

By Senator Gaetz

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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 and 409.975, F.S.;
25 conforming cross-references; providing an effective
26 date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 395.001, Florida Statutes, is amended to
31 read:

32 395.001 Legislative intent.—It is the intent of the
33 Legislature to provide for the protection of public health and
34 safety in the establishment, construction, maintenance, and
35 operation of hospitals, ambulatory surgical centers, recovery
36 care centers, and mobile surgical facilities by providing for
37 licensure of same and for the development, establishment, and
38 enforcement of minimum standards with respect thereto.

39 Section 2. Subsections (3), (16), and (23) of section
40 395.002, Florida Statutes, are amended, subsections (25) through
41 (33) are renumbered as subsections (27) through (35),
42 respectively, and new subsections (25) and (26) are added to
43 that section, to read:

44 395.002 Definitions.—As used in this chapter:

45 (3) "Ambulatory surgical center" or "mobile surgical
46 facility" means a facility the primary purpose of which is to
47 provide elective surgical care, in which the patient is admitted
48 to and discharged from such facility within 24 hours ~~the same~~
49 ~~working day and is not permitted to stay overnight~~, and which is
50 not part of a hospital. However, a facility existing for the
51 primary purpose of performing terminations of pregnancy, an
52 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

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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

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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

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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 design,

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146 construction, erection, alteration, modification, repair, or
147 demolition of any public or private hospital, intermediate
148 residential treatment facility, recovery care center, or
149 ambulatory surgical center. It is the intent of the Legislature
150 to preempt that function to the Florida Building Commission and
151 the State Fire Marshal through adoption and maintenance of the
152 Florida Building Code and the Florida Fire Prevention Code.
153 However, the agency shall provide technical assistance to the
154 commission and the State Fire Marshal in updating the
155 construction standards of the Florida Building Code and the
156 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 centers
160 which provide for an annual review of recovery care center
161 policies and protocols governing licensure, utilization, patient
162 safety, pharmacy services, infection control, and medical and
163 nursing practices by a panel comprised of a physician, a nurse
164 and a pharmacist who are licensed in Florida and who are not
165 employed by or receiving compensation from a recovery care
166 center. The rules must include fair and reasonable minimum
167 standards for ensuring that recovery care centers have:

168 (a) A dietetic department, service, or other similarly
169 titled unit, either on the premises or under contract, which
170 shall be organized, directed, and staffed to ensure the
171 provision of appropriate nutritional care and quality food
172 service.

173 (b) Procedures to ensure the proper administration of
174 medications. Such procedures shall address the prescribing,

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175 ordering, preparing, and dispensing of medications and
176 appropriate monitoring of the effects of such medications on the
177 patient.

178 (c) A pharmacy, pharmaceutical department, or
179 pharmaceutical service, or similarly titled unit, on the
180 premises or under contract.

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

183 395.10973 Powers and duties of the agency.—It is the
184 function of the agency to:

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

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

192 395.301 Itemized patient bill; form and content prescribed
193 by the agency; patient admission status notification.—

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

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204 billing department.

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

207 408.802 Applicability.—The provisions of this part apply to
208 the provision of services that require licensure as defined in
209 this part and to the following entities licensed, registered, or
210 certified by the agency, as described in chapters 112, 383, 390,
211 394, 395, 400, 429, 440, 483, and 765:

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

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

216 408.820 Exemptions.—Except as prescribed in authorizing
217 statutes, the following exemptions shall apply to specified
218 requirements of this part:

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

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

223 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and
224 394.4789.—As used in this section and ss. 394.4786, 394.4788,
225 and 394.4789:

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

229 Section 11. Paragraph (b) of subsection (1) of section
230 409.975, Florida Statutes, is amended to read:

231 409.975 Managed care plan accountability.—In addition to
232 the requirements of s. 409.967, plans and providers

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233 participating in the managed medical assistance program shall
234 comply with the requirements of this section.

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

241 (b) Certain providers are statewide resources and essential
242 providers for all managed care plans in all regions. All managed
243 care plans must include these essential providers in their
244 networks. Statewide essential providers include:

245 1. Faculty plans of Florida medical schools.

246 2. Regional perinatal intensive care centers as defined in
247 s. 383.16(2).

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

250 4. Accredited and integrated systems serving medically
251 complex children that are comprised of separately licensed, but
252 commonly owned, health care providers delivering at least the
253 following services: medical group home, in-home and outpatient
254 nursing care and therapies, pharmacy services, durable medical
255 equipment, and Prescribed Pediatric Extended Care.

256
257 Managed care plans that have not contracted with all statewide
258 essential providers in all regions as of the first date of
259 recipient enrollment must continue to negotiate in good faith.
260 Payments to physicians on the faculty of nonparticipating
261 Florida medical schools shall be made at the applicable Medicaid

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262 rate. Payments for services rendered by regional perinatal
263 intensive care centers shall be made at the applicable Medicaid
264 rate as of the first day of the contract between the agency and
265 the plan. Payments to nonparticipating specialty children's
266 hospitals shall equal the highest rate established by contract
267 between that provider and any other Medicaid managed care plan.
268 Section 12. This act shall take effect July 1, 2016.