

HB 617

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1 A bill to be entitled
2 An act relating to the Pediatric Cardiac Advisory
3 Council; creating s. 391.224, F.S.; providing
4 legislative findings and intent; creating the
5 Pediatric Cardiac Advisory Council; providing for
6 membership, meetings, and duties of the advisory
7 council; setting the minimum qualifications for the
8 designation of a facility as a Pediatric and
9 Congenital Cardiovascular Center of Excellence;
10 requiring a report to the Governor, the Legislature,
11 and the State Surgeon General; requiring the
12 Department of Health to develop rules relating to
13 pediatric cardiac facilities; authorizing the
14 department to adopt rules relating to the council and
15 the designation of facilities as Pediatric and
16 Congenital Cardiovascular Centers of Excellence;
17 directing the department and the Agency for Health
18 Care Administration to contract with certain national
19 data analysis organizations for data collection and
20 reporting; providing retroactive applicability;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 391.224, Florida Statutes, is created
26 to read:

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27 391.224 Pediatric Cardiac Advisory Council.—

28 (1) LEGISLATIVE FINDINGS AND INTENT.—

29 (a) The Legislature finds significant benefits in the
30 continued coordination of activities by several state agencies
31 regarding access to pediatric cardiac care in this state. It is
32 the intent of the Legislature that the Department of Health, the
33 department's cardiac consultants, and the Agency for Health Care
34 Administration maintain their long-standing interagency teams
35 and agreements for the development and adoption of guidelines,
36 standards, and rules for those portions of the state cardiac
37 care system within the statutory authority of each agency. This
38 coordinated approach will continue to ensure the necessary
39 complete continuum of care for the pediatric cardiac patient.
40 The department has the leadership responsibility for this
41 activity.

42 (b) It is further the intent of the Legislature to
43 establish the Pediatric Cardiac Advisory Council, a statewide,
44 inclusive council within the department.

45 (2) PEDIATRIC CARDIAC ADVISORY COUNCIL.—

46 (a) The State Surgeon General shall appoint the Pediatric
47 Cardiac Advisory Council for the purpose of advising the
48 department on the delivery of cardiac services to children.

49 (b) The chair of the council shall be elected from among
50 the council members every 2 years and may not serve more than
51 two consecutive terms.

52 (c) The council shall meet upon the call of the chair or

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53 two or more voting members or upon the call of the State Surgeon
54 General but must meet at least quarterly. Council meetings must
55 be conducted by teleconference or through other electronic means
56 when feasible.

57 (d) The council shall be composed of no more than 13
58 voting members with technical expertise in cardiac medicine.
59 Members shall be appointed by the State Surgeon General for
60 staggered terms of 4 years. An employee of the department or a
61 contracted consultant paid by the department may not serve as an
62 appointed member or ex officio member of the council. Council
63 members shall include the following voting members:

64 1. Pediatric cardiologists or pediatric cardiovascular
65 surgeons who have been nominated by their respective chief
66 executive officers and approved by the State Surgeon General
67 from the following facilities for as long as such facilities
68 maintain their pediatric certificates of need:

- 69 a. All Children's Hospital in St. Petersburg;
70 b. Arnold Palmer Hospital for Children in Orlando;
71 c. Joe DiMaggio Children's Hospital in Hollywood;
72 d. Nicklaus Children's Hospital in Miami;
73 e. St. Joseph's Children's Hospital in Tampa;
74 f. University of Florida Health Shands Hospital in
75 Gainesville;
76 g. University of Miami Holtz Children's Hospital in Miami;
77 and
78 h. Wolfson Children's Hospital in Jacksonville.

79
80 The voting privilege of a hospital specified in this
81 subparagraph shall be suspended if it no longer meets state and
82 national standards as adopted by the council. Such hospital
83 shall remain a member of the council in an advisory capacity but
84 shall relinquish voting privileges until such standards are met.
85 A hospital with a new or existing certificate of need for a
86 pediatric cardiac program that meets state and national
87 standards, after appropriate approval following an onsite visit
88 by a panel from the council, shall be added to the council as a
89 new voting member.

90 2. Two physicians at large, not associated with a facility
91 represented in subparagraph 1., who are pediatric cardiologists
92 or subspecialists with special expertise or experience in
93 dealing with children or adults with congenital heart disease.
94 These physicians shall be selected by the State Surgeon General
95 in consultation with the Deputy Secretary for Children's Medical
96 Services and the Director of Children's Medical Services.

97 3. One community physician who has special interest and
98 ongoing involvement in children with heart disease and who is
99 not associated with a facility represented in subparagraph 1.,
100 or one community-based medical internist having experience with
101 adults with congenital heart disease. The community physician
102 shall be selected by the State Surgeon General in consultation
103 with the Deputy Secretary of Children's Medical Services and the
104 Director of the Division of Children's Medical Services.

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105 (e) The State Surgeon General may appoint nonvoting
106 advisory members to the council in consultation with the Deputy
107 Secretary for Children's Medical Services and the Director of
108 Children's Medical Services. Such members may participate in
109 council discussions and subcommittees created by the council but
110 may not vote.

111 (f) The duties of the council include, but are not limited
112 to:

113 1. Recommending standards for personnel, diagnoses,
114 clinics, and facilities rendering cardiac services to the
115 department and the Division of Children's Medical Services.

116 2. Analyzing reports on the periodic review of cardiac
117 personnel, diagnoses, clinics, and facilities to determine
118 whether established state and national standards for cardiac
119 services are met.

120 3. Making recommendations to the Director of Children's
121 Medical Services as to the approval or disapproval of reviewed
122 cardiac care personnel, diagnoses, clinics, and facilities.

123 4. Making recommendations as to the intervals for
124 reinspection of approved personnel, diagnoses, clinics, and
125 facilities for cardiac care.

126 5. Reviewing and inspecting hospitals upon the request of
127 the hospitals or the Agency for Health Care Administration to
128 determine whether established state and national standards for
129 cardiac services are met.

130 6. Providing input on all aspects of the state's

131 Children's Medical Services cardiac programs, including
132 rulemaking.

133 7. Addressing all components of the care of adults and
134 children with congenital heart disease and children with
135 acquired heart disease, as indicated and appropriate.

136 8. Abiding by the recognized state and national
137 professional standards of care for children with heart disease.

138 9. Making recommendations to the State Surgeon General for
139 legislation and appropriations for children's cardiac services.

140 10. Providing advisory opinions to the Agency for Health
141 Care Administration before the agency approves a certificate of
142 need for children's cardiac services.

143 (g) A council member shall serve without compensation but
144 is entitled to reimbursement for per diem and travel expenses in
145 accordance with s. 112.061.

146 (h) At the recommendation of the Pediatric Cardiac
147 Advisory Council and with the approval of the Director of
148 Children's Medical Services, the State Surgeon General shall
149 designate facilities meeting the council's approved state and
150 national professional standards of care for children with heart
151 disease as Pediatric and Congenital Cardiovascular Centers of
152 Excellence. The designation is withdrawn automatically if a
153 particular center no longer meets such standards.

154 1. The council shall develop and recommend to the State
155 Surgeon General measurable performance standards and goals for
156 determining whether a facility meets the requirements for

157 designation as a Pediatric and Congenital Cardiovascular Center
158 of Excellence.

159 2. The council shall develop and recommend to the State
160 Surgeon General evaluation tools for measuring the goals and
161 performance standards of the facilities seeking and receiving
162 the Pediatric and Congenital Cardiovascular Center of Excellence
163 designation.

164 (3) ANNUAL REPORT.—The council shall submit an annual
165 report to the Governor, the President of the Senate, the Speaker
166 of the House of Representatives, and the State Surgeon General
167 by January 1 of each year, beginning in 2017. The report must
168 summarize the council's activities during the previous fiscal
169 year and recommend any changes that would increase its
170 effectiveness in monitoring the pediatric cardiovascular
171 programs in the state.

172 (4) RULEMAKING.—The department, in coordination with the
173 Agency for Health Care Administration, shall develop rules
174 related to pediatric cardiac facilities. The department may
175 adopt rules relating to the establishment, operations, and
176 authority of the Pediatric Cardiac Advisory Council and the
177 establishment, goals, performance standards, and evaluation
178 tools for designating facilities as Pediatric and Congenital
179 Cardiovascular Centers of Excellence.

180 (5) TRANSPARENCY.—The Legislature is committed to
181 transparency regarding all aspects of the state's pediatric
182 cardiovascular programs, including the reporting of such outcome

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183 measures as surgical morbidity and mortality. To ensure such
184 transparency, the Department of Health and the Agency for Health
185 Care Administration are directed to contract with national data
186 analysis organizations, including the Society of Thoracic
187 Surgeons (STS) and the American College of Cardiology (ACC), to
188 obtain access to such data. However, the Department of Health
189 and the Agency for Health Care Administration may not obtain
190 access to such data without the express written consent of each
191 pediatric cardiovascular facility involved, including consent to
192 publicly report such data. The national data analysis
193 organization shall provide the contractual format for the data
194 collection and reporting.

195 (6) APPLICABILITY.—This section is intended to clarify
196 existing law, is remedial in nature, and shall apply
197 retroactively to rules already in existence without regard to
198 the date such rules were adopted.

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