

Bill No. CS for CS for SB 2606

Amendment No. \_\_\_\_ Barcode 821818

CHAMBER ACTION

Senate

House

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Senator Bennett moved the following amendment:

**Senate Amendment (with title amendment)**

On page 47, between lines 11 and 12,

insert:

Section 13. Section 52 of chapter 2001-45, Laws of Florida, as amended by section 1693 of chapter 2003-261, Laws of Florida, is amended to read:

Section 52. (1) Notwithstanding the establishment of need as provided for in chapter 408, Florida Statutes, no certificate of need for additional community nursing home beds shall be approved by the agency until July 1, 2006.

(2) The Legislature finds that the continued growth in the Medicaid budget for nursing home care has constrained the ability of the state to meet the needs of its elderly residents through the use of less restrictive and less institutional methods of long-term care. It is therefore the intent of the Legislature to limit the increase in Medicaid nursing home expenditures in order to provide funds to invest in long-term care that is community-based and provides

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1 supportive services in a manner that is both more  
2 cost-effective and more in keeping with the wishes of the  
3 elderly residents of this state.

4 (3) This moratorium on certificates of need shall not  
5 apply to sheltered nursing home beds in a continuing care  
6 retirement community certified by the former Department of  
7 Insurance or by the Office of Insurance Regulation pursuant to  
8 chapter 651, Florida Statutes.

9 (4)(a) This moratorium on certificates of need shall  
10 not apply, and a certificate of need for additional community  
11 nursing home beds may be approved, for a county that meets the  
12 following circumstances:

13 1. The county has no community nursing home beds; and

14 2. The lack of community nursing home beds occurs  
15 because all nursing home beds in the county which were  
16 licensed on July 1, 2001, have subsequently closed.

17 (b) The certificate-of-need review for such  
18 circumstances shall be subject to the comparative review  
19 process consistent with the provisions of section 408.039,  
20 Florida Statutes, and the number of beds may not exceed the  
21 number of beds lost by the county after July 1, 2001.

22  
23 This subsection shall be repealed upon the expiration of the  
24 moratorium established in subsection (1).

25 (5) This moratorium on certificates of need shall not  
26 apply for the addition of nursing home beds licensed under  
27 chapter 400 to a nursing home located in a county having up to  
28 50,000 residents, in a number not exceeding 10 total beds or  
29 10 percent of the number of beds licensed in the facility  
30 being expanded, whichever is greater. In addition to any other  
31 documentation required by the agency, a request submitted

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1 under this paragraph must:

2       (a) Certify that the facility has not had any class I  
3 or class II deficiencies within the 30 months preceding the  
4 request for addition.

5       (b) Certify that the prior 12-month average occupancy  
6 rate for the nursing home beds at the facility meets or  
7 exceeds 94 percent and the facility had not had any class I or  
8 class II deficiencies since its initial licensure.

9       (c) For a facility that has been licensed for less  
10 than 24 months, certify that the prior 6-month average  
11 occupancy rate for the nursing home beds at the facility meets  
12 or exceeds 94 percent and that the facility has not had any  
13 class I or class II deficiencies since its initial licensure.

14  
15 This subsection shall be repealed upon the expiration of the  
16 moratorium established in subsection (1).

17  
18 (Redesignate subsequent sections.)

19  
20

21 ===== T I T L E   A M E N D M E N T =====

22 And the title is amended as follows:

23       On page 4, line 4, after the semicolon,

24  
25 insert:

26       amending s. 52, ch. 2001-45, Laws of Florida,  
27       as amended; specifying nonapplication of  
28       moratoriums on certificates of need and  
29       authorizing approval of certain certificates of  
30       need for certain counties under certain  
31       circumstances; providing review requirements

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and bed limitations; providing for future  
expiration of the moratoriums;