

1                   A bill to be entitled  
 2           An act relating to hospitals; amending s. 395.003, F.S.;  
 3           providing for a hospital to apply for a license to operate  
 4           an off-premises emergency department; providing for the  
 5           Agency for Health Care Administration to approve the  
 6           license, contingent upon compliance with specified  
 7           criteria; authorizing certain off-premises emergency  
 8           departments to operate in accordance with licensure  
 9           criteria in effect at the time of approval; providing  
 10          conditions under which an off-premises emergency  
 11          department is subject to licensure criteria in effect  
 12          before July 1, 2007; providing an effective date.

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

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

18           395.003 Licensure; issuance, renewal, denial,  
 19   modification, suspension, and revocation.--

20           (1) (a) A person may not establish, conduct, or maintain a  
 21   hospital, ambulatory surgical center, or mobile surgical  
 22   facility in this state without first obtaining a license under  
 23   this part.

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

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

34           ~~3. Until July 1, 2006, additional emergency departments~~  
35 ~~located off the premises of licensed hospitals may not be~~  
36 ~~authorized by the agency.~~

37           (c) A hospital may apply for a license to operate an  
38 emergency department at a location off the hospital's premises,  
39 and the agency shall approve such license, if the hospital  
40 complies with all of the following criteria:

41           1. The off-premises emergency department must provide  
42 emergency services and care for any emergency medical condition  
43 that is within the service capability of the hospital seeking  
44 the license.

45           2. The off-premises emergency department must ensure that  
46 the same types of medical specialists who are available to the  
47 hospital seeking the license are available for consultations  
48 with patients of the off-premises emergency department.

49           3. The licenseholder must provide for the transport of  
50 patients between the off-premises emergency department and its  
51 licensed hospital consistent with chapter 401. The department  
52 shall determine whether statewide transport and transfer  
53 protocols should be developed with respect to off-premises  
54 emergency departments and shall report its findings to the  
55 Governor, the President of the Senate, and the Speaker of the  
56 House of Representatives by January 31, 2008.

57        4. The off-premises emergency department must be directed  
58 by a designated physician who is a member of the organized  
59 medical staff.

60        5. The off-premises emergency department must treat all  
61 patients who have an emergency medical condition without regard  
62 to ability to pay.

63        6. The off-premises emergency departments must comply with  
64 all adopted rules governing emergency care.

65        7. If the main hospital is accredited, the off-premises  
66 emergency department must be accredited by the same accrediting  
67 organization.

68        8. The off-premises emergency department must meet all  
69 physical plant requirements, including electrical,  
70 architectural, and mechanical requirements, of an onsite  
71 emergency department as specified in the Florida Building Code.  
72 The facility must also meet the requirements for Definitive  
73 Emergency Care, as described in the Guidelines for the Design  
74 and Construction of Health Care Facilities, 2006 edition,  
75 incorporated by reference in section 419.2.1.2 of the Florida  
76 Building Code.

77        Section 2. An off-premises emergency department of a  
78 hospital operating as of July 1, 2007, may continue to operate  
79 in accordance with the licensure criteria under which it was  
80 originally approved by the Agency for Health Care  
81 Administration. A hospital that has received a letter of  
82 nonreviewability from the agency for an off-premises emergency  
83 department that has had Stage 2 architectural plans approved by

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2007

84 July 1, 2007, is subject to the licensure criteria in existence  
85 before July 1, 2007.

86 Section 3. This act shall take effect July 1, 2007.