

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 (3), (16), and (23) of section 395.002, Florida Statutes, are amended, subsections (25) through (33) are renumbered as subsections (27) through (35), respectively, 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,

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

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, to which
 82 a patient is admitted and discharged within 72 hours, and which
 83 is not part of a hospital.

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

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

93 395.003 Licensure; denial, suspension, and revocation.—

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

102 (b)1. It is unlawful for a person to use or advertise to
 103 the public, in any way or by any medium whatsoever, any facility
 104 as a "hospital," "ambulatory surgical center," "recovery care

105 center," or "mobile surgical facility" unless such facility has
 106 first secured a license under the provisions of this part.

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

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

116 Section 4. Section 395.0171, Florida Statutes, is created
 117 to read:

118 395.0171 Recovery care center admissions; emergency and
 119 transfer protocols; discharge planning and protocols.-

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

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

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

130 (4) A recovery care center must have emergency care and

131 transfer protocols, including transportation arrangements, and
132 referral or admission agreements with at least one hospital.

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

135 (6) The agency may adopt rules to implement this
136 subsection.

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

140 395.1055 Rules and enforcement.—

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

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

157 intermediate residential treatment facilities, recovery care
158 centers, and ambulatory surgical centers.

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

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

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

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

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

177 395.10973 Powers and duties of the agency.—It is the
178 function of the agency to:

179 (8) Enforce the special-occupancy provisions of the
180 Florida Building Code which apply to hospitals, intermediate
181 residential treatment facilities, recovery care centers, and
182 ambulatory surgical centers in conducting any inspection

183 authorized by this chapter and part II of chapter 408.

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

186 395.301 Itemized patient bill; form and content prescribed
187 by the agency.—

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

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

201 408.802 Applicability.—The provisions of this part apply
202 to the provision of services that require licensure as defined
203 in this part and to the following entities licensed, registered,
204 or certified by the agency, as described in chapters 112, 383,
205 390, 394, 395, 400, 429, 440, 483, and 765:

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

208 Section 9. Subsection (29) is added to section 408.820,

209 Florida Statutes, to read:

210 408.820 Exemptions.—Except as prescribed in authorizing
 211 statutes, the following exemptions shall apply to specified
 212 requirements of this part:

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

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

217 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
 218 and 394.4789.—As used in this section and ss. 394.4786,
 219 394.4788, and 394.4789:

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

223 Section 11. Paragraph (a) of subsection (4) of section
 224 409.97, Florida Statutes, is amended to read:

225 409.97 State and local Medicaid partnerships.—

226 (4) HOSPITAL RATE DISTRIBUTION.—

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

232 1. Tier 1 hospitals are statutory rural hospitals as
 233 defined in s. 395.602, statutory teaching hospitals as defined
 234 in s. 408.07(45), and specialty children's hospitals as defined

235 in s. 395.002(30) ~~395.002(28)~~.

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

241 3. Tier 3 hospitals include all community hospitals.

242 Section 12. Paragraph (b) of subsection (1) of section
243 409.975, Florida Statutes, is amended to read:

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

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

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

258 1. Faculty plans of Florida medical schools.

259 2. Regional perinatal intensive care centers as defined in
260 s. 383.16(2).

261 3. Hospitals licensed as specialty children's hospitals as
262 defined in s. 395.002(30) ~~395.002(28)~~.

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

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

281 Section 13. This act shall take effect July 1, 2015.