

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Valdes offered the following:

Amendment (with title amendment)

Remove lines 43-390 and insert:

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

395.002 Definitions.—As used in this chapter:

(3) "Ambulatory surgical center" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such

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14 ~~facility within 48 hours the same working day and is not~~
15 ~~permitted to stay overnight,~~ and which is not part of a
16 hospital. However, a facility existing for the primary purpose
17 of performing terminations of pregnancy, an office maintained by
18 a physician for the practice of medicine, or an office
19 maintained for the practice of dentistry may not be construed to
20 be an ambulatory surgical center, provided that any facility or
21 office that ~~which~~ is certified or seeks certification as a
22 Medicare ambulatory surgical center shall be licensed as an
23 ambulatory surgical center pursuant to s. 395.003.

24 (16) "Licensed facility" means a hospital, recovery care
25 center, or ambulatory surgical center licensed in accordance
26 with this chapter.

27 (22) "Premises" means those buildings, beds, and equipment
28 located at the address of the licensed facility and all other
29 buildings, beds, and equipment for the provision of hospital
30 care, recovery care, or ambulatory surgical care located in such
31 reasonable proximity to the address of the licensed facility as
32 to appear to the public to be under the dominion and control of
33 the licensee. For any licensee that is a teaching hospital as
34 defined in s. 408.07, reasonable proximity includes any
35 buildings, beds, services, programs, and equipment under the
36 dominion and control of the licensee that are located at a site
37 with a main address that is within 1 mile of the main address of
38 the licensed facility; and all such buildings, beds, and

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39 equipment may, at the request of a licensee or applicant, be
40 included on the facility license as a single premises.

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

45 (25) "Recovery care services" means postsurgical and
46 postdiagnostic medical and general nursing care provided to a
47 patient for whom acute care hospitalization is not required and
48 an uncomplicated recovery is reasonably expected. The term
49 includes postsurgical rehabilitation services. The term does not
50 include intensive care services, coronary care services, or
51 critical care services.

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

54 395.003 Licensure; denial, suspension, and revocation.—

55 (1)(a) The requirements of part II of chapter 408 apply to
56 the provision of services that require licensure pursuant to ss.
57 395.001-395.1065 and part II of chapter 408 and to entities
58 licensed by or applying for such licensure from the Agency for
59 Health Care Administration pursuant to ss. 395.001-395.1065. A
60 license issued by the agency is required in order to operate a
61 hospital, recovery care center, or ambulatory surgical center in
62 this state.

63 (b)1. It is unlawful for a person to use or advertise to

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64 the public, in any way or by any medium whatsoever, any facility
65 as a "hospital," "recovery care center," or "ambulatory surgical
66 center" unless such facility has first secured a license under
67 this part.

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

73 Section 4. Section 395.0171, Florida Statutes, is created
74 to read:

75 395.0171 Recovery care center admissions; emergency care
76 and transfer protocols; discharge planning and protocols.-

77 (1) Admission to a recovery care center is restricted to a
78 patient who is in need of recovery care services and who has
79 been certified by his or her attending or referring physician,
80 or by a physician on staff at the facility, as medically stable
81 and not in need of acute care hospitalization before admission
82 to the recovery care center.

83 (2) A patient may be admitted for recovery care services
84 postdiagnosis and posttreatment or upon discharge from a
85 hospital or an ambulatory surgical center.

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

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

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

92 Section 5. Subsection (12) of section 395.1055, Florida
93 Statutes, is renumbered as subsection (14), subsections (2) and
94 (8) are amended, and a new subsection (12) and subsection (13)
95 are added to that section, to read:

96 395.1055 Rules and enforcement.—

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

100 (8) The agency may not adopt any rule governing the
101 design, construction, erection, alteration, modification,
102 repair, or demolition of any public or private hospital,
103 intermediate residential treatment facility, recovery care
104 center, or ambulatory surgical center. It is the intent of the
105 Legislature to preempt that function to the Florida Building
106 Commission and the State Fire Marshal through adoption and
107 maintenance of the Florida Building Code and the Florida Fire
108 Prevention Code. However, the agency shall provide technical
109 assistance to the commission and the State Fire Marshal in
110 updating the construction standards of the Florida Building Code
111 and the Florida Fire Prevention Code which govern hospitals,
112 intermediate residential treatment facilities, recovery care
113 centers, and ambulatory surgical centers.

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114 (12) The agency shall adopt rules for recovery care
115 centers which include fair and reasonable minimum standards for
116 ensuring that recovery care centers have:

117 (a) A dietetic department, service, or other similarly
118 titled unit, either on the premises or under contract, which
119 shall be organized, directed, and staffed to ensure the
120 provision of appropriate nutritional care and quality food
121 service.

122 (b) Procedures to ensure the proper administration of
123 medications. Such procedures shall address the prescribing,
124 ordering, preparing, and dispensing of medications and
125 appropriate monitoring of the effects of such medications on a
126 patient.

127 (c) A pharmacy, pharmaceutical department, or
128 pharmaceutical service, or other similarly titled unit, on the
129 premises or under contract.

130 (13) The agency shall adopt rules that establish minimum
131 standards for pediatric patient care in ambulatory surgical
132 centers to ensure the safe and effective delivery of surgical
133 care to children in ambulatory surgical centers. Such standards
134 must include quality of care, nurse staffing, physician
135 staffing, and equipment standards. Ambulatory surgical centers
136 may not provide operative procedures to children under 18 years
137 of age which require a length of stay past midnight until such
138 standards are established by rule.

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

141 395.10973 Powers and duties of the agency.—It is the
142 function of the agency to:

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

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

150 408.802 Applicability.—The provisions of this part apply
151 to the provision of services that require licensure as defined
152 in this part and to the following entities licensed, registered,
153 or certified by the agency, as described in chapters 112, 383,
154 390, 394, 395, 400, 429, 440, 483, and 765:

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

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

159 408.820 Exemptions.—Except as prescribed in authorizing
160 statutes, the following exemptions shall apply to specified
161 requirements of this part:

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

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

166 385.211 Refractory and intractable epilepsy treatment and
167 research at recognized medical centers.—

168 (2) Notwithstanding chapter 893, medical centers
169 recognized pursuant to s. 381.925, or an academic medical
170 research institution legally affiliated with a licensed
171 children's specialty hospital as defined in s. 395.002(29)
172 ~~395.002(27)~~ that contracts with the Department of Health, may
173 conduct research on cannabidiol and low-THC cannabis. This
174 research may include, but is not limited to, the agricultural
175 development, production, clinical research, and use of liquid
176 medical derivatives of cannabidiol and low-THC cannabis for the
177 treatment for refractory or intractable epilepsy. The authority
178 for recognized medical centers to conduct this research is
179 derived from 21 C.F.R. parts 312 and 316. Current state or
180 privately obtained research funds may be used to support the
181 activities described in this section.

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

184 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
185 and 394.4789.—As used in this section and ss. 394.4786,
186 394.4788, and 394.4789:

187 (7) "Specialty psychiatric hospital" means a hospital
188 licensed by the agency pursuant to s. 395.002(29) ~~395.002(27)~~

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189 and part II of chapter 408 as a specialty psychiatric hospital.

190 Section 11. Paragraph (b) of subsection (1) of section
191 409.975, Florida Statutes, is amended to read:

192 409.975 Managed care plan accountability.—In addition to
193 the requirements of s. 409.967, plans and providers
194 participating in the managed medical assistance program shall
195 comply with the requirements of this section.

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

202 (b) Certain providers are statewide resources and
203 essential providers for all managed care plans in all regions.
204 All managed care plans must include these essential providers in
205 their networks. Statewide essential providers include:

206 1. Faculty plans of Florida medical schools.

207 2. Regional perinatal intensive care centers as defined in
208 s. 383.16(2).

209 3. Hospitals licensed as specialty children's hospitals as
210 defined in s. 395.002(29) ~~395.002(27)~~.

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T I T L E A M E N D M E N T

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214 Remove lines 5-20 and insert:
215 definitions; amending s. 395.003, F.S.; providing for
216 licensure of recovery care centers by the Agency for
217 Health Care Administration; creating s. 395.0171,
218 F.S.; providing criteria for the admission of patients
219 to recovery care centers; requiring recovery care
220 centers to have emergency care, transfer, and
221 discharge protocols; authorizing the agency to adopt
222 rules; amending s. 395.1055, F.S.; requiring the
223 agency to adopt rules establishing separate, minimum
224 standards for the care and treatment of patients in
225 recovery care centers; requiring the agency to adopt
226 rules establishing minimum standards for pediatric
227 patient care in certain ambulatory

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