

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Health Innovation  
 2 Subcommittee

3 Representative Steube offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 395.001 Legislative intent.—It is the intent of the  
 10 Legislature to provide for the protection of public health and  
 11 safety in the establishment, construction, maintenance, and  
 12 operation of hospitals, ambulatory surgical centers, recovery  
 13 care centers, and mobile surgical facilities by providing for  
 14 licensure of same and for the development, establishment, and  
 15 enforcement of minimum standards with respect thereto.

16 Section 2. Subsections (25) through (33) of section  
 17 395.002, Florida Statutes, are renumbered as subsections (27)

Amendment No.

18 through (35), respectively, subsections (3), (16), and (23) are  
19 amended, and new subsections (25) and (26) are added to that  
20 section, to read:

21 395.002 Definitions.—As used in this chapter:

22 (3) "Ambulatory surgical center" or "mobile surgical  
23 facility" means a facility the primary purpose of which is to  
24 provide elective surgical care, in which the patient is admitted  
25 to and discharged from such facility within 24 hours ~~the same~~  
26 ~~working day and is not permitted to stay overnight~~, and which is  
27 not part of a hospital. However, a facility existing for the  
28 primary purpose of performing terminations of pregnancy, an  
29 office maintained by a physician for the practice of medicine,  
30 or an office maintained for the practice of dentistry shall not  
31 be construed to be an ambulatory surgical center, provided that  
32 any facility or office which is certified or seeks certification  
33 as a Medicare ambulatory surgical center shall be licensed as an  
34 ambulatory surgical center pursuant to s. 395.003. Any structure  
35 or vehicle in which a physician maintains an office and  
36 practices surgery, and which can appear to the public to be a  
37 mobile office because the structure or vehicle operates at more  
38 than one address, shall be construed to be a mobile surgical  
39 facility.

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

43 (23) "Premises" means those buildings, beds, and equipment

Amendment No.

44 located at the address of the licensed facility and all other  
45 buildings, beds, and equipment for the provision of hospital,  
46 ambulatory surgical, recovery, or mobile surgical care located  
47 in such reasonable proximity to the address of the licensed  
48 facility as to appear to the public to be under the dominion and  
49 control of the licensee. For any licensee that is a teaching  
50 hospital as defined in s. 408.07(45), reasonable proximity  
51 includes any buildings, beds, services, programs, and equipment  
52 under the dominion and control of the licensee that are located  
53 at a site with a main address that is within 1 mile of the main  
54 address of the licensed facility; and all such buildings, beds,  
55 and equipment may, at the request of a licensee or applicant, be  
56 included on the facility license as a single premises.

57 (25) "Recovery care center" means a facility the primary  
58 purpose of which is to provide recovery care services, to which  
59 a patient is admitted and discharged within 72 hours, and which  
60 is not part of a hospital.

61 (26) "Recovery care services" means postsurgical and  
62 postdiagnostic medical and general nursing care provided to  
63 patients for whom acute care hospitalization is not required and  
64 an uncomplicated recovery is reasonably expected. The term  
65 includes postsurgical rehabilitation services. The term does not  
66 include intensive care services, coronary care services, or  
67 critical care services.

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

307011 - h0999-strike.docx

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Amendment No.

70 395.003 Licensure; denial, suspension, and revocation.—

71 (1) (a) The requirements of part II of chapter 408 apply to  
72 the provision of services that require licensure pursuant to ss.  
73 395.001-395.1065 and part II of chapter 408 and to entities  
74 licensed by or applying for such licensure from the Agency for  
75 Health Care Administration pursuant to ss. 395.001-395.1065. A  
76 license issued by the agency is required in order to operate a  
77 hospital, ambulatory surgical center, recovery care center, or  
78 mobile surgical facility in this state.

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

84 2. This part does not apply to veterinary hospitals or to  
85 commercial business establishments using the word "hospital,"  
86 "ambulatory surgical center," "recovery care center," or "mobile  
87 surgical facility" as a part of a trade name if no treatment of  
88 human beings is performed on the premises of such  
89 establishments.

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

93 Section 4. Section 395.0171, Florida Statutes, is created  
94 to read:

95 395.0171 Recovery care center admissions; emergency and

Amendment No.

96 transfer protocols; discharge planning and protocols.-

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

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

103 (3) A patient may be admitted for recovery care services  
104 upon discharge from a hospital or an ambulatory surgery center.  
105 A patient may also be admitted postdiagnosis and posttreatment  
106 for recovery care services.

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

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

112 (6) The agency may adopt rules to implement this  
113 subsection.

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

117 395.1055 Rules and enforcement.-

118 (2) Separate standards may be provided for general and  
119 specialty hospitals, ambulatory surgical centers, recovery care  
120 centers, mobile surgical facilities, and statutory rural  
121 hospitals as defined in s. 395.602.

Amendment No.

122 (8) The agency may not adopt any rule governing the  
123 design, construction, erection, alteration, modification,  
124 repair, or demolition of any public or private hospital,  
125 intermediate residential treatment facility, recovery care  
126 center, or ambulatory surgical center. It is the intent of the  
127 Legislature to preempt that function to the Florida Building  
128 Commission and the State Fire Marshal through adoption and  
129 maintenance of the Florida Building Code and the Florida Fire  
130 Prevention Code. However, the agency shall provide technical  
131 assistance to the commission and the State Fire Marshal in  
132 updating the construction standards of the Florida Building Code  
133 and the Florida Fire Prevention Code which govern hospitals,  
134 intermediate residential treatment facilities, recovery care  
135 centers, and ambulatory surgical centers.

136 (10) The agency shall adopt rules for recovery care  
137 centers which include fair and reasonable minimum standards for  
138 ensuring that recovery care centers have:

139 (a) A dietetic department, service, or other similarly  
140 titled unit, either on the premises or under contract, which  
141 shall be organized, directed, and staffed to ensure the  
142 provision of appropriate nutritional care and quality food  
143 service.

144 (b) Procedures to ensure the proper administration of  
145 medications. Such procedures shall address the prescribing,  
146 ordering, preparing, and dispensing of medications and  
147 appropriate monitoring of the effects of such medications on the

Amendment No.

148 patient.

149 (c) A pharmacy, pharmaceutical department, or  
150 pharmaceutical service, or similarly titled unit, on the  
151 premises or under contract.

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

154 395.10973 Powers and duties of the agency.—It is the  
155 function of the agency to:

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

161 Section 7. Subsection (3) of section 395.301, Florida  
162 Statutes, is amended to read:

163 395.301 Itemized patient bill; form and content prescribed  
164 by the agency.—

165 (3) On each itemized statement submitted pursuant to  
166 subsection (1) there shall appear the words "A FOR-PROFIT (or  
167 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL  
168 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF  
169 FLORIDA" or substantially similar words sufficient to identify  
170 clearly and plainly the ownership status of the licensed  
171 facility. Each itemized statement must prominently display the  
172 phone number of the medical facility's patient liaison who is  
173 responsible for expediting the resolution of any billing dispute

307011 - h0999-strike.docx

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Amendment No.

174 between the patient, or his or her representative, and the  
175 billing department.

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

178 408.802 Applicability.—The provisions of this part apply  
179 to the provision of services that require licensure as defined  
180 in this part and to the following entities licensed, registered,  
181 or certified by the agency, as described in chapters 112, 383,  
182 390, 394, 395, 400, 429, 440, 483, and 765:

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

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

187 408.820 Exemptions.—Except as prescribed in authorizing  
188 statutes, the following exemptions shall apply to specified  
189 requirements of this part:

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

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

194 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,  
195 and 394.4789.—As used in this section and ss. 394.4786,  
196 394.4788, and 394.4789:

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

Amendment No.

200 Section 11. Paragraph (a) of subsection (4) of section  
201 409.97, Florida Statutes, is amended to read:

202 409.97 State and local Medicaid partnerships.—

203 (4) HOSPITAL RATE DISTRIBUTION.—

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

209 1. Tier 1 hospitals are statutory rural hospitals as  
210 defined in s. 395.602, statutory teaching hospitals as defined  
211 in s. 408.07(45), and specialty children's hospitals as defined  
212 in s. 395.002(30) ~~395.002(28)~~.

213 2. Tier 2 hospitals are community hospitals not included  
214 in Tier 1 that provided more than 9 percent of the hospital's  
215 total inpatient days to Medicaid patients and charity patients,  
216 as defined in s. 409.911, and are located in the jurisdiction of  
217 a local funding source pursuant to subsection (1).

218 3. Tier 3 hospitals include all community hospitals.

219 Section 12. Paragraph (b) of subsection (1) of section  
220 409.975, Florida Statutes, is amended to read:

221 409.975 Managed care plan accountability.—In addition to  
222 the requirements of s. 409.967, plans and providers  
223 participating in the managed medical assistance program shall  
224 comply with the requirements of this section.

225 (1) PROVIDER NETWORKS.—Managed care plans must develop and

Amendment No.

226 maintain provider networks that meet the medical needs of their  
227 enrollees in accordance with standards established pursuant to  
228 s. 409.967(2)(c). Except as provided in this section, managed  
229 care plans may limit the providers in their networks based on  
230 credentials, quality indicators, and price.

231 (b) Certain providers are statewide resources and  
232 essential providers for all managed care plans in all regions.  
233 All managed care plans must include these essential providers in  
234 their networks. Statewide essential providers include:

- 235 1. Faculty plans of Florida medical schools.
- 236 2. Regional perinatal intensive care centers as defined in  
237 s. 383.16(2).
- 238 3. Hospitals licensed as specialty children's hospitals as  
239 defined in s. 395.002(30) ~~395.002(28)~~.
- 240 4. Accredited and integrated systems serving medically  
241 complex children that are comprised of separately licensed, but  
242 commonly owned, health care providers delivering at least the  
243 following services: medical group home, in-home and outpatient  
244 nursing care and therapies, pharmacy services, durable medical  
245 equipment, and Prescribed Pediatric Extended Care.

246  
247 Managed care plans that have not contracted with all statewide  
248 essential providers in all regions as of the first date of  
249 recipient enrollment must continue to negotiate in good faith.  
250 Payments to physicians on the faculty of nonparticipating  
251 Florida medical schools shall be made at the applicable Medicaid

Amendment No.

252 rate. Payments for services rendered by regional perinatal  
253 intensive care centers shall be made at the applicable Medicaid  
254 rate as of the first day of the contract between the agency and  
255 the plan. Payments to nonparticipating specialty children's  
256 hospitals shall equal the highest rate established by contract  
257 between that provider and any other Medicaid managed care plan.

258 Section 13. This act shall take effect July 1, 2015.  
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260 -----  
261 **T I T L E A M E N D M E N T**

262 Remove everything before the enacting clause and insert:  
263 An act relating to recovery care services; amending s. 395.001,  
264 F.S.; providing legislative intent regarding recovery care  
265 centers; amending s. 395.002, F.S.; revising and providing  
266 definitions; amending s. 395.003, F.S.; including recovery care  
267 centers as facilities licensed under chapter 395, F.S.; creating  
268 s. 395.0171, F.S.; providing admission criteria for a recovery  
269 care center; requiring emergency care, transfer, and discharge  
270 protocols; authorizing the Agency for Health Care Administration  
271 to adopt rules; amending s. 395.1055, F.S.; authorizing the  
272 agency to establish separate standards for the care and  
273 treatment of patients in recovery care centers; amending s.  
274 395.10973, F.S.; directing the agency to enforce special-  
275 occupancy provisions of the Florida Building Code applicable to  
276 recovery care centers; amending s. 395.301, F.S.; providing for  
277 format and content of a patient bill from a recovery care

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 999 (2015)

Amendment No.

278 center; amending s. 408.802, F.S.; providing applicability of  
279 the Health Care Licensing Procedures Act to recovery care  
280 centers; amending s. 408.820, F.S.; exempting recovery care  
281 centers from specified minimum licensure requirements; amending  
282 ss. 394.4787, 409.97, and 409.975, F.S.; conforming cross-  
283 references; providing an effective date.