocol
90 following the guidelines established by the Society of Thoracic
91 Surgeons. The program's cardiac surgical volume must include
92 cases involving children younger than 18 years of age with any
93 type of acquired or congenital heart disease and adults with
94 congenital heart disease. Cases involving open surgical
95 placement of a pacing wire count toward the surgical volume.

96 (14)

97 (c) A site visit team shall conduct an onsite inspection
98 of the designated hospital's pediatric medical and surgical
99 programs, and each member shall submit a written report of his
100 or her findings to the panel. During a declared state of

101 emergency, a site visit team may conduct a virtual site
102 inspection in lieu of an onsite inspection. The panel shall
103 discuss the written reports and present an advisory opinion to
104 the Secretary of Health Care Administration which includes
105 recommendations and any suggested actions for correction.

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

112 (f) Following a site inspection, if the panel deems the
113 information contained in the submitted reports to establish that
114 the pediatric cardiac surgical center under inspection is
115 noncompliant with the agency's standards for pediatric cardiac
116 programs, the center has 24 consecutive months to come into
117 compliance with such standards. If at the end of the 24-month
118 period, the panel deems the center is still noncompliant with
119 the standards, the panel may recommend to the Secretary of
120 Health Care Administration that the center have its license to
121 perform congenital cardiac surgery revoked. The Secretary of
122 Health Care Administration may accept or modify the panel's
123 recommendation and enforce compliance with such standards
124 accordingly.

125 (15) The Surgeon General shall provide quarterly reports

HB 407

2021

126 | to the Secretary of Health Care Administration consisting of
127 | data from the Children's Medical Services' critical congenital
128 | heart disease screening program for review by the advisory
129 | panel. Data submitted must follow the guidelines and suggestions
130 | established by the Cardiac Subcommittee of the Children's
131 | Medical Services' Genetics and Newborn Screening Advisory
132 | Council in consultation with the panel.

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