

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.; conforming provisions to changes made  
13 by the act; requiring the agency to adopt rules  
14 establishing separate, minimum standards for the care  
15 and treatment of patients in recovery care centers;  
16 amending s. 395.10973, F.S.; directing the agency to  
17 enforce special-occupancy provisions of the Florida  
18 Building Code applicable to recovery care centers;  
19 amending s. 408.802, F.S.; providing applicability of  
20 the Health Care Licensing Procedures Act to recovery  
21 care centers; amending s. 408.820, F.S.; exempting  
22 recovery care centers from specified minimum licensure  
23 requirements; amending ss. 385.211, 394.4787, and  
24 409.975, F.S.; conforming cross-references; providing  
25 an effective date.

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

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

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

Section 2. Subsections (24) through (32) of section 395.002, Florida Statutes, are renumbered as subsections (26) through (34), respectively, subsections (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:

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

(22) "Premises" means those buildings, beds, and equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital care, recovery care, or ambulatory surgical care located in such

51 reasonable proximity to the address of the licensed facility as  
52 to appear to the public to be under the dominion and control of  
53 the licensee. For any licensee that is a teaching hospital as  
54 defined in s. 408.07, reasonable proximity includes any  
55 buildings, beds, services, programs, and equipment under the  
56 dominion and control of the licensee that are located at a site  
57 with a main address that is within 1 mile of the main address of  
58 the licensed facility; and all such buildings, beds, and  
59 equipment may, at the request of a licensee or applicant, be  
60 included on the facility license as a single premises.

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

65 (25) "Recovery care services" means postsurgical and  
66 postdiagnostic medical and general nursing care provided to a  
67 patient for whom acute care hospitalization is not required and  
68 uncomplicated recovery is reasonably expected. The term includes  
69 postsurgical rehabilitation services. The term does not include  
70 intensive care services, coronary care services, or critical  
71 care services.

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

74 395.003 Licensure; denial, suspension, and revocation.—

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

76 | the provision of services that require licensure pursuant to ss.  
77 | 395.001-395.1065 and part II of chapter 408 and to entities  
78 | licensed by or applying for such licensure from the Agency for  
79 | Health Care Administration pursuant to ss. 395.001-395.1065. A  
80 | license issued by the agency is required in order to operate a  
81 | hospital, recovery care center, or ambulatory surgical center in  
82 | this state.

83 |       (b)1. It is unlawful for a person to use or advertise to  
84 | the public, in any way or by any medium whatsoever, any facility  
85 | as a "hospital," "recovery care center," or "ambulatory surgical  
86 | center" unless such facility has first secured a license under  
87 | this part.

88 |       2. This part does not apply to veterinary hospitals or to  
89 | commercial business establishments using the word "hospital,"  
90 | "recovery care center," or "ambulatory surgical center" as a  
91 | part of a trade name if no treatment of human beings is  
92 | performed on the premises of such establishments.

93 |       Section 4. Section 395.0171, Florida Statutes, is created  
94 | to read:

95 |       395.0171 Recovery care center admissions; emergency care  
96 | and transfer protocols; discharge planning and protocols.-

97 |       (1) Admission to a recovery care center is restricted to a  
98 | patient who is in need of recovery care services and who has  
99 | been certified by his or her attending or referring physician,  
100 | or by a physician on staff at the facility, as medically stable

101 and not in need of acute care hospitalization before admission  
102 to the recovery care center.

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

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

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

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

112 Section 5. Subsections (12) through (19) of section  
113 395.1055, Florida Statutes, are renumbered as subsections (13)  
114 through (20), respectively, subsections (2) and (9) are amended,  
115 and a new subsection (12) is added to that section, to read:

116 395.1055 Rules and enforcement.—

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

120 (9) The agency may not adopt any rule governing the  
121 design, construction, erection, alteration, modification,  
122 repair, or demolition of any public or private hospital,  
123 intermediate residential treatment facility, recovery care  
124 center, or ambulatory surgical center. It is the intent of the  
125 Legislature to preempt that function to the Florida Building

126 Commission and the State Fire Marshal through adoption and  
127 maintenance of the Florida Building Code and the Florida Fire  
128 Prevention Code. However, the agency shall provide technical  
129 assistance to the commission and the State Fire Marshal in  
130 updating the construction standards of the Florida Building Code  
131 and the Florida Fire Prevention Code which govern hospitals,  
132 intermediate residential treatment facilities, recovery care  
133 centers, and ambulatory surgical centers.

134 (12) The agency shall adopt rules for recovery care  
135 centers which include fair and reasonable minimum standards for  
136 ensuring that recovery care centers have:

137 (a) A dietetic department, service, or other similarly  
138 titled unit, either on the premises or under contract, which  
139 shall be organized, directed, and staffed to ensure the  
140 provision of appropriate nutritional care and quality food  
141 service.

142 (b) Procedures to ensure the proper administration of  
143 medications. Such procedures shall address the prescribing,  
144 ordering, preparing, and dispensing of medications and  
145 appropriate monitoring of the effects of such medications on  
146 patients.

147 (c) A pharmacy, pharmaceutical department, or  
148 pharmaceutical service, or other similarly titled unit, on the  
149 premises or under contract.

150 Section 6. Subsection (3) of section 395.10973, Florida

151 Statutes, is amended to read:

152 395.10973 Powers and duties of the agency.—It is the  
 153 function of the agency to:

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

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

161 408.802 Applicability.—The provisions of this part apply  
 162 to the provision of services that require licensure as defined  
 163 in this part and to the following entities licensed, registered,  
 164 or certified by the agency, as described in chapters 112, 383,  
 165 390, 394, 395, 400, 429, 440, 483, and 765:

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

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

170 408.820 Exemptions.—Except as prescribed in authorizing  
 171 statutes, the following exemptions shall apply to specified  
 172 requirements of this part:

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

175 Section 9. Subsection (2) of section 385.211, Florida

176 Statutes, is amended to read:

177 385.211 Refractory and intractable epilepsy treatment and  
 178 research at recognized medical centers.—

179 (2) Notwithstanding chapter 893, medical centers  
 180 recognized pursuant to s. 381.925, or an academic medical  
 181 research institution legally affiliated with a licensed  
 182 children's specialty hospital as defined in s. 395.002(29) ~~s.~~  
 183 ~~395.002(27)~~ that contracts with the Department of Health, may  
 184 conduct research on cannabidiol and low-THC cannabis. This  
 185 research may include, but is not limited to, the agricultural  
 186 development, production, clinical research, and use of liquid  
 187 medical derivatives of cannabidiol and low-THC cannabis for the  
 188 treatment for refractory or intractable epilepsy. The authority  
 189 for recognized medical centers to conduct this research is  
 190 derived from 21 C.F.R. parts 312 and 316. Current state or  
 191 privately obtained research funds may be used to support the  
 192 activities described in this section.

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

195 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,  
 196 and 394.4789.—As used in this section and ss. 394.4786,  
 197 394.4788, and 394.4789:

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



201 Section 11. Paragraph (b) of subsection (1) of section  
202 409.975, Florida Statutes, is amended to read:

203 409.975 Managed care plan accountability.—In addition to  
204 the requirements of s. 409.967, plans and providers  
205 participating in the managed medical assistance program shall  
206 comply with the requirements of this section.

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

213 (b) Certain providers are statewide resources and  
214 essential providers for all managed care plans in all regions.  
215 All managed care plans must include these essential providers in  
216 their networks. Statewide essential providers include:

- 217 1. Faculty plans of Florida medical schools.
- 218 2. Regional perinatal intensive care centers as defined in  
219 s. 383.16(2).
- 220 3. Hospitals licensed as specialty children's hospitals as  
221 defined in s. 395.002(29) ~~s. 395.002(27)~~.
- 222 4. Accredited and integrated systems serving medically  
223 complex children which comprise separately licensed, but  
224 commonly owned, health care providers delivering at least the  
225 following services: medical group home, in-home and outpatient

226 nursing care and therapies, pharmacy services, durable medical  
227 equipment, and Prescribed Pediatric Extended Care.

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229 Managed care plans that have not contracted with all statewide  
230 essential providers in all regions as of the first date of  
231 recipient enrollment must continue to negotiate in good faith.  
232 Payments to physicians on the faculty of nonparticipating  
233 Florida medical schools shall be made at the applicable Medicaid  
234 rate. Payments for services rendered by regional perinatal  
235 intensive care centers shall be made at the applicable Medicaid  
236 rate as of the first day of the contract between the agency and  
237 the plan. Except for payments for emergency services, payments  
238 to nonparticipating specialty children's hospitals shall equal  
239 the highest rate established by contract between that provider  
240 and any other Medicaid managed care plan.

241 Section 12. This act shall take effect July 1, 2020.