



223842

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/17/2016	.	
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Appropriations Subcommittee on Health and Human Services
(Richter) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present paragraphs (a) through (t) of subsection
(3) of section 408.036, Florida Statutes, are redesignated as
paragraphs (c) through (v), respectively, new paragraphs (a) and
(b) are added to that subsection, present subsections (4) and
(5) of that section are redesignated as subsections (5) and (6),
respectively, and a new subsection (4) is added to that section,



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11 to read:

12 408.036 Projects subject to review; exemptions.—

13 (3) EXEMPTIONS.—Upon request, the following projects are
14 subject to exemption from the provisions of subsection (1):

15 (a) Except for projects described in paragraphs (b) and
16 (c), any project conditioned upon a significant, active, and
17 continuing commitment to improved access to care for uninsured
18 and low-income residents of the applicable service district.
19 Such commitment is demonstrated by compliance with the following
20 conditions and requirements which the project applicant must
21 accept in a signed agreement with the agency:

22 1. The project licensee must contribute, once the project
23 is operational and at the end of each of the first four calendar
24 quarters of the project's operations, an amount equal to 1.5
25 percent of the gross revenues earned by the exempt project.
26 Contributions shall be made to the agency and deposited in the
27 Public Medical Assistance Trust Fund.

28 2.a. Beginning in the fifth calendar quarter of the exempt
29 project's operations, the licensee must provide charity care in
30 an amount equal to twice the applicable district average among
31 licensed providers of similar services. For purposes of this
32 section, the term "charity care" means uncompensated care
33 delivered to uninsured patients having incomes at or below 200
34 percent of the federal poverty level when such services are
35 preauthorized by the licensee and not subject to collection
36 procedures. The valuation of charity care must be based on
37 Medicaid reimbursement rates.

38 b. Alternatively, if the licensee provides less charity
39 care than is required by sub-subparagraph a., the licensee must



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40 donate:

41 (I) Pursuant to a written agreement with a charity care
42 provider in the service district, payments for charity care
43 provided to residents of the service district in total amounts
44 equal to or greater than the difference between the value of the
45 charity care provided in sub-subparagraph a. and the applicable
46 district average among licensed providers of similar services;
47 or

48 (II) Payments to Florida Health Choices for health care
49 coverage financial assistance in total amounts equal to or
50 greater than the difference between the value of the charity
51 care provided in sub-subparagraph a. and the applicable district
52 average among licensed providers of similar services. The
53 payments for financial assistance must be made in increments
54 sufficient to purchase silver-level health care coverage for an
55 individual for at least 1 year. The individual receiving this
56 assistance must have been uninsured during the previous 12
57 months. The licensee and Florida Health Choices shall cooperate
58 to identify individuals from the service district who are
59 qualified to receive the available assistance.

60 c. The agreement between the agency and the applicant for
61 an exemption must require the licensee to submit reports and
62 data necessary to monitor compliance with the charity care
63 threshold.

64 (b) Any project to construct or establish a new skilled
65 nursing facility or increase the licensed bed capacity of an
66 existing skilled nursing facility conditioned on a significant,
67 active, and continuing commitment by the facility to improved
68 access to Medicaid long-term care services. Such commitment is



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69 demonstrated by an applicant by compliance with a signed
70 agreement between the applicant and the agency which, upon the
71 project becoming operational, requires the project licensee to
72 contribute an amount equal to the state share of one-fourth of
73 the cost of enrolling a person in the long-term care waiver
74 program established pursuant to Part IV of Chapter 409 times
75 twice the number of new beds included in the project. The
76 contribution shall be paid by the project licensee to the agency
77 at the end of each calendar quarter that the project is
78 operational and deposited in the Public Medical Assistance Trust
79 Fund. The agreement between the agency and the applicant must
80 require the licensee to submit reports and data necessary to
81 monitor compliance with the charity care threshold.

82 (4) PENALTIES.—A facility licensed based on the exemption
83 established in subsection (3) (a)-(b) is subject to the following
84 penalties for noncompliance with its specific commitment to
85 improve access to care for uninsured and low-income persons in
86 the service district:

87 (a) For the first quarter in which the value of services,
88 donations, and financial assistance falls below the specified
89 threshold, the fine is equal to twice the amount of the
90 shortfall. The fine is doubled in each subsequent quarter of
91 noncompliance up to a maximum of four quarters.

92 (b) Following a fifth quarter of noncompliance, the exempt
93 license shall be suspended until the licensee implements a
94 corrective action plan that the agency has approved.

95 (c) Failure by the facility to maintain compliance
96 following the implementation of a corrective action plan shall
97 result in revocation of the exempt license.



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98 Section 2. This act shall take effect July 1, 2016.

99

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

101 And the title is amended as follows:

102 Delete everything before the enacting clause
103 and insert:

104 A bill to be entitled
105 An act relating to certificates of need for health
106 care-related projects; amending s. 408.036, F.S.;
107 providing an exemption from certificate of need review
108 for certain health care-related projects; specifying
109 conditions and requirements for the exemption;
110 requiring that project applicants enter into an
111 agreement with the Agency for Health Care
112 Administration as a condition of eligibility for the
113 exemption; requiring specified monetary contributions;
114 providing penalties for failure to comply with the
115 terms of the agreement; providing an effective date.