

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/HB 21 — Hospital Licensure

by Health Market Subcommittee and Rep. Fitzenhagen (CS/CS/SB 1712 by Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill amends various provisions of law related to the requirement that a hospital must obtain a certificate of need (CON) as a prerequisite to licensure.

Effective July 1, 2019, the bill:

- Eliminates the requirement to obtain a CON prior to establishing a general acute care or long-term acute care hospital; and
- Eliminates the requirement that a hospital must obtain a CON prior to offering a new tertiary service.
 - Tertiary services include: pediatric cardiac catheterization; pediatric open-heart surgery; organ transplantation; neonatal intensive care units; comprehensive rehabilitation; medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service; heart, kidney, liver, bone marrow, lung transplantation, pancreas and islet cells, and heart/lung transplantation; adult open heart surgery; and neonatal and pediatric cardiac and vascular surgery.
 - The bill specifies that the Agency for Health Care Administration (AHCA) may continue to use the CON rules for the regulation of a tertiary service until such time as the AHCA adopts licensure rules for such services.
 - The bill also requires the Legislature’s Office of Program Policy Analysis and Government Accountability to study federal requirements and other state requirements for tertiary services and report to the Legislature by November 1, 2019. The report must include best practices for licensure requirements for tertiary services, including volume requirements.

Effective July 1, 2021, the bill eliminates the requirement to obtain a CON prior to establishing a new class II, III, or IV hospital.

- Class II hospitals include children’s and women’s hospitals;
- Class III hospitals include specialty medical, rehabilitation, and psychiatric, and substance abuse hospitals; and
- Class IV hospitals are specialty hospitals restricted to offering Intensive Residential Treatment Facility Services for Children.

If approved by the Governor, the bill’s provisions take effect July 1, 2019, except as otherwise provided.

Vote: Senate 23-17; House 81-34