

By the Committee on Criminal Justice and Senator Bronson

307-1971-98

1 A bill to be entitled
2 An act relating to mobile surgical facilities;
3 amending s. 395.001, F.S.; providing
4 legislative intent; amending s. 395.002, F.S.;
5 defining the term "mobile surgical facility";
6 revising definitions; including "mobile
7 surgical facility" within the definition of
8 "ambulatory surgical center" and "licensed
9 facility"; amending s. 395.003, F.S.; requiring
10 the licensure of mobile surgical facilities
11 under ch. 395, F.S.; amending s. 395.004, F.S.;
12 requiring a license fee upon application for
13 licensure as a mobile surgical facility;
14 amending s. 395.161, F.S.; requiring
15 inspections of such facilities when a facility
16 is moved to a new location; amending s.
17 395.0163, F.S.; providing that required agency
18 inspections of mobile surgical facilities apply
19 at initial licensure and each time a facility
20 is moved to a new location; amending s.
21 395.1055, F.S.; authorizing the establishment
22 of separate standards for mobile surgical
23 facilities; amending s. 408.036, F.S.;
24 providing an exemption from review and
25 application for certificate of need for mobile
26 surgical facilities; providing an effective
27 date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 395.001, Florida Statutes, is
2 amended to read:

3 395.001 Legislative intent.--It is the intent of the
4 Legislature to provide for the protection of public health and
5 safety in the establishment, construction, maintenance, and
6 operation of hospitals,~~and~~ ambulatory surgical centers, and
7 mobile surgical facilities by providing for licensure of same
8 and for the development, establishment, and enforcement of
9 minimum standards with respect thereto.

10 Section 2. Subsections (4) and (17) of section
11 395.002, Florida Statutes, are amended, present subsection
12 (21) of that section is redesignated as subsection (22),
13 present subsection (22) of that section is redesignated as
14 subsection (23) and amended, present subsections (23) through
15 (31) of that section are redesignated as subsections (24)
16 through (32), respectively, and a new subsection (21) is added
17 to that section to read:

18 395.002 Definitions.--As used in this chapter:

19 (4) "Ambulatory surgical center" or "mobile surgical
20 facility"means a facility the primary purpose of which is to
21 provide elective surgical care, in which the patient is
22 admitted to and discharged from such facility within the same
23 working day and is not permitted to stay overnight, and which
24 is not part of a hospital. However, a facility existing for
25 the primary purpose of performing terminations of pregnancy,
26 an office maintained by a physician for the practice of
27 medicine, or an office maintained for the practice of
28 dentistry shall not be construed to be an ambulatory surgical
29 center, provided that any facility or office which is
30 certified or seeks certification as a Medicare ambulatory
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1 surgical center shall be licensed as an ambulatory surgical
2 center pursuant to s. 395.003.

3 (17) "Licensed facility" means a hospital,or
4 ambulatory surgical center, or mobile surgical facility
5 licensed in accordance with this chapter.

6 (21) "Mobile surgical facility" is a mobile facility
7 in which licensed health care professionals provide elective
8 surgical care under contract with the Department of
9 Corrections or a private correctional facility operating
10 pursuant to chapter 957 and in which inmate patients are
11 admitted to and discharged from the facility within the same
12 working day and are not permitted to stay overnight. Any
13 structure or vehicle in which a physician maintains his or her
14 office and practices surgery and which can appear to the
15 public to be a mobile office because the structure or vehicle
16 operates at more than one address shall be construed to be a
17 mobile surgical facility.

18 (23)~~(22)~~ "Premises" means those buildings, beds, and
19 equipment located at the address of the licensed facility and
20 all other buildings, beds, and equipment for the provision of
21 hospital,or ambulatory surgical care, or mobile surgical care
22 located in such reasonable proximity to the address of the
23 licensed facility as to appear to the public to be under the
24 dominion and control of the licensee.

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

27 395.003 Licensure; issuance, renewal, denial, and
28 revocation.--

29 (1)(a) No person shall establish, conduct, or maintain
30 a hospital,or ambulatory surgical center, or mobile surgical
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1 facility in this state without first obtaining a license under
2 this part.

3 (b)1. It is unlawful for any person to use or
4 advertise to the public, in any way or by any medium
5 whatsoever, any facility as a "hospital," ~~or~~ "ambulatory
6 surgical center," or "mobile surgical facility" unless such
7 facility has first secured a license under the provisions of
8 this part.

9 2. Nothing in this part applies to veterinary
10 hospitals or to commercial business establishments using the
11 word "hospital," ~~or~~ "ambulatory surgical center," or "mobile
12 surgical facility" as a part of a trade name if no treatment
13 of human beings is performed on the premises of such
14 establishments.

15 Section 4. Section 395.004, Florida Statutes, is
16 amended to read:

17 395.004 Application for license, disposition of fees;
18 expenses.--

19 (1) An application for a license or renewal thereof
20 shall be made under oath to the agency, upon forms provided by
21 it, and shall contain such information as the agency
22 reasonably requires, which may include affirmative evidence of
23 ability to comply with applicable laws and rules.

24 (2) Each application for a general hospital license,
25 specialty hospital license, ~~or~~ ambulatory surgical center
26 license, or mobile surgical facility license, or renewal
27 thereof, shall be accompanied by a license fee, in accordance
28 with the following schedule:

29 (a) The biennial license, provisional license, and
30 license renewal fee required of a facility licensed under this
31 part shall be reasonably calculated to cover the cost of

1 regulation under this part and shall be established by rule at
2 the rate of not less than \$9.50 per hospital bed, nor more
3 than \$30 per hospital bed, except that the minimum license fee
4 shall be \$1,500 and the total fees collected from all licensed
5 facilities may not exceed the cost of properly carrying out
6 the provisions of this part.

7 (b) Such fees shall be paid to the agency and shall be
8 deposited in the Planning and Regulation Trust Fund of the
9 agency, which is hereby created, for the sole purpose of
10 carrying out the provisions of this part.

11 Section 5. Paragraph (f) is added to subsection (1) of
12 section 395.0161, Florida Statutes, to read:

13 395.0161 Licensure inspection.--

14 (1) The agency shall make or cause to be made such
15 inspections and investigations as it deems necessary,
16 including:

17 (f) Inspections of mobile surgical facilities at each
18 time a facility establishes a new location, prior to the
19 admission of patients.

20 Section 6. Subsection (3) is added to section
21 395.0163, Florida Statutes, to read:

22 395.0163 Construction inspections; plan submission and
23 approval; fees.--

24 (3) The agency shall inspect a mobile surgical
25 facility at initial licensure and at each time the facility
26 establishes a new location, prior to admission of patients.

27 Section 7. Subsection (2) of section 395.1055, Florida
28 Statutes, is amended to read:

29 395.1055 Rules and enforcement.--

30 (2) Separate standards may be provided for general and
31 specialty hospitals, ambulatory surgical centers, mobile

1 surgical facilities,and statutory rural hospitals as defined
2 in s. 395.602.

3 Section 8. Paragraph (o) is added to subsection (3) of
4 section 408.036, Florida Statutes, to read:

5 408.036 Projects subject to review.--

6 (3) EXEMPTIONS.--Upon request, supported by such
7 documentation as the agency requires, the agency shall grant
8 an exemption from the provisions of subsection (1):

9 (o) For any expenditure to provide mobile surgical
10 facilities and related health care services under contract
11 with the Department of Corrections or a private correctional
12 facility operating pursuant to chapter 957.

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14 A request for exemption under this subsection may be made at
15 any time and is not subject to the batching requirements of
16 this section.

17 Section 9. This act shall take effect upon becoming a
18 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1728

- . Subjects mobile surgical facilities to be regulated under chapter 395, F.S.
- . Includes "mobile surgical facilities" in the definitions of "ambulatory surgical center," "licensed facility," and "premises."
- . Creates a definition for "mobile surgical facility."
- . Requires licensure inspections of mobile surgical facilities at each time a facility establishes a new location.
- . Authorizes the Agency for Health Care Administration to establish and enforce separate standards for mobile surgical facilities.
- . Exempts mobile surgical facilities from review by the agency and from applying for a certificate of need.
- . Makes the CS effective upon becoming law.