

1                                   A bill to be entitled  
 2           An act relating to emergency services; amending s.  
 3           395.1041, F.S.; providing for hospitals to apply for a  
 4           license to operate off-premises emergency departments;  
 5           providing licensure criteria; providing an effective date.

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

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 9           Section 1. Subsection (8) is added to section 395.1041,  
 10 Florida Statutes, to read:

11           395.1041 Access to emergency services and care.--

12           (8) OFF-PREMISES EMERGENCY DEPARTMENTS.--A hospital may  
 13 apply for a license to operate an emergency department at a  
 14 location off the hospital's premises provided that the  
 15 application complies with all of the requirements of this  
 16 subsection. An off-premises emergency department must provide  
 17 emergency services and care for any emergency medical condition  
 18 that is within the service capability of the hospital seeking a  
 19 license for an off-premises emergency department. Criteria for  
 20 licensure of off-premises emergency departments are as follows:

21           (a) In a county with a population of 200,000 or more, an  
 22 off-premises emergency department may not be located within a  
 23 15-mile radius of the nearest licensed class 1 general hospital.  
 24 In a county with a population of less than 200,000, an off-  
 25 premises emergency department may not be located within a 25-  
 26 mile radius of the nearest licensed class 1 general hospital.  
 27 The distance requirements of this paragraph shall be determined  
 28 as of the date of initial licensure of the off-premises

29 emergency department and shall not be applicable to any off-  
30 premises emergency department licensed prior to July 1, 2007.

31 (b) Patients may be transported from an off-premises  
32 emergency department to the premises of the hospital that holds  
33 the off-premises emergency department license for inpatient care  
34 only after a physician determines that the patient requires  
35 inpatient admission. The off-premises emergency department must  
36 ensure that the same types of medical specialists as are  
37 available on the premises of the hospital are available to  
38 consult with patients at the off-premises emergency department.

39 (c) An off-premises emergency department must have a  
40 written agreement with emergency medical services providers for  
41 the transfer of patients in need of emergency care. The  
42 Department of Health shall develop and implement protocols for  
43 emergency medical services providers to follow when transporting  
44 patients to an off-premises emergency department and from an  
45 off-premises emergency department to the most appropriate  
46 hospital, without regard to whether that hospital holds the off-  
47 premises emergency department license. The Department of Health  
48 shall develop and implement protocols to ensure that emergency  
49 medical services providers transport persons experiencing ST  
50 segment elevation myocardial infarctions to the nearest  
51 appropriate hospital, without regard to whether that hospital  
52 holds the off-premises emergency department license.

53 (d) An off-premises emergency department must have a  
54 written agreement with an acute care hospital located within 1  
55 hour's drive time that has agreed to accept the transfer of  
56 patients in need of emergency medical services that are not

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57 within the service capability of the off-premises emergency  
58 department or its licensed acute care hospital. The transfer  
59 agreement must specify the medical services to which the  
60 transfer agreement applies and contain a transfer protocol  
61 executed by the off-premises emergency department and the  
62 receiving hospital.

63 (e) An off-premises emergency department must be  
64 supervised at all times by a physician who is a member of the  
65 hospital's medical staff and who is board certified by the  
66 American College of Emergency Physicians.

67 (f) An off-premises emergency department must treat all  
68 patients with emergency medical conditions without regard for  
69 their ability to pay.

70 (g) An off-premises emergency department must comply with  
71 rules adopted that govern emergency care.

72 (h) An off-premises emergency department must be  
73 accredited by the Joint Commission on the Accreditation of  
74 Healthcare Organizations or an equivalent credentialing body.

75 (i) An off-premises emergency department must meet all  
76 physical plant requirements, including electrical and mechanical  
77 requirements, of an onsite emergency department as specified in  
78 the Florida Building Code, as amended. These facilities must  
79 also meet the requirements for Definitive Emergency Care, as  
80 described in the Guidelines for the Design and Construction of  
81 Hospitals and Health Care Facilities, 2001, incorporated by  
82 reference in section 419.2.1.2 of the Florida Building Code, as  
83 amended.

84 Section 2. This act shall take effect July 1, 2007.