

By Senator Lee

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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.; revising legislative intent; amending
4 s. 395.002, F.S.; revising and providing definitions;
5 amending s. 395.003, F.S.; providing for licensure of
6 recovery care centers by the Agency for Health Care
7 Administration; creating s. 395.0171, F.S.; providing
8 criteria for the admission of patients to recovery
9 care centers; requiring recovery care centers to have
10 emergency care, transfer, and discharge protocols;
11 authorizing the agency to adopt rules; amending s.
12 395.1055, F.S.; requiring the agency to adopt rules
13 establishing separate, minimum standards for the care
14 and 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. 408.802, F.S.; providing applicability of
19 the Health Care Licensing Procedures Act to recovery
20 care centers; amending s. 408.820, F.S.; exempting
21 recovery care centers from specified minimum licensure
22 requirements; amending ss. 385.211, 394.4787, and
23 409.975, F.S.; conforming cross-references; providing
24 an effective date.

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

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28 Section 1. Section 395.001, Florida Statutes, is amended to
29 read:

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30 395.001 Legislative intent.—It is the intent of the
31 Legislature to provide for the protection of public health and
32 safety in the establishment, construction, maintenance, and
33 operation of hospitals, recovery care centers, and ambulatory
34 surgical centers by providing for licensure of same and for the
35 development, establishment, and enforcement of minimum standards
36 with respect thereto.

37 Section 2. Subsections (24) through (32) of section
38 395.002, Florida Statutes, are renumbered as subsections (26)
39 through (34), respectively, subsections (3), (16), and (22) are
40 amended, and new subsections (24) and (25) are added to that
41 section, to read:

42 395.002 Definitions.—As used in this chapter:

43 (3) "Ambulatory surgical center" means a facility the
44 primary purpose of which is to provide elective surgical care,
45 in which the patient is admitted ~~to~~ and discharged ~~from such~~
46 ~~facility within 48 hours the same working day and is not~~
47 ~~permitted to stay overnight~~, and which is not part of a
48 hospital. However, a facility existing for the primary purpose
49 of performing terminations of pregnancy, an office maintained by
50 a physician for the practice of medicine, or an office
51 maintained for the practice of dentistry may not be construed to
52 be an ambulatory surgical center, provided that any facility or
53 office ~~that~~ which is certified or seeks certification as a
54 Medicare ambulatory surgical center shall be licensed as an
55 ambulatory surgical center pursuant to s. 395.003.

56 (16) "Licensed facility" means a hospital, recovery care
57 center, or ambulatory surgical center licensed in accordance
58 with this chapter.

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59 (22) "Premises" means those buildings, beds, and equipment
60 located at the address of the licensed facility and all other
61 buildings, beds, and equipment for the provision of hospital
62 care, recovery care, or ambulatory surgical care located in such
63 reasonable proximity to the address of the licensed facility as
64 to appear to the public to be under the dominion and control of
65 the licensee. For any licensee that is a teaching hospital as
66 defined in s. 408.07, reasonable proximity includes any
67 buildings, beds, services, programs, and equipment under the
68 dominion and control of the licensee that are located at a site
69 with a main address that is within 1 mile of the main address of
70 the licensed facility; and all such buildings, beds, and
71 equipment may, at the request of a licensee or applicant, be
72 included on the facility license as a single premises.

73 (24) "Recovery care center" means a facility the primary
74 purpose of which is to provide recovery care services, in which
75 a patient is admitted and discharged within 72 hours, and which
76 is not part of a hospital.

77 (25) "Recovery care services" means postsurgical and
78 postdiagnostic medical and general nursing care provided to a
79 patient for whom acute care hospitalization is not required and
80 an uncomplicated recovery is reasonably expected. The term
81 includes postsurgical rehabilitation services. The term does not
82 include intensive care services, coronary care services, or
83 critical care services.

84 Section 3. Paragraphs (a) and (b) of subsection (1) of
85 section 395.003, Florida Statutes, are amended to read:

86 395.003 Licensure; denial, suspension, and revocation.—

87 (1) (a) The requirements of part II of chapter 408 apply to

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88 the provision of services that require licensure pursuant to ss.
89 395.001-395.1065 and part II of chapter 408 and to entities
90 licensed by or applying for such licensure from the Agency for
91 Health Care Administration pursuant to ss. 395.001-395.1065. A
92 license issued by the agency is required in order to operate a
93 hospital, recovery care center, or ambulatory surgical center in
94 this state.

95 (b)1. It is unlawful for a person to use or advertise to
96 the public, in any way or by any medium whatsoever, any facility
97 as a "hospital," "recovery care center," or "ambulatory surgical
98 center" unless such facility has first secured a license under
99 this part.

100 2. This part does not apply to veterinary hospitals or to
101 commercial business establishments using the word "hospital,"
102 "recovery care center," or "ambulatory surgical center" as a
103 part of a trade name if no treatment of human beings is
104 performed on the premises of such establishments.

105 Section 4. Section 395.0171, Florida Statutes, is created
106 to read:

107 395.0171 Recovery care center admissions; emergency care
108 and transfer protocols; discharge planning and protocols.-

109 (1) Admission to a recovery care center is restricted to a
110 patient who is in need of recovery care services and who has
111 been certified by his or her attending or referring physician,
112 or by a physician on staff at the facility, as medically stable
113 and not in need of acute care hospitalization before admission
114 to the recovery care center.

115 (2) A patient may be admitted for recovery care services
116 postdiagnosis and posttreatment or upon discharge from a

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117 hospital or an ambulatory surgical center.

118 (3) A recovery care center must have emergency care and
119 transfer protocols, including transportation arrangements, and
120 referral or admission agreements with at least one hospital.

121 (4) A recovery care center must have procedures for
122 discharge planning and discharge protocols.

123 (5) The agency may adopt rules to implement this section.

124 Section 5. Subsections (10) through (12) of section
125 395.1055, Florida Statutes, are renumbered as subsections (11)
126 through (13), respectively, subsections (2) and (8) are amended,
127 and a new subsection (10) is added to that section, to read:

128 395.1055 Rules and enforcement.—

129 (2) Separate standards may be provided for general and
130 specialty hospitals, ambulatory surgical centers, recovery care
131 centers, and statutory rural hospitals as defined in s. 395.602.

132 (8) The agency may not adopt any rule governing the design,
133 construction, erection, alteration, modification, repair, or
134 demolition of any public or private hospital, intermediate
135 residential treatment facility, recovery care center, or
136 ambulatory surgical center. It is the intent of the Legislature
137 to preempt that function to the Florida Building Commission and
138 the State Fire Marshal through adoption and maintenance of the
139 Florida Building Code and the Florida Fire Prevention Code.
140 However, the agency shall provide technical assistance to the
141 commission and the State Fire Marshal in updating the
142 construction standards of the Florida Building Code and the
143 Florida Fire Prevention Code which govern hospitals,
144 intermediate residential treatment facilities, recovery care
145 centers, and ambulatory surgical centers.

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146 (10) The agency shall adopt rules for recovery care centers
147 which include fair and reasonable minimum standards for ensuring
148 that recovery care centers have:

149 (a) A dietetic department, service, or other similarly
150 titled unit, either on the premises or under contract, which
151 shall be organized, directed, and staffed to ensure the
152 provision of appropriate nutritional care and quality food
153 service.

154 (b) Procedures to ensure the proper administration of
155 medications. Such procedures shall address the prescribing,
156 ordering, preparing, and dispensing of medications and
157 appropriate monitoring of the effects of such medications on a
158 patient.

159 (c) A pharmacy, pharmaceutical department, or
160 pharmaceutical service, or other similarly titled unit, on the
161 premises or under contract.

162 Section 6. Subsection (3) of section 395.10973, Florida
163 Statutes, is amended to read:

164 395.10973 Powers and duties of the agency.—It is the
165 function of the agency to:

166 (3) Enforce the special-occupancy provisions of the Florida
167 Building Code which apply to hospitals, intermediate residential
168 treatment facilities, recovery care centers, and ambulatory
169 surgical centers in conducting any inspection authorized by this
170 chapter and part II of chapter 408.

171 Section 7. Subsection (27) is added to section 408.802,
172 Florida Statutes, to read:

173 408.802 Applicability.—The provisions of this part apply to
174 the provision of services that require licensure as defined in

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175 this part and to the following entities licensed, registered, or
176 certified by the agency, as described in chapters 112, 383, 390,
177 394, 395, 400, 429, 440, 483, and 765:

178 (27) Recovery care centers, as provided under part I of
179 chapter 395.

180 Section 8. Subsection (26) is added to section 408.820,
181 Florida Statutes, to read:

182 408.820 Exemptions.—Except as prescribed in authorizing
183 statutes, the following exemptions shall apply to specified
184 requirements of this part:

185 (26) Recovery care centers, as provided under part I of
186 chapter 395, are exempt from s. 408.810(7)-(10).

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

189 385.211 Refractory and intractable epilepsy treatment and
190 research at recognized medical centers.—

191 (2) Notwithstanding chapter 893, medical centers recognized
192 pursuant to s. 381.925, or an academic medical research
193 institution legally affiliated with a licensed children's
194 specialty hospital as defined in s. 395.002(29) ~~395.002(27)~~ that
195 contracts with the Department of Health, may conduct research on
196 cannabidiol and low-THC cannabis. This research may include, but
197 is not limited to, the agricultural development, production,
198 clinical research, and use of liquid medical derivatives of
199 cannabidiol and low-THC cannabis for the treatment for
200 refractory or intractable epilepsy. The authority for recognized
201 medical centers to conduct this research is derived from 21
202 C.F.R. parts 312 and 316. Current state or privately obtained
203 research funds may be used to support the activities described

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204 in this section.

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

207 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and
208 394.4789.—As used in this section and ss. 394.4786, 394.4788,
209 and 394.4789:

210 (7) "Specialty psychiatric hospital" means a hospital
211 licensed by the agency pursuant to s. 395.002(29) ~~395.002(27)~~
212 and part II of chapter 408 as a specialty psychiatric hospital.

213 Section 11. Paragraph (b) of subsection (1) of section
214 409.975, Florida Statutes, is amended to read:

215 409.975 Managed care plan accountability.—In addition to
216 the requirements of s. 409.967, plans and providers
217 participating in the managed medical assistance program shall
218 comply with the requirements of this section.

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

225 (b) Certain providers are statewide resources and essential
226 providers for all managed care plans in all regions. All managed
227 care plans must include these essential providers in their
228 networks. Statewide essential providers include:

- 229 1. Faculty plans of Florida medical schools.
230 2. Regional perinatal intensive care centers as defined in
231 s. 383.16(2).
232 3. Hospitals licensed as specialty children's hospitals as

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233 defined in s. 395.002(29) ~~395.002(27)~~.

234 4. Accredited and integrated systems serving medically
235 complex children which comprise separately licensed, but
236 commonly owned, health care providers delivering at least the
237 following services: medical group home, in-home and outpatient
238 nursing care and therapies, pharmacy services, durable medical
239 equipment, and Prescribed Pediatric Extended Care.

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241 Managed care plans that have not contracted with all statewide
242 essential providers in all regions as of the first date of
243 recipient enrollment must continue to negotiate in good faith.
244 Payments to physicians on the faculty of nonparticipating
245 Florida medical schools shall be made at the applicable Medicaid
246 rate. Payments for services rendered by regional perinatal
247 intensive care centers shall be made at the applicable Medicaid
248 rate as of the first day of the contract between the agency and
249 the plan. Except for payments for emergency services, payments
250 to nonparticipating specialty children's hospitals shall equal
251 the highest rate established by contract between that provider
252 and any other Medicaid managed care plan.

253 Section 12. This act shall take effect July 1, 2019.