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## SETTING THE RECORD STRAIGHT

*CNN publishes inaccurate story*



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**Tallahassee, Fla.** — Yesterday, CNN published an inaccurate article regarding the Florida Department of Health and pediatric cardiac standards. The department's number one priority is the health of all Floridians, especially children, and we fully support best practices and high standards of care at Florida's hospitals. Florida's health care professionals are held to high standards of care by both state regulations and professional associations.

The department's position was upheld in December by Administrative Law Judge John G. Van Laningham who stated in his final order: "The notion, therefore, that every facility in the CMS network would suddenly stop providing quality pediatric cardiac services immediately upon the repeal of the standards rests on pure speculation ---and is a little insulting to the health care professionals who personally deliver those services."

The impetus for the rule change was a lack of statutory authority. As an executive branch agency, the department's authority is limited to those functions statutorily delegated by the Legislature. In the case of the rule 64C-4.003, standards related to operation of pediatric cardiac programs, the department has not been given the necessary legislative authority to conduct these activities – inspect records, facilities or personnel; establish standards that hospitals with a pediatric cardiac program meet; or enforce standards should a hospital fall below such standards.

**CLAIM:** The state of Florida is putting thousands of children with heart defects at risk, a group of cardiac doctors say, because of a change in policy that came after Tenet Healthcare contributed \$200,000 to Florida Republicans. Less than two months later, the state decided to get rid of those standards.

### FACTS:

- No children were impacted by this rule change because the department has not had statutory authority to enforce standards since 2001.
- The department is committed to ensuring children with special health care needs have access to the services they need.
- We fully support best practices and high standards of care at Florida's hospitals, which are regulated by the Agency for Health Care Administration.
- The department appreciates the collaborative work of the pediatric cardiac surgeons who created the standards and looks forward to using those standards in more appropriate ways to ensure that all pediatric cardiac surgery programs in Florida provide top-quality health care for the children they serve.

**CLAIM:** In 2014, Jacobs headed up the review by the state's expert panel that showed many vital tests and services for children's hearts were lacking at St. Mary's Medical Center in West Palm Beach. He wrote that the Tenet-owned hospital was not able to maintain proficiency in heart operations on children. Jacobs recommended the hospital stop performing heart surgery on babies younger than 6 months. Legally, the hospital could ignore his suggestion -- and it did. The state did not step in.

**FACTS:**

- The recommendations provided by the Cardiac Technical Advisory Panel (CTAP) are not enforceable due to the department's lack of statutory authority, which is why the rule was recommended for repeal.
- The department does not have authority to inspect records, facilities or personnel; establish standards that hospitals with a pediatric cardiac program meet; or enforce standards should a hospital fall below such standards.

**CLAIM:** In July, the state announced it would repeal hospital standards for children's heart surgery. Doctors who care for children with congenital heart disease say they're suspicious about the timing, about two months after CNN's report showing St. Mary's failed to meet those state standards.

**FACTS:**

- In 2001, the Legislature repealed the statute authorizing the existence of a cardiac committee. The department has worked with pediatric cardiologists to find solutions that are consistent with legal authority and create an environment where the highest quality care is given to children.
- The CTAP rules were no longer within the confines of the department's authority and since then, department representatives have worked with CTAP members to ensure children receive the highest quality care possible.
- It is the department's responsibility to operate within the confines of the law and ensure that children with special health care needs receive high quality services.

The department is confident that Florida's health care professionals and hospitals will continue to strive to deliver the best care possible to children.

**About the Florida Department of Health**

The department works to protect, promote and improve the health of all people in Florida through integrated state, county and community efforts.

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