

1 A bill to be entitled

2 An act relating to recovery care services; amending s.
3 395.001, F.S.; providing legislative intent regarding
4 recovery care centers; amending s. 395.002, F.S.;
5 revising and providing definitions; amending s.
6 395.003, F.S.; including recovery care centers as
7 facilities licensed under chapter 395, F.S.; creating
8 s. 395.0171, F.S.; providing admission criteria for a
9 recovery care center; requiring emergency care,
10 transfer, and discharge protocols; authorizing the
11 Agency for Health Care Administration to adopt rules;
12 amending s. 395.1055, F.S.; authorizing the agency to
13 establish separate standards for the care and
14 treatment of patients in recovery care centers;
15 amending s. 395.10973, F.S.; directing the agency to
16 enforce special-occupancy provisions of the Florida
17 Building Code applicable to recovery care centers;
18 amending s. 395.301, F.S.; providing for format and
19 content of a patient bill from a recovery care center;
20 amending s. 408.802, F.S.; providing applicability of
21 the Health Care Licensing Procedures Act to recovery
22 care centers; amending s. 408.820, F.S.; exempting
23 recovery care centers from specified minimum licensure
24 requirements; amending ss. 394.4787, 409.97, and
25 409.975, F.S.; conforming cross-references; providing
26 for construction of the act in pari materia with laws

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27 enacted during the 2015 Regular Session of the
28 Legislature; providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

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32 Section 1. Section 395.001, Florida Statutes, is amended
33 to read:

34 395.001 Legislative intent.—It is the intent of the
35 Legislature to provide for the protection of public health and
36 safety in the establishment, construction, maintenance, and
37 operation of hospitals, ambulatory surgical centers, recovery
38 care centers, and mobile surgical facilities by providing for
39 licensure of same and for the development, establishment, and
40 enforcement of minimum standards with respect thereto.

41 Section 2. Subsections (3), (16), and (23) of section
42 395.002, Florida Statutes, are amended, subsections (25) through
43 (33) are renumbered as subsections (27) through (35),
44 respectively, and new subsections (25) and (26) are added to
45 that section, to read:

46 395.002 Definitions.—As used in this chapter:

47 (3) "Ambulatory surgical center" or "mobile surgical
48 facility" means a facility the primary purpose of which is to
49 provide elective surgical care, in which the patient is admitted
50 to and discharged from such facility within 24 hours ~~the same~~
51 ~~working day and is not permitted to stay overnight~~, and which is
52 not part of a hospital. However, a facility existing for the

53 primary purpose of performing terminations of pregnancy, an
54 office maintained by a physician for the practice of medicine,
55 or an office maintained for the practice of dentistry shall not
56 be construed to be an ambulatory surgical center, provided that
57 any facility or office which is certified or seeks certification
58 as a Medicare ambulatory surgical center shall be licensed as an
59 ambulatory surgical center pursuant to s. 395.003. Any structure
60 or vehicle in which a physician maintains an office and
61 practices surgery, and which can appear to the public to be a
62 mobile office because the structure or vehicle operates at more
63 than one address, shall be construed to be a mobile surgical
64 facility.

65 (16) "Licensed facility" means a hospital, ambulatory
66 surgical center, recovery care center, or mobile surgical
67 facility licensed in accordance with this chapter.

68 (23) "Premises" means those buildings, beds, and equipment
69 located at the address of the licensed facility and all other
70 buildings, beds, and equipment for the provision of hospital,
71 ambulatory surgical, recovery, or mobile surgical care located
72 in such reasonable proximity to the address of the licensed
73 facility as to appear to the public to be under the dominion and
74 control of the licensee. For any licensee that is a teaching
75 hospital as defined in s. 408.07(45), reasonable proximity
76 includes any buildings, beds, services, programs, and equipment
77 under the dominion and control of the licensee that are located
78 at a site with a main address that is within 1 mile of the main

79 address of the licensed facility; and all such buildings, beds,
80 and equipment may, at the request of a licensee or applicant, be
81 included on the facility license as a single premises.

82 (25) "Recovery care center" means a facility the primary
83 purpose of which is to provide recovery care services, to which
84 a patient is admitted and discharged within 72 hours, and which
85 is not part of a hospital.

86 (26) "Recovery care services" means postsurgical and
87 postdiagnostic medical and general nursing care provided to
88 patients for whom acute care hospitalization is not required and
89 an uncomplicated recovery is reasonably expected. The term
90 includes postsurgical rehabilitation services. The term does not
91 include intensive care services, coronary care services, or
92 critical care services.

93 Section 3. Subsection (1) of section 395.003, Florida
94 Statutes, is amended to read:

95 395.003 Licensure; denial, suspension, and revocation.—

96 (1) (a) The requirements of part II of chapter 408 apply to
97 the provision of services that require licensure pursuant to ss.
98 395.001-395.1065 and part II of chapter 408 and to entities
99 licensed by or applying for such licensure from the Agency for
100 Health Care Administration pursuant to ss. 395.001-395.1065. A
101 license issued by the agency is required in order to operate a
102 hospital, ambulatory surgical center, recovery care center, or
103 mobile surgical facility in this state.

104 (b)1. It is unlawful for a person to use or advertise to

105 the public, in any way or by any medium whatsoever, any facility
 106 as a "hospital," "ambulatory surgical center," "recovery care
 107 center," or "mobile surgical facility" unless such facility has
 108 first secured a license under the provisions of this part.

109 2. This part does not apply to veterinary hospitals or to
 110 commercial business establishments using the word "hospital,"
 111 "ambulatory surgical center," "recovery care center," or "mobile
 112 surgical facility" as a part of a trade name if no treatment of
 113 human beings is performed on the premises of such
 114 establishments.

115 (c) Until July 1, 2006, additional emergency departments
 116 located off the premises of licensed hospitals may not be
 117 authorized by the agency.

118 Section 4. Section 395.0171, Florida Statutes, is created
 119 to read:

120 395.0171 Recovery care center admissions; emergency and
 121 transfer protocols; discharge planning and protocols.-

122 (1) Admissions to a recovery care center shall be
 123 restricted to patients who need recovery care services.

124 (2) Each patient must be certified by his or her attending
 125 or referring physician or by a physician on staff at the
 126 facility as medically stable and not in need of acute care
 127 hospitalization before admission.

128 (3) A patient may be admitted for recovery care services
 129 upon discharge from a hospital or an ambulatory surgery center.
 130 A patient may also be admitted postdiagnosis and posttreatment

131 for recovery care services.

132 (4) A recovery care center must have emergency care and
133 transfer protocols, including transportation arrangements, and
134 referral or admission agreements with at least one hospital.

135 (5) A recovery care center must have procedures for
136 discharge planning and discharge protocols.

137 (6) The agency may adopt rules to implement this section.

138 Section 5. Subsections (2) and (8) of section 395.1055,
139 Florida Statutes, are amended, and subsection (10) is added to
140 that section, to read:

141 395.1055 Rules and enforcement.—

142 (2) Separate standards may be provided for general and
143 specialty hospitals, ambulatory surgical centers, recovery care
144 centers, mobile surgical facilities, and statutory rural
145 hospitals as defined in s. 395.602.

146 (8) The agency may not adopt any rule governing the
147 design, construction, erection, alteration, modification,
148 repair, or demolition of any public or private hospital,
149 intermediate residential treatment facility, recovery care
150 center, or ambulatory surgical center. It is the intent of the
151 Legislature to preempt that function to the Florida Building
152 Commission and the State Fire Marshal through adoption and
153 maintenance of the Florida Building Code and the Florida Fire
154 Prevention Code. However, the agency shall provide technical
155 assistance to the commission and the State Fire Marshal in
156 updating the construction standards of the Florida Building Code

157 and the Florida Fire Prevention Code which govern hospitals,
158 intermediate residential treatment facilities, recovery care
159 centers, and ambulatory surgical centers.

160 (10) The agency shall adopt rules for recovery care
161 centers which include fair and reasonable minimum standards for
162 ensuring that recovery care centers have:

163 (a) A dietetic department, service, or other similarly
164 titled unit, either on the premises or under contract, which
165 shall be organized, directed, and staffed to ensure the
166 provision of appropriate nutritional care and quality food
167 service.

168 (b) Procedures to ensure the proper administration of
169 medications. Such procedures shall address the prescribing,
170 ordering, preparing, and dispensing of medications and
171 appropriate monitoring of the effects of such medications on the
172 patient.

173 (c) A pharmacy, pharmaceutical department, or
174 pharmaceutical service, or similarly titled unit, on the
175 premises or under contract.

176 Section 6. Subsection (8) of section 395.10973, Florida
177 Statutes, is amended to read:

178 395.10973 Powers and duties of the agency.—It is the
179 function of the agency to:

180 (8) Enforce the special-occupancy provisions of the
181 Florida Building Code which apply to hospitals, intermediate
182 residential treatment facilities, recovery care centers, and

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183 ambulatory surgical centers in conducting any inspection
184 authorized by this chapter and part II of chapter 408.

185 Section 7. Subsection (3) of section 395.301, Florida
186 Statutes, is amended to read:

187 395.301 Itemized patient bill; form and content prescribed
188 by the agency.—

189 (3) On each itemized statement submitted pursuant to
190 subsection (1) there shall appear the words "A FOR-PROFIT (or
191 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL
192 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF
193 FLORIDA" or substantially similar words sufficient to identify
194 clearly and plainly the ownership status of the licensed
195 facility. Each itemized statement must prominently display the
196 phone number of the medical facility's patient liaison who is
197 responsible for expediting the resolution of any billing dispute
198 between the patient, or his or her representative, and the
199 billing department.

200 Section 8. Subsection (30) is added to section 408.802,
201 Florida Statutes, to read:

202 408.802 Applicability.—The provisions of this part apply
203 to the provision of services that require licensure as defined
204 in this part and to the following entities licensed, registered,
205 or certified by the agency, as described in chapters 112, 383,
206 390, 394, 395, 400, 429, 440, 483, and 765:

207 (30) Recovery care centers, as provided under part I of
208 chapter 395.

209 Section 9. Subsection (29) is added to section 408.820,
 210 Florida Statutes, to read:

211 408.820 Exemptions.—Except as prescribed in authorizing
 212 statutes, the following exemptions shall apply to specified
 213 requirements of this part:

214 (29) Recovery care centers, as provided under part I of
 215 chapter 395, are exempt from s. 408.810(7)-(10).

216 Section 10. Subsection (7) of section 394.4787, Florida
 217 Statutes, is amended to read:

218 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
 219 and 394.4789.—As used in this section and ss. 394.4786,
 220 394.4788, and 394.4789:

221 (7) "Specialty psychiatric hospital" means a hospital
 222 licensed by the agency pursuant to s. 395.002(30) ~~395.002(28)~~
 223 and part II of chapter 408 as a specialty psychiatric hospital.

224 Section 11. Paragraph (a) of subsection (4) of section
 225 409.97, Florida Statutes, is amended to read:

226 409.97 State and local Medicaid partnerships.—

227 (4) HOSPITAL RATE DISTRIBUTION.—

228 (a) The agency is authorized to implement a tiered
 229 hospital rate system to enhance Medicaid payments to all
 230 hospitals when resources for the tiered rates are available from
 231 general revenue and such contributions pursuant to subsection
 232 (1) as are authorized under the General Appropriations Act.

233 1. Tier 1 hospitals are statutory rural hospitals as
 234 defined in s. 395.602, statutory teaching hospitals as defined

235 in s. 408.07(45), and specialty children's hospitals as defined
 236 in s. 395.002(30) ~~395.002(28)~~.

237 2. Tier 2 hospitals are community hospitals not included
 238 in Tier 1 that provided more than 9 percent of the hospital's
 239 total inpatient days to Medicaid patients and charity patients,
 240 as defined in s. 409.911, and are located in the jurisdiction of
 241 a local funding source pursuant to subsection (1).

242 3. Tier 3 hospitals include all community hospitals.

243 Section 12. Paragraph (b) of subsection (1) of section
 244 409.975, Florida Statutes, is amended to read:

245 409.975 Managed care plan accountability.—In addition to
 246 the requirements of s. 409.967, plans and providers
 247 participating in the managed medical assistance program shall
 248 comply with the requirements of this section.

249 (1) PROVIDER NETWORKS.—Managed care plans must develop and
 250 maintain provider networks that meet the medical needs of their
 251 enrollees in accordance with standards established pursuant to
 252 s. 409.967(2)(c). Except as provided in this section, managed
 253 care plans may limit the providers in their networks based on
 254 credentials, quality indicators, and price.

255 (b) Certain providers are statewide resources and
 256 essential providers for all managed care plans in all regions.
 257 All managed care plans must include these essential providers in
 258 their networks. Statewide essential providers include:

- 259 1. Faculty plans of Florida medical schools.
- 260 2. Regional perinatal intensive care centers as defined in

261 s. 383.16(2).

262 3. Hospitals licensed as specialty children's hospitals as
263 defined in s. 395.002(30) ~~395.002(28)~~.

264 4. Accredited and integrated systems serving medically
265 complex children that are comprised of separately licensed, but
266 commonly owned, health care providers delivering at least the
267 following services: medical group home, in-home and outpatient
268 nursing care and therapies, pharmacy services, durable medical
269 equipment, and Prescribed Pediatric Extended Care.

270

271 Managed care plans that have not contracted with all statewide
272 essential providers in all regions as of the first date of
273 recipient enrollment must continue to negotiate in good faith.
274 Payments to physicians on the faculty of nonparticipating
275 Florida medical schools shall be made at the applicable Medicaid
276 rate. Payments for services rendered by regional perinatal
277 intensive care centers shall be made at the applicable Medicaid
278 rate as of the first day of the contract between the agency and
279 the plan. Payments to nonparticipating specialty children's
280 hospitals shall equal the highest rate established by contract
281 between that provider and any other Medicaid managed care plan.

282 Section 13. If any law amended by this act was also
283 amended by a law enacted during the 2015 Regular Session of the
284 Legislature, such laws shall be construed as if enacted during
285 the same session of the Legislature, and full effect shall be
286 given to each if possible.

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Section 14. This act shall take effect July 1, 2015.