

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to critical access hospitals; amending s.  
7 395.002, F.S.; revising the definition of "hospital" to  
8 provide an exception with regard to facilities offered by  
9 a critical access hospital; revising the definition of  
10 "intensive residential treatment programs for children and  
11 adolescents" to include additional accrediting  
12 organizations for purposes of licensure of such programs;  
13 correcting a cross reference; amending s. 395.003, F.S.;  
14 extending the moratorium on approving additional emergency  
15 departments located off the premises of licensed  
16 hospitals; providing for additional accrediting  
17 organizations for purposes of licensure of intensive  
18 residential treatment programs; correcting a cross  
19 reference; amending s. 395.602, F.S.; revising the  
20 definition of "rural hospital" to conform to changes made  
21 by the act; amending s. 408.07, F.S.; defining the term  
22 "critical access hospital"; revising the definition of  
23 "rural hospital"; amending ss. 408.061, 458.345, and

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24 459.021, F.S.; conforming cross references; providing an  
25 effective date.

26

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

28

29 Section 1. Subsections (13), (16), and (24) of section  
30 395.002, Florida Statutes, are amended to read:

31 395.002 Definitions.--As used in this chapter:

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

33 (a) Offers services more intensive than those required for  
34 room, board, personal services, and general nursing care, and  
35 offers facilities and beds for use beyond 24 hours by  
36 individuals requiring diagnosis, treatment, or care for illness,  
37 injury, deformity, infirmity, abnormality, disease, or  
38 pregnancy; and

39 (b) Regularly makes available at least clinical laboratory  
40 services, diagnostic X-ray services, and treatment facilities  
41 for surgery or obstetrical care, or other definitive medical  
42 treatment of similar extent, except that a critical access  
43 hospital, as defined in s. 408.07, shall not be required to make  
44 available treatment facilities for surgery, obstetrical care, or  
45 similar services as long as it maintains its critical access  
46 hospital designation and shall be required to make such  
47 facilities available only if it ceases to be designated as a  
48 critical access hospital.

49

50 However, the provisions of this chapter do not apply to any  
51 institution conducted by or for the adherents of any well-

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52 | recognized church or religious denomination that depends  
 53 | exclusively upon prayer or spiritual means to heal, care for, or  
 54 | treat any person. For purposes of local zoning matters, the term  
 55 | "hospital" includes a medical office building located on the  
 56 | same premises as a hospital facility, provided the land on which  
 57 | the medical office building is constructed is zoned for use as a  
 58 | hospital; provided the premises were zoned for hospital purposes  
 59 | on January 1, 1992.

60 |       (16) "Intensive residential treatment programs for  
 61 | children and adolescents" means a specialty hospital accredited  
 62 | by an accrediting organization as defined in subsection (1) ~~the~~  
 63 | ~~Joint Commission on Accreditation of Healthcare Organizations~~  
 64 | which provides 24-hour care and which has the primary functions  
 65 | of diagnosis and treatment of patients under the age of 18  
 66 | having psychiatric disorders in order to restore such patients  
 67 | to an optimal level of functioning.

68 |       (24) "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, or mobile surgical care located in such  
 72 | reasonable proximity to the address of the licensed facility as  
 73 | to appear to the public to be under the dominion and control of  
 74 | the licensee. For any licensee that is a teaching hospital as  
 75 | defined in s. 408.07(45)~~(44)~~, reasonable proximity includes any  
 76 | buildings, beds, services, programs, and equipment under the  
 77 | dominion and control of the licensee that are located at a site  
 78 | with a main address that is within 1 mile of the main address of  
 79 | the licensed facility; and all such buildings, beds, and

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

82 Section 2. Paragraph (b) of subsection (1) and paragraphs  
83 (e) and (f) of subsection (2) of section 395.003, Florida  
84 Statutes, are amended to read:

85 395.003 Licensure; issuance, renewal, denial,  
86 modification, suspension, and revocation.--

87 (1)

88 (b)1. It is unlawful for a person to use or advertise to  
89 the public, in any way or by any medium whatsoever, any facility  
90 as a "hospital," "ambulatory surgical center," or "mobile  
91 surgical facility" unless such facility has first secured a  
92 license under the provisions of this part.

93 2. This part does not apply to veterinary hospitals or to  
94 commercial business establishments using the word "hospital,"  
95 "ambulatory surgical center," or "mobile surgical facility" as a  
96 part of a trade name if no treatment of human beings is  
97 performed on the premises of such establishments.

98 ~~3. By December 31, 2004, the agency shall submit a report~~  
99 ~~to the President of the Senate and the Speaker of the House of~~  
100 ~~Representatives recommending whether it is in the public~~  
101 ~~interest to allow a hospital to license or operate an emergency~~  
102 ~~department located off the premises of the hospital. If the~~  
103 ~~agency finds it to be in the public interest, the report shall~~  
104 ~~also recommend licensure criteria for such medical facilities,~~  
105 ~~including criteria related to quality of care and, if deemed~~  
106 ~~necessary, the elimination of the possibility of confusion~~  
107 ~~related to the service capabilities of such facility in~~

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108 ~~comparison to the service capabilities of an emergency~~  
 109 ~~department located on the premises of the hospital.~~ Until July  
 110 1, 2006 ~~2005~~, additional emergency departments located off the  
 111 premises of licensed hospitals may not be authorized by the  
 112 agency.

113 (2)

114 (e) The agency shall, at the request of a licensee that is  
 115 a teaching hospital as defined in s. 408.07~~(45)~~~~(44)~~, issue a  
 116 single license to a licensee for facilities that have been  
 117 previously licensed as separate premises, provided such  
 118 separately licensed facilities, taken together, constitute the  
 119 same premises as defined in s. 395.002(24). Such license for the  
 120 single premises shall include all of the beds, services, and  
 121 programs that were previously included on the licenses for the  
 122 separate premises. The granting of a single license under this  
 123 paragraph shall not in any manner reduce the number of beds,  
 124 services, or programs operated by the licensee.

125 (f) Intensive residential treatment programs for children  
 126 and adolescents which have received accreditation from an  
 127 accrediting organization as defined in s. 395.002(1) ~~the Joint~~  
 128 ~~Commission on Accreditation of Healthcare Organizations~~ and  
 129 which meet the minimum standards developed by rule of the agency  
 130 for such programs shall be licensed by the agency under this  
 131 part.

132 Section 3. Paragraph (e) of subsection (2) of section  
 133 395.602, Florida Statutes, is amended to read:

134 395.602 Rural hospitals.--

135 (2) DEFINITIONS.--As used in this part:

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136 (e) "Rural hospital" means an acute care hospital licensed  
137 under this chapter, having 100 or fewer licensed beds and an  
138 emergency room, which is:

139 1. The sole provider within a county with a population  
140 density of no greater than 100 persons per square mile;

141 2. An acute care hospital, in a county with a population  
142 density of no greater than 100 persons per square mile, which is  
143 at least 30 minutes of travel time, on normally traveled roads  
144 under normal traffic conditions, from any other acute care  
145 hospital within the same county;

146 3. A hospital supported by a tax district or subdistrict  
147 whose boundaries encompass a population of 100 persons or fewer  
148 per square mile;

149 4. A hospital in a constitutional charter county with a  
150 population of over 1 million persons that has imposed a local  
151 option health service tax pursuant to law and in an area that  
152 was directly impacted by a catastrophic event on August 24,  
153 1992, for which the Governor of Florida declared a state of  
154 emergency pursuant to chapter 125, and has 120 beds or less that  
155 serves an agricultural community with an emergency room  
156 utilization of no less than 20,000 visits and a Medicaid  
157 inpatient utilization rate greater than 15 percent;

158 5. A hospital with a service area that has a population of  
159 100 persons or fewer per square mile. As used in this  
160 subparagraph, the term "service area" means the fewest number of  
161 zip codes that account for 75 percent of the hospital's  
162 discharges for the most recent 5-year period, based on  
163 information available from the hospital inpatient discharge

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164 database in the State Center for Health Statistics at the Agency  
165 for Health Care Administration; or

166 6. A hospital designated as a critical access hospital, as  
167 defined in s. 408.07(15) ~~by the Department of Health in~~  
168 ~~accordance with federal regulations and state requirements.~~

169  
170 Population densities used in this paragraph must be based upon  
171 the most recently completed United States census. A hospital  
172 that received funds under s. 409.9116 for a quarter beginning no  
173 later than July 1, 2002, is deemed to have been and shall  
174 continue to be a rural hospital from that date through June 30,  
175 2012, if the hospital continues to have 100 or fewer licensed  
176 beds and an emergency room, or meets the criteria of  
177 subparagraph 4. An acute care hospital that has not previously  
178 been designated as a rural hospital and that meets the criteria  
179 of this paragraph shall be granted such designation upon  
180 application, including supporting documentation to the Agency  
181 for Health Care Administration.

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

184 408.061 Data collection; uniform systems of financial  
185 reporting; information relating to physician charges;  
186 confidential information; immunity.--

187 (4) Within 120 days after the end of its fiscal year, each  
188 health care facility, excluding continuing care facilities and  
189 nursing homes as defined in s. 408.07(14) and (37)~~(36)~~, shall  
190 file with the agency, on forms adopted by the agency and based  
191 on the uniform system of financial reporting, its actual

192 financial experience for that fiscal year, including  
 193 expenditures, revenues, and statistical measures. Such data may  
 194 be based on internal financial reports which are certified to be  
 195 complete and accurate by the provider. However, hospitals'  
 196 actual financial experience shall be their audited actual  
 197 experience. Every nursing home shall submit to the agency, in a  
 198 format designated by the agency, a statistical profile of the  
 199 nursing home residents. The agency, in conjunction with the  
 200 Department of Elderly Affairs and the Department of Health,  
 201 shall review these statistical profiles and develop  
 202 recommendations for the types of residents who might more  
 203 appropriately be placed in their homes or other noninstitutional  
 204 settings.

205 Section 5. Subsections (15) through (44) of section  
 206 408.07, Florida Statutes, are renumbered as subsections (16)  
 207 through (45), respectively, paragraph (e) of subsection (42) is  
 208 amended, and a new subsection (15) is added to said section, to  
 209 read:

210 408.07 Definitions.--As used in this chapter, with the  
 211 exception of ss. 408.031-408.045, the term:

212 (15) "Critical access hospital" means a hospital that  
 213 meets the definition of "critical access hospital" in s.  
 214 1861(mm)(1) of the Social Security Act and that is certified by  
 215 the Secretary of Health and Human Services as a critical access  
 216 hospital.

217 ~~(43)(42)~~ "Rural hospital" means an acute care hospital  
 218 licensed under chapter 395, having 100 or fewer licensed beds  
 219 and an emergency room, and which is:



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220           (e) A ~~hospital designated as a~~ critical access hospital ~~by~~  
221 ~~the Department of Health in accordance with federal regulations~~  
222 ~~and state requirements.~~

223  
224 Population densities used in this subsection must be based upon  
225 the most recently completed United States census. A hospital  
226 that received funds under s. 409.9116 for a quarter beginning no  
227 later than July 1, 2002, is deemed to have been and shall  
228 continue to be a rural hospital from that date through June 30,  
229 2012, if the hospital continues to have 100 or fewer licensed  
230 beds and an emergency room, or meets the criteria of s.

231 395.602(2)(e)4. An acute care hospital that has not previously  
232 been designated as a rural hospital and that meets the criteria  
233 of this subsection shall be granted such designation upon  
234 application, including supporting documentation, to the Agency  
235 for Health Care Administration.

236           Section 6. Subsection (1) of section 458.345, Florida  
237 Statutes, is amended to read:

238           458.345 Registration of resident physicians, interns, and  
239 fellows; list of hospital employees; prescribing of medicinal  
240 drugs; penalty.--

241           (1) Any person desiring to practice as a resident  
242 physician, assistant resident physician, house physician,  
243 intern, or fellow in fellowship training which leads to  
244 subspecialty board certification in this state, or any person  
245 desiring to practice as a resident physician, assistant resident  
246 physician, house physician, intern, or fellow in fellowship  
247 training in a teaching hospital in this state as defined in s.

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248 | 408.07(45)(~~44~~) or s. 395.805(2), who does not hold a valid,  
 249 | active license issued under this chapter shall apply to the  
 250 | department to be registered and shall remit a fee not to exceed  
 251 | \$300 as set by the board. The department shall register any  
 252 | applicant the board certifies has met the following  
 253 | requirements:

254 |       (a) Is at least 21 years of age.

255 |       (b) Has not committed any act or offense within or without  
 256 | the state which would constitute the basis for refusal to  
 257 | certify an application for licensure pursuant to s. 458.331.

258 |       (c) Is a graduate of a medical school or college as  
 259 | specified in s. 458.311(1)(f).

260 |       Section 7. Subsection (1) of section 459.021, Florida  
 261 | Statutes, is amended to read:

262 |       459.021 Registration of resident physicians, interns, and  
 263 | fellows; list of hospital employees; penalty.--

264 |       (1) Any person who holds a degree of Doctor of Osteopathic  
 265 | Medicine from a college of osteopathic medicine recognized and  
 266 | approved by the American Osteopathic Association who desires to  
 267 | practice as a resident physician, assistant resident physician,  
 268 | house physician, intern, or fellow in fellowship training which  
 269 | leads to subspecialty board certification in this state, or any  
 270 | person desiring to practice as a resident physician, assistant  
 271 | resident physician, house physician, intern, or fellow in  
 272 | fellowship training in a teaching hospital in this state as  
 273 | defined in s. 408.07(45)(~~44~~) or s. 395.805(2), who does not hold  
 274 | an active license issued under this chapter shall apply to the  
 275 | department to be registered, on an application provided by the

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

278 |         Section 8. This act shall take effect July 1, 2005.