

By Senator Grimsley

26-00118-17

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1                   A bill to be entitled  
 2           An act relating to health care facilities; amending s.  
 3           395.003, F.S.; requiring that, as a condition of  
 4           initial licensure and license renewal, ambulatory  
 5           surgical centers provide at least the same amount of  
 6           services to Medicare and Medicaid patients and  
 7           patients who qualify for charity care as certain other  
 8           licensed providers; requiring ambulatory surgical  
 9           centers to report certain data; defining a term for  
 10          purposes of a subsection; requiring ambulatory  
 11          surgical centers to comply with certain building and  
 12          lifesafety codes in certain circumstances; amending s.  
 13          395.6025, F.S.; revising the circumstances under which  
 14          statutory rural hospitals and operators of rural  
 15          hospitals are not required to obtain a certificate of  
 16          need for the construction of a replacement rural  
 17          hospital; providing an effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:  
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21           Section 1. Present subsections (6) through (10) of section  
 22           395.003, Florida Statutes, are redesignated as subsections (7)  
 23           through (11), respectively, a new subsection (6) is added to  
 24           that section, and present subsections (9) and (10) of that  
 25           section are amended, to read:

26           395.003 Licensure; denial, suspension, and revocation.—

27           (6) As a condition of initial licensure and license  
 28           renewal, an ambulatory surgical center must provide services to  
 29           Medicare patients, Medicaid patients, and patients who qualify  
 30           for charity care in an amount equal to or greater than the  
 31           applicable district average among licensed providers of similar  
 32           services. Ambulatory surgical centers shall report the same data

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33 required to be reported to the agency by hospitals under s.  
34 408.061 or otherwise published for hospitals by the agency. For  
35 purposes of this subsection, the term "charity care" means  
36 uncompensated care delivered to uninsured patients with incomes  
37 at or below 200 percent of the federal poverty level when such  
38 services are preauthorized by the licensed providers and are not  
39 subject to collection procedures. An ambulatory surgical center  
40 that does not discharge a patient until after midnight of the  
41 day of the patient's procedure shall comply with the same  
42 building codes and lifesafety codes that apply to a hospital.

43 (10)~~(9)~~ A hospital licensed as of June 1, 2004, shall be  
44 exempt from subsection (9) ~~(8)~~ as long as the hospital maintains  
45 the same ownership, facility street address, and range of  
46 services that were in existence on June 1, 2004. Any transfer of  
47 beds, or other agreements that result in the establishment of a  
48 hospital or hospital services within the intent of this section,  
49 shall be subject to subsection (9) ~~(8)~~. Unless the hospital is  
50 otherwise exempt under subsection (9) ~~(8)~~, the agency shall deny  
51 or revoke the license of a hospital that violates any of the  
52 criteria set forth in that subsection.

53 (11)~~(10)~~ The agency may adopt rules implementing the  
54 licensure requirements set forth in subsection (9) ~~(8)~~. Within  
55 14 days after rendering its decision on a license application or  
56 revocation, the agency shall publish its proposed decision in  
57 the Florida Administrative Register. Within 21 days after  
58 publication of the agency's decision, any authorized person may  
59 file a request for an administrative hearing. In administrative  
60 proceedings challenging the approval, denial, or revocation of a  
61 license pursuant to subsection (9) ~~(8)~~, the hearing must be

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62 based on the facts and law existing at the time of the agency's  
63 proposed agency action. Existing hospitals may initiate or  
64 intervene in an administrative hearing to approve, deny, or  
65 revoke licensure under subsection (9) ~~(8)~~ based upon a showing  
66 that an established program will be substantially affected by  
67 the issuance or renewal of a license to a hospital within the  
68 same district or service area.

69 Section 2. Section 395.6025, Florida Statutes, is amended  
70 to read:

71 395.6025 Rural hospital replacement facilities.-  
72 Notwithstanding s. 408.036, a hospital defined as a statutory  
73 rural hospital in accordance with s. 395.602, or an ~~a not-for-~~  
74 ~~profit~~ operator of rural hospitals, is not required to obtain a  
75 certificate of need for the construction of a replacement ~~new~~  
76 hospital located in a county with a population ~~of at least~~  
77 ~~15,000 but no more than 18,000 and a density of fewer than 100~~  
78 ~~30 persons per square mile, or a replacement facility,~~ provided  
79 that the replacement, ~~or new,~~ facility is not located within 15  
80 ~~10~~ miles of the site of a ~~the~~ currently licensed ~~rural~~ hospital  
81 in an adjacent county ~~and within the current primary service~~  
82 ~~area. As used in this section, the term "service area" means the~~  
83 ~~fewest number of zip codes that account for 75 percent of the~~  
84 ~~hospital's discharges for the most recent 5-year period, based~~  
85 ~~on information available from the hospital inpatient discharge~~  
86 ~~database in the Florida Center for Health Information and~~  
87 ~~Transparency at the Agency for Health Care Administration.~~

88 Section 3. This act shall take effect July 1, 2017.