

By Senator Dawson

29-1800-07

1 A bill to be entitled
2 An act relating to off-premises emergency
3 departments; amending s. 395.1041, F.S.;
4 authorizing hospitals to apply to the Agency
5 for Health Care Administration for a license to
6 operate an off-premises emergency department;
7 requiring an off-premises emergency department
8 to provide emergency services and care;
9 providing requirements for the licensing of an
10 off-premises emergency department; providing
11 for future expiration of the provisions of the
12 act; providing an effective date.

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

16 Section 1. Subsection (8) is added to section
17 395.1041, Florida Statutes, to read:

18 395.1041 Access to emergency services and care.--

19 (8) OFF-PREMISES EMERGENCY DEPARTMENTS.--A hospital
20 may apply for a license to operate an emergency department at
21 a location off the hospital's premises if such application
22 complies with all of the requirements of this subsection. An
23 off-premises emergency department must provide emergency
24 services and care for any emergency medical condition that is
25 within the service capability of the hospital seeking a
26 license for an off-premises emergency department. An
27 off-premises emergency department must meet the following
28 requirements for licensure:

29 (a) In counties having a population of 200,000 or
30 more, an off-premises emergency department may not be located
31 within a 15-mile radius of the nearest licensed Class I

1 general hospital. In counties of fewer than 200,000 persons,
2 an off-premises emergency department may not be located within
3 a 25-mile radius of the nearest Class I general hospital.

4 (b) A patient may be transported from the off-premises
5 emergency department to the premises of the hospital that
6 holds the off-premises emergency department license for
7 inpatient care only after a physician determines that the
8 patient requires inpatient admission. The off-premises
9 emergency department must ensure that the same types of
10 medical specialities which are available on the premises of
11 the hospital are available to treat patients at the
12 off-premises emergency department within 30 minutes after
13 being called for a consultation, 24 hours per day, 7 days per
14 week. Any patient whose medical condition requires specialty
15 medical care must receive a physical examination by a
16 physician credentialed to practice such medical specialty at
17 the off-premises emergency department.

18 (c) An off-premises emergency department must have
19 written agreements with providers for emergency medical
20 service for the transfer of patients in need of emergency
21 care.

22 (d) An off-premises emergency department must have a
23 written agreement with an acute care hospital within 1-hour
24 drive time which has agreed to accept the transfer of patients
25 in need of emergency medical services that are not within the
26 emergency service capability of the off-premises emergency
27 department or its licensed acute care hospital. The transfer
28 agreement must specify the medical services to which the
29 transfer agreement applies and contain a transfer protocol
30 executed by the off-premises emergency department and
31 receiving hospital.

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

5 (f) An off-premises emergency department must treat
6 all patients who have an emergency medical condition without
7 regard for ability to pay.

8 (g) An off-premises emergency department must comply
9 with all adopted rules governing emergency care.

10 (h) An off-premises emergency department must be
11 accredited by the Joint Commission on the Accreditation of
12 Health Care Organizations, or an equivalent credentialing
13 body.

14 (i) Nursing care at an off-premises emergency
15 department shall be supervised by a registered nurse who has
16 clinical training and experience in emergency care, and direct
17 nursing care shall be provided by registered nurses.

18 (j) An off-premises emergency department must meet all
19 physical plant requirements, including electrical and
20 mechanical, of an onsite emergency department as specified in
21 the Florida Building Code, as amended. These facilities must
22 also meet the requirements for Definitive Emergency Care, as
23 described in the guidelines for the Design and Construction of
24 Hospitals and Health Care Facilities, 2001, edition
25 incorporated by referenced in s. 419.2.1.2 of the Florida
26 Building Code, as amended.

27 (k) This subsection expires December 31, 2009.

28 Section 2. This act shall take effect upon becoming a
29 law.

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SENATE SUMMARY

Authorizes hospitals to apply for a license to operate an off-premises emergency department. Requires an off-premises emergency department to provide emergency services and care. Provides requirements for the licensing of an off-premises emergency department. Provides for future repeal.