

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.; prohibiting recovery care centers from
13 providing recovery care services to certain children
14 until certain minimum standards are established by
15 agency rule; conforming provisions to changes made by
16 the act; requiring the agency to adopt rules
17 establishing separate, minimum standards for the care
18 and treatment of patients in recovery care centers;
19 amending s. 395.10973, F.S.; directing the agency to
20 enforce special-occupancy provisions of the Florida
21 Building Code applicable to recovery care centers;
22 amending s. 408.802, F.S.; providing applicability of
23 the Health Care Licensing Procedures Act to recovery
24 care centers; amending s. 408.820, F.S.; exempting
25 recovery care centers from specified minimum licensure

26 requirements; amending ss. 385.211, 394.4787, and
 27 409.975, F.S.; conforming cross-references; providing
 28 an effective date.

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

31
 32 Section 1. Section 395.001, Florida Statutes, is amended
 33 to read:

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

41 Section 2. Subsections (24) through (32) of section
 42 395.002, Florida Statutes, are renumbered as subsections (26)
 43 through (34), respectively, subsections (16) and (22) are
 44 amended, and new subsections (24) and (25) are added to that
 45 section, to read:

46 395.002 Definitions.—As used in this chapter:

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

50 (22) "Premises" means those buildings, beds, and equipment

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

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

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

75 | Section 3. Paragraphs (a) and (b) of subsection (1) of

76 | section 395.003, Florida Statutes, are amended to read:

77 | 395.003 Licensure; denial, suspension, and revocation.—

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

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

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

96 | Section 4. Section 395.0171, Florida Statutes, is created
 97 | to read:

98 | 395.0171 Recovery care center admissions; emergency care
 99 | and transfer protocols; discharge planning and protocols.—

100 | (1) Admission to a recovery care center is restricted to a

101 patient who is in need of recovery care services and who has
102 been certified by his or her attending or referring physician,
103 or by a physician on staff at the facility, as medically stable
104 and not in need of acute care hospitalization before admission
105 to the recovery care center.

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

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

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

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

115 Section 5. Subsections (12) through (19) of section
116 395.1055, Florida Statutes, are renumbered as subsections (13)
117 through (20), respectively, subsections (2), (3), and (9) are
118 amended, and a new subsection (12) is added to that section, to
119 read:

120 395.1055 Rules and enforcement.—

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

124 (3) The agency shall adopt rules that establish minimum
125 standards for pediatric patient care in ambulatory surgical

126 | centers and recovery care centers to ensure the safe and
127 | effective delivery of ~~surgical~~ care to children in such
128 | facilities ~~ambulatory surgical centers~~. Such standards must
129 | include quality of care, nurse staffing, physician staffing, and
130 | equipment standards. Ambulatory surgical centers may not provide
131 | operative procedures to children under 18 years of age which
132 | require a length of stay past midnight until such standards are
133 | established by rule. Recovery care centers may not provide
134 | recovery care services to children under 18 years of age until
135 | such standards are established by rule.

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

150 | (12) The agency shall adopt rules for recovery care

151 centers which include fair and reasonable minimum standards for
152 ensuring that recovery care centers have:

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

158 (b) Procedures to ensure the proper administration of
159 medications. Such procedures shall address the prescribing,
160 ordering, preparing, and dispensing of medications and
161 appropriate monitoring of the effects of such medications on
162 patients.

163 (c) A pharmacy, pharmaceutical department, or
164 pharmaceutical service, or other similarly titled unit, on the
165 premises or under contract.

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

168 395.10973 Powers and duties of the agency.—It is the
169 function of the agency to:

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

175 Section 7. Subsection (27) is added to section 408.802,

176 Florida Statutes, to read:

177 408.802 Applicability.—The provisions of this part apply
 178 to the provision of services that require licensure as defined
 179 in this part and to the following entities licensed, registered,
 180 or certified by the agency, as described in chapters 112, 383,
 181 390, 394, 395, 400, 429, 440, 483, and 765:

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

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

186 408.820 Exemptions.—Except as prescribed in authorizing
 187 statutes, the following exemptions shall apply to specified
 188 requirements of this part:

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

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

193 385.211 Refractory and intractable epilepsy treatment and
 194 research at recognized medical centers.—

195 (2) Notwithstanding chapter 893, medical centers
 196 recognized pursuant to s. 381.925, or an academic medical
 197 research institution legally affiliated with a licensed
 198 children's specialty hospital as defined in s. 395.002(29) ~~s.~~
 199 ~~395.002(27)~~ that contracts with the Department of Health, may
 200 conduct research on cannabidiol and low-THC cannabis. This

201 research may include, but is not limited to, the agricultural
 202 development, production, clinical research, and use of liquid
 203 medical derivatives of cannabidiol and low-THC cannabis for the
 204 treatment for refractory or intractable epilepsy. The authority
 205 for recognized medical centers to conduct this research is
 206 derived from 21 C.F.R. parts 312 and 316. Current state or
 207 privately obtained research funds may be used to support the
 208 activities described in this section.

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

211 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
 212 and 394.4789.—As used in this section and ss. 394.4786,
 213 394.4788, and 394.4789:

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

217 Section 11. Paragraph (b) of subsection (1) of section
 218 409.975, Florida Statutes, is amended to read:

219 409.975 Managed care plan accountability.—In addition to
 220 the requirements of s. 409.967, plans and providers
 221 participating in the managed medical assistance program shall
 222 comply with the requirements of this section.

223 (1) PROVIDER NETWORKS.—Managed care plans must develop and
 224 maintain provider networks that meet the medical needs of their
 225 enrollees in accordance with standards established pursuant to

226 s. 409.967(2)(c). Except as provided in this section, managed
227 care plans may limit the providers in their networks based on
228 credentials, quality indicators, and price.

229 (b) Certain providers are statewide resources and
230 essential providers for all managed care plans in all regions.
231 All managed care plans must include these essential providers in
232 their networks. Statewide essential providers include:

233 1. Faculty plans of Florida medical schools.

234 2. Regional perinatal intensive care centers as defined in
235 s. 383.16(2).

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

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

244
245 Managed care plans that have not contracted with all statewide
246 essential providers in all regions as of the first date of
247 recipient enrollment must continue to negotiate in good faith.
248 Payments to physicians on the faculty of nonparticipating
249 Florida medical schools shall be made at the applicable Medicaid
250 rate. Payments for services rendered by regional perinatal

251 intensive care centers shall be made at the applicable Medicaid
252 rate as of the first day of the contract between the agency and
253 the plan. Except for payments for emergency services, payments
254 to nonparticipating specialty children's hospitals shall equal
255 the highest rate established by contract between that provider
256 and any other Medicaid managed care plan.

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