

## ENROLLED

HB 763, Engrossed 1

2005 Legislature

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; revising the definition of  
6 "intensive residential treatment programs for children and  
7 adolescents" to include additional accrediting  
8 organizations for purposes of licensure of such programs;  
9 correcting a cross reference; amending s. 395.003, F.S.;  
10 extending the moratorium on approving additional emergency  
11 departments located off the premises of licensed  
12 hospitals; providing for additional accrediting  
13 organizations for purposes of licensure of intensive  
14 residential treatment programs; correcting a cross  
15 reference; amending s. 395.602, F.S.; revising the  
16 definition of "rural hospital" to conform to changes made  
17 by the act; amending s. 408.07, F.S.; defining the term  
18 "critical access hospital"; revising the definition of  
19 "rural hospital"; amending ss. 408.061, 458.345, and  
20 459.021, F.S.; conforming cross references; providing an  
21 effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsections (13), (16), and (24) of section  
26 395.002, Florida Statutes, are amended to read:

27 395.002 Definitions.--As used in this chapter:

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

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

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

45  
46 However, the provisions of this chapter do not apply to any  
47 institution conducted by or for the adherents of any well-  
48 recognized church or religious denomination that depends  
49 exclusively upon prayer or spiritual means to heal, care for, or  
50 treat any person. For purposes of local zoning matters, the term  
51 "hospital" includes a medical office building located on the  
52 same premises as a hospital facility, provided the land on which  
53 the medical office building is constructed is zoned for use as a  
54 hospital; provided the premises were zoned for hospital purposes  
55 on January 1, 1992.

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

64 (24) "Premises" means those buildings, beds, and equipment  
 65 located at the address of the licensed facility and all other  
 66 buildings, beds, and equipment for the provision of hospital,  
 67 ambulatory surgical, or mobile surgical care located in such  
 68 reasonable proximity to the address of the licensed facility as  
 69 to appear to the public to be under the dominion and control of  
 70 the licensee. For any licensee that is a teaching hospital as  
 71 defined in s. 408.07(45)~~(44)~~, reasonable proximity includes any  
 72 buildings, beds, services, programs, and equipment under the  
 73 dominion and control of the licensee that are located at a site  
 74 with a main address that is within 1 mile of the main address of  
 75 the licensed facility; and all such buildings, beds, and  
 76 equipment may, at the request of a licensee or applicant, be  
 77 included on the facility license as a single premises.

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

81 395.003 Licensure; issuance, renewal, denial,  
 82 modification, suspension, and revocation.--

83 (1)

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

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

94 3. ~~By December 31, 2004, the agency shall submit a report~~  
95 ~~to the President of the Senate and the Speaker of the House of~~  
96 ~~Representatives recommending whether it is in the public~~  
97 ~~interest to allow a hospital to license or operate an emergency~~  
98 ~~department located off the premises of the hospital. If the~~  
99 ~~agency finds it to be in the public interest, the report shall~~  
100 ~~also recommend licensure criteria for such medical facilities,~~  
101 ~~including criteria related to quality of care and, if deemed~~  
102 ~~necessary, the elimination of the possibility of confusion~~  
103 ~~related to the service capabilities of such facility in~~  
104 ~~comparison to the service capabilities of an emergency~~  
105 ~~department located on the premises of the hospital. Until July~~  
106 ~~1, 2006 2005, additional emergency departments located off the~~  
107 ~~premises of licensed hospitals may not be authorized by the~~  
108 ~~agency.~~

109 (2)

110 (e) The agency shall, at the request of a licensee that is  
111 a teaching hospital as defined in s. 408.07 (45) ~~(44)~~, issue a

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112 single license to a licensee for facilities that have been  
 113 previously licensed as separate premises, provided such  
 114 separately licensed facilities, taken together, constitute the  
 115 same premises as defined in s. 395.002(24). Such license for the  
 116 single premises shall include all of the beds, services, and  
 117 programs that were previously included on the licenses for the  
 118 separate premises. The granting of a single license under this  
 119 paragraph shall not in any manner reduce the number of beds,  
 120 services, or programs operated by the licensee.

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

128 Section 3. Paragraph (e) of subsection (2) of section  
 129 395.602, Florida Statutes, is amended to read:

130 395.602 Rural hospitals.--

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

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

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

137 2. An acute care hospital, in a county with a population  
 138 density of no greater than 100 persons per square mile, which is  
 139 at least 30 minutes of travel time, on normally traveled roads

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140 | under normal traffic conditions, from any other acute care  
 141 | hospital within the same county;

142 |         3. A hospital supported by a tax district or subdistrict  
 143 | whose boundaries encompass a population of 100 persons or fewer  
 144 | per square mile;

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

154 |         5. A hospital with a service area that has a population of  
 155 | 100 persons or fewer per square mile. As used in this  
 156 | subparagraph, the term "service area" means the fewest number of  
 157 | zip codes that account for 75 percent of the hospital's  
 158 | discharges for the most recent 5-year period, based on  
 159 | information available from the hospital inpatient discharge  
 160 | database in the State Center for Health Statistics at the Agency  
 161 | for Health Care Administration; or

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

165 |  
 166 | Population densities used in this paragraph must be based upon  
 167 | the most recently completed United States census. A hospital

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

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

180 408.061 Data collection; uniform systems of financial  
 181 reporting; information relating to physician charges;  
 182 confidential information; immunity.--

183 (4) Within 120 days after the end of its fiscal year, each  
 184 health care facility, excluding continuing care facilities and  
 185 nursing homes as defined in s. 408.07(14) and (37)~~(36)~~, shall  
 186 file with the agency, on forms adopted by the agency and based  
 187 on the uniform system of financial reporting, its actual  
 188 financial experience for that fiscal year, including  
 189 expenditures, revenues, and statistical measures. Such data may  
 190 be based on internal financial reports which are certified to be  
 191 complete and accurate by the provider. However, hospitals'  
 192 actual financial experience shall be their audited actual  
 193 experience. Every nursing home shall submit to the agency, in a  
 194 format designated by the agency, a statistical profile of the  
 195 nursing home residents. The agency, in conjunction with the

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196 Department of Elderly Affairs and the Department of Health,  
 197 shall review these statistical profiles and develop  
 198 recommendations for the types of residents who might more  
 199 appropriately be placed in their homes or other noninstitutional  
 200 settings.

201 Section 5. Subsections (15) through (44) of section  
 202 408.07, Florida Statutes, are renumbered as subsections (16)  
 203 through (45), respectively, paragraph (e) of subsection (42) is  
 204 amended, and a new subsection (15) is added to said section, to  
 205 read:

206 408.07 Definitions.--As used in this chapter, with the  
 207 exception of ss. 408.031-408.045, the term:

208 (15) "Critical access hospital" means a hospital that  
 209 meets the definition of "critical access hospital" in s.  
 210 1861(mm)(1) of the Social Security Act and that is certified by  
 211 the Secretary of Health and Human Services as a critical access  
 212 hospital.

213 ~~(43)(42)~~ "Rural hospital" means an acute care hospital  
 214 licensed under chapter 395, having 100 or fewer licensed beds  
 215 and an emergency room, and which is:

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

219  
 220 Population densities used in this subsection must be based upon  
 221 the most recently completed United States census. A hospital  
 222 that received funds under s. 409.9116 for a quarter beginning no  
 223 later than July 1, 2002, is deemed to have been and shall



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224 continue to be a rural hospital from that date through June 30,  
 225 2012, if the hospital continues to have 100 or fewer licensed  
 226 beds and an emergency room, or meets the criteria of s.  
 227 395.602(2)(e)4. An acute care hospital that has not previously  
 228 been designated as a rural hospital and that meets the criteria  
 229 of this subsection shall be granted such designation upon  
 230 application, including supporting documentation, to the Agency  
 231 for Health Care Administration.

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

234 458.345 Registration of resident physicians, interns, and  
 235 fellows; list of hospital employees; prescribing of medicinal  
 236 drugs; penalty.--

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

244 408.07 (45) ~~(44)~~ or s. 395.805(2), who does not hold a valid,  
 245 active license issued under this chapter shall apply to the  
 246 department to be registered and shall remit a fee not to exceed  
 247 \$300 as set by the board. The department shall register any  
 248 applicant the board certifies has met the following  
 249 requirements:

250 (a) Is at least 21 years of age.

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

254 (c) Is a graduate of a medical school or college as  
255 specified in s. 458.311(1)(f).

256 Section 7. Subsection (1) of section 459.021, Florida  
257 Statutes, is amended to read:

258 459.021 Registration of resident physicians, interns, and  
259 fellows; list of hospital employees; penalty.--

260 (1) Any person who holds a degree of Doctor of Osteopathic  
261 Medicine from a college of osteopathic medicine recognized and  
262 approved by the American Osteopathic Association who desires to  
263 practice as a resident physician, assistant resident physician,  
264 house physician, intern, or fellow in fellowship training which  
265 leads to subspecialty board certification in this state, or any  
266 person desiring to practice as a resident physician, assistant  
267 resident physician, house physician, intern, or fellow in  
268 fellowship training in a teaching hospital in this state as  
269 defined in s. 408.07 (45) ~~(44)~~ or s. 395.805(2), who does not hold  
270 an active license issued under this chapter shall apply to the  
271 department to be registered, on an application provided by the  
272 department, within 30 days of commencing such a training program  
273 and shall remit a fee not to exceed \$300 as set by the board.

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