

By Senator Steube

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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 defining terms; amending s. 395.003,
6 F.S.; including recovery care centers as facilities
7 licensed under ch. 395, F.S.; creating s. 395.0171,
8 F.S.; providing admission criteria for a recovery care
9 center; requiring emergency care, transfer, and
10 discharge protocols; authorizing the Agency for Health
11 Care Administration to adopt rules; amending s.
12 395.1055, F.S.; authorizing the agency to establish
13 separate standards for the care and treatment of
14 patients in recovery care centers; providing for
15 rulemaking that includes establishing certain minimum
16 standards for recovery care centers; amending s.
17 395.10973, F.S.; directing the agency to enforce
18 special-occupancy provisions of the Florida Building
19 Code applicable to recovery care centers; amending s.
20 408.802, F.S.; providing applicability of the Health
21 Care Licensing Procedures Act to recovery care
22 centers; amending s. 408.820, F.S.; exempting recovery
23 care centers from specified minimum licensure
24 requirements; amending ss. 385.211, 394.4787, 409.975,
25 and 627.64194, F.S.; conforming cross-references;
26 providing an effective 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

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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, present subsections (25)
41 through (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
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

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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 then discharged within 72 hours, and
83 which 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, coronary care, or critical care
90 services.

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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 care
119 and transfer protocols; discharge planning and protocols.—

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

122 (2) Each patient must be certified by his or her attending
123 or referring physician or by a physician on staff at the
124 recovery care center as medically stable and not in need of
125 acute care hospitalization before admission.

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

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

139 395.1055 Rules and enforcement.—

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

144 (8) The agency may not adopt any rule governing the design,
145 construction, erection, alteration, modification, repair, or
146 demolition of any public or private hospital, intermediate
147 residential treatment facility, recovery care center, or
148 ambulatory surgical center. It is the intent of the Legislature

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149 to preempt that function to the Florida Building Commission and
150 the State Fire Marshal through adoption and maintenance of the
151 Florida Building Code and the Florida Fire Prevention Code.
152 However, the agency shall provide technical assistance to the
153 commission and the State Fire Marshal in updating the
154 construction standards of the Florida Building Code and the
155 Florida Fire Prevention Code which govern hospitals,
156 intermediate residential treatment facilities, recovery care
157 centers, and ambulatory surgical centers.

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

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

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

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

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

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

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

183 Section 7. Subsection (30) is added to section 408.802,
184 Florida Statutes, to read:

185 408.802 Applicability.—The provisions of this part apply to
186 the provision of services that require licensure as defined in
187 this part and to the following entities licensed, registered, or
188 certified by the agency, as described in chapters 112, 383, 390,
189 394, 395, 400, 429, 440, 483, and 765:

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

192 Section 8. Subsection (29) is added to section 408.820,
193 Florida Statutes, to read:

194 408.820 Exemptions.—Except as prescribed in authorizing
195 statutes, the following exemptions shall apply to specified
196 requirements of this part:

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

199 Section 9. Subsection (2) of section 385.211, Florida
200 Statutes, is amended to read:

201 385.211 Refractory and intractable epilepsy treatment and
202 research at recognized medical centers.—

203 (2) Notwithstanding chapter 893, medical centers recognized
204 pursuant to s. 381.925, or an academic medical research
205 institution legally affiliated with a licensed children's
206 specialty hospital as defined in s. 395.002(30) ~~395.002(28)~~ that

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207 contracts with the Department of Health, may conduct research on
208 cannabidiol and low-THC cannabis. This research may include, but
209 is not limited to, the agricultural development, production,
210 clinical research, and use of liquid medical derivatives of
211 cannabidiol and low-THC cannabis for the treatment for
212 refractory or intractable epilepsy. The authority for recognized
213 medical centers to conduct this research is derived from 21
214 C.F.R. parts 312 and 316. Current state or privately obtained
215 research funds may be used to support the activities described
216 in this section.

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

219 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and
220 394.4789.—As used in this section and ss. 394.4786, 394.4788,
221 and 394.4789:

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

225 Section 11. Paragraph (b) of subsection (1) of section
226 409.975, Florida Statutes, is amended to read:

227 409.975 Managed care plan accountability.—In addition to
228 the requirements of s. 409.967, plans and providers
229 participating in the managed medical assistance program shall
230 comply with the requirements of this section.

231 (1) PROVIDER NETWORKS.—Managed care plans must develop and
232 maintain provider networks that meet the medical needs of their
233 enrollees in accordance with standards established pursuant to
234 s. 409.967(2)(c). Except as provided in this section, managed
235 care plans may limit the providers in their networks based on

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236 credentials, quality indicators, and price.

237 (b) Certain providers are statewide resources and essential
238 providers for all managed care plans in all regions. All managed
239 care plans must include these essential providers in their
240 networks. Statewide essential providers include:

241 1. Faculty plans of Florida medical schools.

242 2. Regional perinatal intensive care centers as defined in
243 s. 383.16(2).

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

246 4. Accredited and integrated systems serving medically
247 complex children which comprise separately licensed, but
248 commonly owned, health care providers delivering at least the
249 following services: medical group home, in-home and outpatient
250 nursing care and therapies, pharmacy services, durable medical
251 equipment, and Prescribed Pediatric Extended Care.

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253 Managed care plans that have not contracted with all statewide
254 essential providers in all regions as of the first date of
255 recipient enrollment must continue to negotiate in good faith.
256 Payments to physicians on the faculty of nonparticipating
257 Florida medical schools shall be made at the applicable Medicaid
258 rate. Payments for services rendered by regional perinatal
259 intensive care centers shall be made at the applicable Medicaid
260 rate as of the first day of the contract between the agency and
261 the plan. Except for payments for emergency services, payments
262 to nonparticipating specialty children's hospitals shall equal
263 the highest rate established by contract between that provider
264 and any other Medicaid managed care plan.

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265 Section 12. Paragraphs (b) and (e) of subsection (1) of
266 section 627.64194, Florida Statutes, are amended to read:

267 627.64194 Coverage requirements for services provided by
268 nonparticipating providers; payment collection limitations.—

269 (1) As used in this section, the term:

270 (b) "Facility" means a licensed facility as defined in s.
271 395.002(16) and an urgent care center as defined in s.
272 395.002(32) ~~395.002(30)~~.

273 (e) "Nonparticipating provider" means a provider who is not
274 a preferred provider as defined in s. 627.6471 or a provider who
275 is not an exclusive provider as defined in s. 627.6472. For
276 purposes of covered emergency services under this section, a
277 facility licensed under chapter 395 or an urgent care center
278 defined in s. 395.002(32) ~~395.002(30)~~ is a nonparticipating
279 provider if the facility has not contracted with an insurer to
280 provide emergency services to its insureds at a specified rate.

281 Section 13. This act shall take effect July 1, 2017.