

Bill No. HB 329

Amendment No. ____ Barcode 183248

CHAMBER ACTION

SenateHouse

	<u>Senate</u>		<u>House</u>
1	1b/RE/3R	.	
2	04/07/2004 11:36 AM	.	
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11	Senator Bennett moved the following amendment to amendment		
12	(394000):		
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14	Senate Amendment (with title amendment)		
15	On page 42, between lines 12 and 13,		
16			
17	insert:		
18	Section 13. Section 52 of chapter 2001-45, Laws of		
19	Florida, as amended by section 1693 of chapter 2003-261, Laws		
20	of Florida, is amended to read:		
21	Section 52. <u>(1)</u> Notwithstanding the establishment of		
22	need as provided for in chapter 408, Florida Statutes, no		
23	certificate of need for additional community nursing home beds		
24	shall be approved by the agency until July 1, 2006.		
25	<u>(2)</u> The Legislature finds that the continued growth in		
26	the Medicaid budget for nursing home care has constrained the		
27	ability of the state to meet the needs of its elderly		
28	residents through the use of less restrictive and less		
29	institutional methods of long-term care. It is therefore the		
30	intent of the Legislature to limit the increase in Medicaid		
31	nursing home expenditures in order to provide funds to invest		

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1 in long-term care that is community-based and provides
2 supportive services in a manner that is both more
3 cost-effective and more in keeping with the wishes of the
4 elderly residents of this state.

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

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

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

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

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

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

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

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1 documentation required by the agency, a request submitted
 2 under this paragraph must:

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

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

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

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

18
 19 (Redesignate subsequent sections.)

20
 21
 22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 On page 45, line 24, after the semicolon,

25
 26 insert:

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

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1 circumstances; providing review requirements
2 and bed limitations; providing for future
3 expiration of the moratoriums;
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