

1 A bill to be entitled
 2 An act relating to Critical Access Hospitals; amending s.
 3 395.002, F.S.; revising the definition of "hospital" to
 4 provide an exception with regard to facilities offered by
 5 a Critical Access Hospital; correcting a cross reference;
 6 amending s. 408.07, F.S.; defining the term "Critical
 7 Access Hospital"; revising the definition of "rural
 8 hospital"; amending ss. 395.003, 408.061, 458.345, and
 9 459.021, F.S.; correcting cross references; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsections (13) and (24) of section 395.002,
 15 Florida Statutes, are amended to read:

16 395.002 Definitions.--As used in this chapter:

17 (13) "Hospital" means any establishment that:

18 (a) Offers services more intensive than those required for
 19 room, board, personal services, and general nursing care, and
 20 offers facilities and beds for use beyond 24 hours by
 21 individuals requiring diagnosis, treatment, or care for illness,
 22 injury, deformity, infirmity, abnormality, disease, or
 23 pregnancy. ~~;~~ ~~and~~

24 (b) Regularly makes available at least clinical laboratory
 25 services, diagnostic X-ray services, and treatment facilities
 26 for surgery or obstetrical care, or other definitive medical
 27 treatment of similar extent, except that a Critical Access
 28 Hospital, as defined in s. 408.07, shall not be required to make

29 available treatment facilities for surgery, obstetrical care, or
 30 similar services as long as it maintains its Critical Access
 31 Hospital designation and shall be required to make such
 32 facilities available only if it ceases to be designated as a
 33 Critical Access Hospital.

34
 35 However, the provisions of this chapter do not apply to any
 36 institution conducted by or for the adherents of any well-
 37 recognized church or religious denomination that depends
 38 exclusively upon prayer or spiritual means to heal, care for, or
 39 treat any person. For purposes of local zoning matters, the term
 40 "hospital" includes a medical office building located on the
 41 same premises as a hospital facility, provided the land on which
 42 the medical office building is constructed is zoned for use as a
 43 hospital; provided the premises were zoned for hospital purposes
 44 on January 1, 1992.

45 (24) "Premises" means those buildings, beds, and equipment
 46 located at the address of the licensed facility and all other
 47 buildings, beds, and equipment for the provision of hospital,
 48 ambulatory surgical, or mobile surgical care located in such
 49 reasonable proximity to the address of the licensed facility as
 50 to appear to the public to be under the dominion and control of
 51 the licensee. For any licensee that is a teaching hospital as
 52 defined in s. 408.07 ~~(45)~~(44), reasonable proximity includes any
 53 buildings, beds, services, programs, and equipment under the
 54 dominion and control of the licensee that are located at a site
 55 with a main address that is within 1 mile of the main address of
 56 the licensed facility; and all such buildings, beds, and

57 equipment may, at the request of a licensee or applicant, be
 58 included on the facility license as a single premises.

59 Section 2. Subsections (15) through (44) of section
 60 408.07, Florida Statutes, are renumbered as subsections (16)
 61 through (45), respectively, paragraph (e) of subsection (42) is
 62 amended, and a new subsection (15) is added to said section, to
 63 read:

64 408.07 Definitions.--As used in this chapter, with the
 65 exception of ss. 408.031-408.045, the term:

66 (15) "Critical Access Hospital" means a hospital that
 67 meets the definition of "critical access hospital" in s.
 68 1861(mm)(1) of the Social Security Act and that is certified by
 69 the Secretary of Health and Human Services as a critical access
 70 hospital.

71 ~~(43)(42)~~ "Rural hospital" means an acute care hospital
 72 licensed under chapter 395, having 100 or fewer licensed beds
 73 and an emergency room, and which is:

74 (e) ~~A hospital designated as a Critical Access Hospital by~~
 75 ~~the Department of Health in accordance with federal regulations~~
 76 ~~and state requirements.~~

77
 78 Population densities used in this subsection must be based upon
 79 the most recently completed United States census. A hospital
 80 that received funds under s. 409.9116 for a quarter beginning no
 81 later than July 1, 2002, is deemed to have been and shall
 82 continue to be a rural hospital from that date through June 30,
 83 2012, if the hospital continues to have 100 or fewer licensed
 84 beds and an emergency room, or meets the criteria of s.

85 395.602(2)(e)4. An acute care hospital that has not previously
 86 been designated as a rural hospital and that meets the criteria
 87 of this subsection shall be granted such designation upon
 88 application, including supporting documentation, to the Agency
 89 for Health Care Administration.

90 Section 3. Paragraph (e) of subsection (2) of section
 91 395.003, Florida Statutes, is amended to read:

92 395.003 Licensure; issuance, renewal, denial,
 93 modification, suspension, and revocation.--

94 (2)

95 (e) The agency shall, at the request of a licensee that is
 96 a teaching hospital as defined in s. 408.07(45)~~(44)~~, issue a
 97 single license to a licensee for facilities that have been
 98 previously licensed as separate premises, provided such
 99 separately licensed facilities, taken together, constitute the
 100 same premises as defined in s. 395.002(24). Such license for the
 101 single premises shall include all of the beds, services, and
 102 programs that were previously included on the licenses for the
 103 separate premises. The granting of a single license under this
 104 paragraph shall not in any manner reduce the number of beds,
 105 services, or programs operated by the licensee.

106 Section 4. Subsection (4) of section 408.061, Florida
 107 Statutes, is amended to read:

108 408.061 Data collection; uniform systems of financial
 109 reporting; information relating to physician charges;
 110 confidential information; immunity.--

111 (4) Within 120 days after the end of its fiscal year, each
 112 health care facility, excluding continuing care facilities and

113 nursing homes as defined in s. 408.07(14) and (37)~~(36)~~, shall
 114 file with the agency, on forms adopted by the agency and based
 115 on the uniform system of financial reporting, its actual
 116 financial experience for that fiscal year, including
 117 expenditures, revenues, and statistical measures. Such data may
 118 be based on internal financial reports which are certified to be
 119 complete and accurate by the provider. However, hospitals'
 120 actual financial experience shall be their audited actual
 121 experience. Every nursing home shall submit to the agency, in a
 122 format designated by the agency, a statistical profile of the
 123 nursing home residents. The agency, in conjunction with the
 124 Department of Elderly Affairs and the Department of Health,
 125 shall review these statistical profiles and develop
 126 recommendations for the types of residents who might more
 127 appropriately be placed in their homes or other noninstitutional
 128 settings.

129 Section 5. Subsection (1) of section 458.345, Florida
 130 Statutes, is amended to read:

131 458.345 Registration of resident physicians, interns, and
 132 fellows; list of hospital employees; prescribing of medicinal
 133 drugs; penalty.--

134 (1) Any person desiring to practice as a resident
 135 physician, assistant resident physician, house physician,
 136 intern, or fellow in fellowship training which leads to
 137 subspecialty board certification in this state, or any person
 138 desiring to practice as a resident physician, assistant resident
 139 physician, house physician, intern, or fellow in fellowship
 140 training in a teaching hospital in this state as defined in s.

HB 0763

2005

141 408.07~~(45)~~(44) or s. 395.805(2), who does not hold a valid,
 142 active license issued under this chapter shall apply to the
 143 department to be registered and shall remit a fee not to exceed
 144 \$300 as set by the board. The department shall register any
 145 applicant the board certifies has met the following
 146 requirements:

- 147 (a) Is at least 21 years of age.
- 148 (b) Has not committed any act or offense within or without
 149 the state which would constitute the basis for refusal to
 150 certify an application for licensure pursuant to s. 458.331.
- 151 (c) Is a graduate of a medical school or college as
 152 specified in s. 458.311(1)(f).

153 Section 6. Subsection (1) of section 459.021, Florida
 154 Statutes, is amended to read:

155 459.021 Registration of resident physicians, interns, and
 156 fellows; list of hospital employees; penalty.--

- 157 (1) Any person who holds a degree of Doctor of Osteopathic
 158 Medicine from a college of osteopathic medicine recognized and
 159 approved by the American Osteopathic Association who desires to
 160 practice as a resident physician, assistant resident physician,
 161 house physician, intern, or fellow in fellowship training which
 162 leads to subspecialty board certification in this state, or any
 163 person desiring to practice as a resident physician, assistant
 164 resident physician, house physician, intern, or fellow in
 165 fellowship training in a teaching hospital in this state as
 166 defined in s. 408.07~~(45)~~(44) or s. 395.805(2), who does not hold
 167 an active license issued under this chapter shall apply to the
 168 department to be registered, on an application provided by the

HB 0763

2005

169 | department, within 30 days of commencing such a training program
170 | and shall remit a fee not to exceed \$300 as set by the board.

171 | Section 7. This act shall take effect July 1, 2005.