

By the Committee on Health Policy; and Senator Gaetz

588-02302-16

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1 A bill to be entitled
2 An act relating to ambulatory surgical centers;
3 amending s. 395.002, F.S.; revising the definition of
4 the term "ambulatory surgical center" or "mobile
5 surgical facility"; amending s. 395.003, F.S.;
6 requiring, as a condition of licensure and license
7 renewal, that ambulatory surgical centers provide
8 services to specified patients; defining a term;
9 providing an effective date.

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

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13 Section 1. Subsection (3) of section 395.002, Florida
14 Statutes, is amended to read:

15 395.002 Definitions.—As used in this chapter:

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

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33 facility.

34 Section 2. Present subsections (6) through (10) of section
35 395.003, Florida Statutes, are redesignated as subsections (7)
36 through (11), respectively, a new subsection (6) is added to
37 that section, and present subsections (9) and (10) of that
38 section are amended, to read:

39 395.003 Licensure; denial, suspension, and revocation.—

40 (6) An ambulatory surgical center, as a condition of
41 initial licensure and license renewal, must provide services to
42 Medicare patients, Medicaid patients, and patients who qualify
43 for charity care. For the purposes of this subsection, "charity
44 care" means uncompensated care delivered to uninsured patients
45 with incomes at or below 200 percent of the federal poverty
46 level when such services are preauthorized by the licensee and
47 not subject to collection procedures.

48 (10)~~(9)~~ A hospital licensed as of June 1, 2004, shall be
49 exempt from subsection (9) ~~subsection (8)~~ as long as the
50 hospital maintains the same ownership, facility street address,
51 and range of services that were in existence on June 1, 2004.
52 Any transfer of beds, or other agreements that result in the
53 establishment of a hospital or hospital services within the
54 intent of this section, shall be subject to subsection (9)
55 ~~subsection (8)~~. Unless the hospital is otherwise exempt under
56 subsection (9) ~~subsection (8)~~, the agency shall deny or revoke
57 the license of a hospital that violates any of the criteria set
58 forth in that subsection.

59 (11)~~(10)~~ The agency may adopt rules implementing the
60 licensure requirements set forth in subsection (9) ~~subsection~~
61 ~~(8)~~. Within 14 days after rendering its decision on a license

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62 application or revocation, the agency shall publish its proposed
63 decision in the Florida Administrative Register. Within 21 days
64 after publication of the agency's decision, any authorized
65 person may file a request for an administrative hearing. In
66 administrative proceedings challenging the approval, denial, or
67 revocation of a license pursuant to subsection (9) ~~subsection~~
68 ~~(8)~~, the hearing must be based on the facts and law existing at
69 the time of the agency's proposed agency action. Existing
70 hospitals may initiate or intervene in an administrative hearing
71 to approve, deny, or revoke licensure under subsection (9)
72 ~~subsection (8)~~ based upon a showing that an established program
73 will be substantially affected by the issuance or renewal of a
74 license to a hospital within the same district or service area.

75 Section 3. This act shall take effect July 1, 2016.