

By the Committee on Health Care; and Senator Peaden

587-2088-06

1 A bill to be entitled
2 An act relating to hospitals; amending s.
3 395.003, F.S.; prohibiting licensing of
4 additional emergency departments located off
5 the premises of licensed hospitals until the
6 Agency for Health Care Administration adopts
7 rules; amending s. 395.1055, F.S.; requiring
8 the agency to adopt rules by a specified date
9 to establish licensure standards for emergency
10 departments located off the premises of a
11 licensed hospital; requiring the rules to
12 address certain topics; amending s. 400.9905,
13 F.S.; exempting certain entities that provide
14 specified services in facilities licensed under
15 ch. 395, F.S., from requirements to be licensed
16 as a health care clinic; providing an effective
17 date.

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

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21 Section 1. Subsection (1) of section 395.003, Florida
22 Statutes, is amended to read:

23 395.003 Licensure; issuance, renewal, denial,
24 modification, suspension, and revocation.--

25 (1)(a) A person may not establish, conduct, or
26 maintain a hospital, ambulatory surgical center, or mobile
27 surgical facility in this state without first obtaining a
28 license under this part.

29 (b)1. It is unlawful for a person to use or advertise
30 to the public, in any way or by any medium whatsoever, any
31 facility as a "hospital," "ambulatory surgical center," or

1 "mobile surgical facility" unless such facility has first
2 secured a license under the provisions of this part.

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

8 3. ~~Until July 1, 2006,~~ Additional emergency
9 departments located off the premises of licensed hospitals may
10 not be authorized by the agency until the agency has adopted
11 rules required under s. 395.1055(9).

12 Section 2. Subsection (9) is added to section
13 395.1055, Florida Statutes, to read:

14 395.1055 Rules and enforcement.--

15 (9) The agency shall adopt rules no later than January
16 1, 2007, which establish licensure standards for emergency
17 departments located off the premises of a licensed hospital.

18 The rules must:

19 (a) Include minimum criteria for patient care and
20 safety, quality improvement, infection control, building
21 design and construction, and location.

22 (b) Require the hospital to maintain an emergency
23 department on its premises which is licensed and operated in
24 accordance with agency rules.

25 (c) Specify that an emergency department located off
26 the premises of a licensed hospital which was authorized prior
27 to the adoption of rules shall continue to operate in
28 accordance with the licensure criteria under which it was
29 originally authorized.

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1 Section 3. Paragraph (i) of subsection (4) of section
2 400.9905, Florida Statutes, is amended, and paragraph (k) is
3 added to that subsection, to read:

4 400.9905 Definitions.--

5 (4) "Clinic" means an entity at which health care
6 services are provided to individuals and which tenders charges
7 for reimbursement for such services, including a mobile clinic
8 and a portable equipment provider. For purposes of this part,
9 the term does not include and the licensure requirements of
10 this part do not apply to:

11 (i) Entities that provide ~~only~~ oncology or radiation
12 therapy services by physicians licensed under chapter 458 or
13 chapter 459 which are owned by a corporation whose shares are
14 publicly traded on a registered stock exchange.

15 (k) Entities that provide licensed practitioners to
16 staff emergency departments or to provide anesthesia services
17 to facilities licensed under chapter 395 and which derive at
18 least 90 percent of their gross annual revenues from the
19 provision of such services. Entities claiming exemption from
20 licensure under this paragraph shall provide documentation
21 demonstrating compliance.

22 Section 4. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1846

4 The committee substitute:

- 5 -- Prohibits the Agency for Health Care Administration from
6 authorizing additional emergency departments located off
7 the premises of licensed hospitals until the agency has
8 adopted rules to establish licensure standards.
- 9 -- Requires the agency to adopt rules no later than January
10 1, 2007, establishing licensure standards for emergency
11 departments located off the premises of a licensed
12 hospital and specifies the content of the rules.
- 13 -- Provides that the term "clinic" and the "Health Care
14 Clinic Act" do not apply to any entity that provides
15 licensed practitioners to staff emergency departments or
16 deliver anesthesia services to facilities licensed under
17 chapter 395, F.S., which derives at least 90 percent of
18 its gross annual revenues from these services. These
19 entities must provide to the agency documentation
20 demonstrating compliance. Also, these terms do not apply
21 to entities that provide oncology or radiation therapy
22 services, which are owned by a corporation whose shares
23 are publicly traded on a registered stock exchange.