

1 A bill to be entitled

2 An act relating to recovery care services; amending s.
3 395.001, F.S.; providing legislative intent regarding
4 recovery care centers; amending s. 395.002, F.S.;
5 revising and providing definitions; amending s.
6 395.003, F.S.; including recovery care centers as
7 facilities licensed under chapter 395, F.S.; creating
8 s. 395.0171, F.S.; providing admission criteria for a
9 recovery care center; requiring emergency care,
10 transfer, and discharge protocols; authorizing the
11 Agency for Health Care Administration to adopt rules;
12 amending s. 395.1055, F.S.; authorizing the agency to
13 establish separate standards for the care and
14 treatment of patients in recovery care centers;
15 amending s. 395.10973, F.S.; directing the agency to
16 enforce special-occupancy provisions of the Florida
17 Building Code applicable to recovery care centers;
18 amending s. 395.301, F.S.; providing for format and
19 content of a patient bill from a recovery care center;
20 amending s. 408.802, F.S.; providing applicability of
21 the Health Care Licensing Procedures Act to recovery
22 care centers; amending s. 408.820, F.S.; exempting
23 recovery care centers from specified minimum licensure
24 requirements; amending ss. 394.4787, 409.97, and
25 409.975, F.S.; conforming cross-references; providing
26 an effective date.

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

Section 1. Section 395.001, Florida Statutes, is amended to read:

395.001 Legislative intent.—It is the intent of the Legislature to provide for the protection of public health and safety in the establishment, construction, maintenance, and operation of hospitals, ambulatory surgical centers, recovery care centers, and mobile surgical facilities by providing for licensure of same and for the development, establishment, and enforcement of minimum standards with respect thereto.

Section 2. Subsections (25) through (33) of section 395.002, Florida Statutes, are renumbered as subsections (27) through (35), respectively, subsections (3), (16), and (23) are amended, and new subsections (25) and (26) are added to that section, to read:

395.002 Definitions.—As used in this chapter:

(3) "Ambulatory surgical center" or "mobile surgical facility" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within 24 hours ~~the same working day and is not permitted to stay overnight~~, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine,

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53 or an office maintained for the practice of dentistry shall not
54 be construed to be an ambulatory surgical center, provided that
55 any facility or office which is certified or seeks certification
56 as a Medicare ambulatory surgical center shall be licensed as an
57 ambulatory surgical center pursuant to s. 395.003. Any structure
58 or vehicle in which a physician maintains an office and
59 practices surgery, and which can appear to the public to be a
60 mobile office because the structure or vehicle operates at more
61 than one address, shall be construed to be a mobile surgical
62 facility.

63 (16) "Licensed facility" means a hospital, ambulatory
64 surgical center, recovery care center, or mobile surgical
65 facility licensed in accordance with this chapter.

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

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79 included on the facility license as a single premises.

80 (25) "Recovery care center" means a facility the primary
81 purpose of which is to provide recovery care services.

82 (26) "Recovery care services" means postsurgical and
83 postdiagnostic medical and general nursing care provided to
84 patients for whom acute care hospitalization is not required and
85 an uncomplicated recovery is reasonably expected. The term
86 includes postsurgical rehabilitation services. The term does not
87 include intensive care services, coronary care services, or
88 critical care services.

89 Section 3. Subsection (1) of section 395.003, Florida
90 Statutes, is amended to read:

91 395.003 Licensure; denial, suspension, and revocation.—

92 (1) (a) The requirements of part II of chapter 408 apply to
93 the provision of services that require licensure pursuant to ss.
94 395.001-395.1065 and part II of chapter 408 and to entities
95 licensed by or applying for such licensure from the Agency for
96 Health Care Administration pursuant to ss. 395.001-395.1065. A
97 license issued by the agency is required in order to operate a
98 hospital, ambulatory surgical center, recovery care center, or
99 mobile surgical facility in this state.

100 (b)1. It is unlawful for a person to use or advertise to
101 the public, in any way or by any medium whatsoever, any facility
102 as a "hospital," "ambulatory surgical center," "recovery care
103 center," or "mobile surgical facility" unless such facility has
104 first secured a license under the provisions of this part.

105 2. This part does not apply to veterinary hospitals or to
 106 commercial business establishments using the word "hospital,"
 107 "ambulatory surgical center," "recovery care center," or "mobile
 108 surgical facility" as a part of a trade name if no treatment of
 109 human beings is performed on the premises of such
 110 establishments.

111 (c) Until July 1, 2006, additional emergency departments
 112 located off the premises of licensed hospitals may not be
 113 authorized by the agency.

114 Section 4. Section 395.0171, Florida Statutes, is created
 115 to read:

116 395.0171 Recovery care center admissions; emergency and
 117 transfer protocols; discharge planning and protocols.—

118 (1) Admissions to a recovery care center shall be
 119 restricted to patients who need recovery care services.

120 (2) All patients must be certified by their attending or
 121 referring physician or by a physician on staff at the facility
 122 as medically stable and not in need of acute care
 123 hospitalization before admission.

124 (3) A patient may be admitted for recovery care services
 125 upon discharge from a hospital or an ambulatory surgery center.
 126 A patient may also be admitted postdiagnosis and posttreatment
 127 for recovery care services.

128 (4) A recovery care center must have emergency care and
 129 transfer protocols, including transportation arrangements, and
 130 referral or admission agreements with at least one hospital.

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131 (5) A recovery care center must have procedures for
132 discharge planning and discharge protocols.

133 (6) The agency may adopt rules to implement this
134 subsection.

135 Section 5. Subsections (2) and (8) of section 395.1055,
136 Florida Statutes, are amended, and subsection (10) is added to
137 that section, to read:

138 395.1055 Rules and enforcement.—

139 (2) Separate standards may be provided for general and
140 specialty hospitals, ambulatory surgical centers, recovery care
141 centers, mobile surgical facilities, and statutory rural
142 hospitals as defined in s. 395.602.

143 (8) The agency may not adopt any rule governing the
144 design, construction, erection, alteration, modification,
145 repair, or demolition of any public or private hospital,
146 intermediate residential treatment facility, recovery care
147 center, or ambulatory surgical center. It is the intent of the
148 Legislature to preempt that function to the Florida Building
149 Commission and the State Fire Marshal through adoption and
150 maintenance of the Florida Building Code and the Florida Fire
151 Prevention Code. However, the agency shall provide technical
152 assistance to the commission and the State Fire Marshal in
153 updating the construction standards of the Florida Building Code
154 and the Florida Fire Prevention Code which govern hospitals,
155 intermediate residential treatment facilities, recovery care
156 centers, and ambulatory surgical centers.

157 (10) The agency shall adopt rules for recovery care
 158 centers which include fair and reasonable minimum standards for
 159 ensuring that recovery care centers have:

160 (a) A dietetic department, service, or other similarly
 161 titled unit, either on the premises or under contract, which
 162 shall be organized, directed, and staffed to ensure the
 163 provision of appropriate nutritional care and quality food
 164 service.

165 (b) Procedures to ensure the proper administration of
 166 medications. Such procedures shall address the prescribing,
 167 ordering, preparing, and dispensing of medications and
 168 appropriate monitoring of the effects of such medications on the
 169 patient.

170 (c) A pharmacy, pharmaceutical department, or
 171 pharmaceutical service, or similarly titled unit, on the
 172 premises or under contract.

173 Section 6. Subsection (8) of section 395.10973, Florida
 174 Statutes, is amended to read:

175 395.10973 Powers and duties of the agency.—It is the
 176 function of the agency to:

177 (8) Enforce the special-occupancy provisions of the
 178 Florida Building Code which apply to hospitals, intermediate
 179 residential treatment facilities, recovery care centers, and
 180 ambulatory surgical centers in conducting any inspection
 181 authorized by this chapter and part II of chapter 408.

182 Section 7. Subsection (3) of section 395.301, Florida

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183 Statutes, is amended to read:

184 395.301 Itemized patient bill; form and content prescribed
185 by the agency.—

186 (3) On each itemized statement submitted pursuant to
187 subsection (1) there shall appear the words "A FOR-PROFIT (or
188 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL
189 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF
190 FLORIDA" or substantially similar words sufficient to identify
191 clearly and plainly the ownership status of the licensed
192 facility. Each itemized statement must prominently display the
193 phone number of the medical facility's patient liaison who is
194 responsible for expediting the resolution of any billing dispute
195 between the patient, or his or her representative, and the
196 billing department.

197 Section 8. Subsection (30) is added to section 408.802,
198 Florida Statutes, to read:

199 408.802 Applicability.—The provisions of this part apply
200 to the provision of services that require licensure as defined
201 in this part and to the following entities licensed, registered,
202 or certified by the agency, as described in chapters 112, 383,
203 390, 394, 395, 400, 429, 440, 483, and 765:

204 (30) Recovery care centers, as provided under part I of
205 chapter 395.

206 Section 9. Subsection (29) is added to section 408.820,
207 Florida Statutes, to read:

208 408.820 Exemptions.—Except as prescribed in authorizing

209 statutes, the following exemptions shall apply to specified
 210 requirements of this part:

211 (29) Recovery care centers, as provided under part I of
 212 chapter 395, are exempt from s. 408.810(7)-(10).

213 Section 10. Subsection (7) of section 394.4787, Florida
 214 Statutes, is amended to read:

215 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
 216 and 394.4789.—As used in this section and ss. 394.4786,
 217 394.4788, and 394.4789:

218 (7) "Specialty psychiatric hospital" means a hospital
 219 licensed by the agency pursuant to s. 395.002(30) ~~395.002(28)~~
 220 and part II of chapter 408 as a specialty psychiatric hospital.

221 Section 11. Paragraph (a) of subsection (4) of section
 222 409.97, Florida Statutes, is amended to read:

223 409.97 State and local Medicaid partnerships.—

224 (4) HOSPITAL RATE DISTRIBUTION.—

225 (a) The agency is authorized to implement a tiered
 226 hospital rate system to enhance Medicaid payments to all
 227 hospitals when resources for the tiered rates are available from
 228 general revenue and such contributions pursuant to subsection
 229 (1) as are authorized under the General Appropriations Act.

230 1. Tier 1 hospitals are statutory rural hospitals as
 231 defined in s. 395.602, statutory teaching hospitals as defined
 232 in s. 408.07(45), and specialty children's hospitals as defined
 233 in s. 395.002(30) ~~395.002(28)~~.

234 2. Tier 2 hospitals are community hospitals not included

235 in Tier 1 that provided more than 9 percent of the hospital's
 236 total inpatient days to Medicaid patients and charity patients,
 237 as defined in s. 409.911, and are located in the jurisdiction of
 238 a local funding source pursuant to subsection (1).

239 3. Tier 3 hospitals include all community hospitals.

240 Section 12. Paragraph (b) of subsection (1) of section
 241 409.975, Florida Statutes, is amended to read:

242 409.975 Managed care plan accountability.—In addition to
 243 the requirements of s. 409.967, plans and providers
 244 participating in the managed medical assistance program shall
 245 comply with the requirements of this section.

246 (1) PROVIDER NETWORKS.—Managed care plans must develop and
 247 maintain provider networks that meet the medical needs of their
 248 enrollees in accordance with standards established pursuant to
 249 s. 409.967(2)(c). Except as provided in this section, managed
 250 care plans may limit the providers in their networks based on
 251 credentials, quality indicators, and price.

252 (b) Certain providers are statewide resources and
 253 essential providers for all managed care plans in all regions.
 254 All managed care plans must include these essential providers in
 255 their networks. Statewide essential providers include:

- 256 1. Faculty plans of Florida medical schools.
- 257 2. Regional perinatal intensive care centers as defined in
 258 s. 383.16(2).
- 259 3. Hospitals licensed as specialty children's hospitals as
 260 defined in s. 395.002(30) ~~395.002(28)~~.

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261 4. Accredited and integrated systems serving medically
262 complex children that are comprised of separately licensed, but
263 commonly owned, health care providers delivering at least the
264 following services: medical group home, in-home and outpatient
265 nursing care and therapies, pharmacy services, durable medical
266 equipment, and Prescribed Pediatric Extended Care.

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268 Managed care plans that have not contracted with all statewide
269 essential providers in all regions as of the first date of
270 recipient enrollment must continue to negotiate in good faith.
271 Payments to physicians on the faculty of nonparticipating
272 Florida medical schools shall be made at the applicable Medicaid
273 rate. Payments for services rendered by regional perinatal
274 intensive care centers shall be made at the applicable Medicaid
275 rate as of the first day of the contract between the agency and
276 the plan. Payments to nonparticipating specialty children's
277 hospitals shall equal the highest rate established by contract
278 between that provider and any other Medicaid managed care plan.

279 Section 13. This act shall take effect July 1, 2014.