

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

HB 23A

2015A

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

29  
30 Be It Enacted by the Legislature of the State of Florida:

31  
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

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.

HB 23A

2015A

287

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