

THE FLORIDA SENATE
2014 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 287 — Certificates of Need

by Health and Human Services Committee; Health Innovation Subcommittee; and Reps. Artiles, A. Williams, and others (CS/CS/SB 268 by Children, Families, and Elder Affairs Committee; Health Policy Committee; and Senators Grimsley and Diaz de la Portilla)

The bill amends various section of the Florida Statutes relating to nursing home certificates of need (CON).

The bill repeals the moratorium on CONs for new nursing homes, but imposes a cap on the AHCA issuing any CONs for new nursing home beds after 3,750 new nursing home beds have been approved between July 1, 2014, and June 30, 2017.

The bill reduces the nursing home bed-need methodology threshold from 94 to 92 percent, allows applicants to combine need numbers for geographically contiguous subdistricts, and establishes a positive CON factor for an applicant who voluntarily relinquishes licensed nursing home beds in a subdistrict with no bed-need.

The bill provides for an expedited CON review for relocating a portion of a nursing home's beds within a contiguous subdistrict to an established or new facility if the total number of beds in the state does not increase. Expedited CON review is also available for the replacement of a nursing home:

- Within a 30-mile radius of the existing nursing home, regardless of district boundaries. If the new site is in another subdistrict, the occupancy rate in that subdistrict must be at least 85 percent; or
- Outside of a 30-mile radius, if the new nursing home will be within the same or a contiguous subdistrict. If the new site is in a contiguous subdistrict, the occupancy rate in that subdistrict must be at least 85 percent.

The bill amends exemptions from the CON process for nursing homes as follows:

- Creates a new exemption for nursing homes to add up to the lesser of 30 beds or 25 percent of its current beds when replacing a nursing home;
- Reduces from 96 to 94 percent the required average occupancy rate when adding the greater of 10 beds or 10 percent of the nursing home's beds;
- Increases, from three to five miles, the distance from the original nursing home that a replacement nursing home in the same subdistrict may be located; and
- Allows the consolidation of nursing home beds under shared controlled interest in the same district, changing the previous subdistrict limit, if the relocation site is within 30 miles of all the nursing homes from which the beds are moved.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 38-0; House 116-0