

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Koster offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 43-172 and insert:

7 (10) "Hospital-based off-campus emergency department"

8 means a facility that:

9 (a) Provides emergency services and care;

10 (b) Is owned and operated by a licensed hospital and

11 operates under the license of the hospital; and

12 (c) Is located on separate premises from the hospital.

13 (11)-(10) "General hospital" means any facility which meets

14 the provisions of subsection (13) -(12) and which regularly makes

15 its facilities and services available to the general population.

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16 ~~(28)~~⁽²⁷⁾ "Specialty hospital" means any facility which
17 meets the provisions of subsection ~~(13)~~⁽¹²⁾, and which
18 regularly makes available either:

19 (a) The range of medical services offered by general
20 hospitals~~7~~, but restricted to a defined age or gender group of
21 the population;

22 (b) A restricted range of services appropriate to the
23 diagnosis, care, and treatment of patients with specific
24 categories of medical or psychiatric illnesses or disorders; or

25 (c) Intensive residential treatment programs for children
26 and adolescents as defined in subsection ~~(16)~~⁽¹⁵⁾.

27 ~~(30)~~⁽²⁹⁾ "Urgent care center" means a facility or clinic
28 that provides immediate but not emergent ambulatory medical care
29 to patients. ~~The term includes an offsite emergency department~~
30 ~~of a hospital that is presented to the general public in any~~
31 ~~manner as a department where immediate and not only emergent~~
32 ~~medical care is provided.~~ The term also includes:

33 (a) An offsite facility of a facility licensed under this
34 chapter, or a joint venture between a facility licensed under
35 this chapter and a provider licensed under chapter 458 or
36 chapter 459, that does not require a patient to make an
37 appointment and is presented to the general public in any manner
38 as a facility where immediate but not emergent medical care is
39 provided.

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40 (b) A clinic organization that is licensed under part X of
41 chapter 400, maintains three or more locations using the same or
42 a similar name, does not require a patient to make an
43 appointment, and holds itself out to the general public in any
44 manner as a facility or clinic where immediate but not emergent
45 medical care is provided.

46 Section 2. Paragraph (c) of subsection (1) of section
47 395.003, Florida Statutes, is amended to read:

48 395.003 Licensure; denial, suspension, and revocation.—

49 (1)

50 ~~(c) Until July 1, 2006, additional emergency departments~~
51 ~~located off the premises of licensed hospitals may not be~~
52 ~~authorized by the agency.~~

53 Section 3. Paragraph (m) is added to subsection (3) of
54 section 395.1041, Florida Statutes, to read:

55 395.1041 Access to emergency services and care.—

56 (3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF
57 FACILITY OR HEALTH CARE PERSONNEL.—

58 (m)1. A hospital-based off-campus emergency department may
59 not hold itself out to the public as an urgent care center and
60 must clearly identify itself as a hospital emergency department,
61 using, at a minimum, prominent lighted external signage that
62 includes the word "EMERGENCY" or "ER" in conjunction with the
63 name of the hospital. A hospital-based off-campus emergency
64 department located on the same premises as an urgent care center

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65 may additionally identify itself as an urgent care center on
66 such signage.

67 2. A hospital-based off-campus emergency department shall
68 conspicuously post signs at locations that are readily
69 accessible to and visible by patients outside the entrance to
70 the facility and in patient waiting areas which state the
71 following: "THIS IS A HOSPITAL EMERGENCY DEPARTMENT." Unless the
72 hospital-based off-campus emergency department shares a premises
73 and a public entrance with an urgent care center, the signs must
74 also state the following: "THIS IS NOT AN URGENT CARE CENTER.
75 HOSPITAL EMERGENCY DEPARTMENT RATES ARE BILLED FOR OUR
76 SERVICES." The signs must also specify the facility's average
77 facility fee, if any, and notify the public that the facility or
78 a physician providing medical care at the facility may be an
79 out-of-network provider. The signs must be at least 2 square
80 feet in size and the text must be in at least 36 point type.

81 3. Except as provided in this paragraph, any advertisement
82 for a hospital-based off-campus emergency department must
83 include the following statement: "This emergency department is
84 not an urgent care center. It is part of (insert hospital name)
85 and its services and care are billed at hospital emergency
86 department rates." Any billboard advertising a hospital-based
87 off-campus emergency department which measures at least 200
88 square feet must include the following statement in clearly
89 legible contrasting color text at least 15 inches high: "(INSERT

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90 NAME OF HOSPITAL) EMERGENCY DEPARTMENT. THIS IS NOT AN URGENT
91 CARE CENTER."

92 4.a. The agency shall post on its website information that
93 provides a description of the differences between a hospital-
94 based off-campus emergency department and an urgent care center.
95 Such description must include:

96 (I) At least two examples illustrating the impact on insured
97 and insurer paid amounts of inappropriate utilization of
98 nonemergent services and care in a hospital emergency department
99 setting compared to utilization of nonemergent services and care
100 in an urgent care center;

101 (II) An interactive tool to locate local urgent care
102 centers; and

103 (III) What to do in the event of a true emergency.

104 b. The agency shall update the information required in
105 sub-subparagraph a. at least annually. Each hospital shall post
106 a link to such information in a prominent location on its
107 website.

108 Section 4. Section 627.6405, Florida Statutes, is amended to
109 read:

110 627.6405 Decreasing inappropriate utilization of emergency
111 care.—

112 ~~(1) The Legislature finds and declares it to be of vital~~
113 ~~importance that emergency services and care be provided by~~
114 ~~hospitals and physicians to every person in need of such care,~~

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115 ~~but with the double-digit increases in health insurance~~
116 ~~premiums, health care providers and insurers should encourage~~
117 ~~patients and the insured to assume responsibility for their~~
118 ~~treatment, including emergency care. The Legislature finds that~~
119 ~~inappropriate utilization of emergency department services~~
120 ~~increases the overall cost of providing health care and these~~
121 ~~costs are ultimately borne by the hospital, the insured~~
122 ~~patients, and, many times, by the taxpayers of this state.~~
123 ~~Finally, the Legislature declares that the providers and~~
124 ~~insurers must share the responsibility of providing alternative~~
125 ~~treatment options to urgent care patients outside of the~~
126 ~~emergency department. Therefore, it is the intent of the~~
127 ~~Legislature to place the obligation for educating consumers and~~
128 ~~creating mechanisms for delivery of care that will decrease the~~
129 ~~overutilization of emergency service on health insurers and~~
130 ~~providers.~~

131 ~~(1)(2)~~ A health insurer ~~insurers~~ shall post ~~provide~~ on its
132 website ~~their websites~~ information regarding appropriate
133 utilization of emergency care services which shall include, but
134 need not be limited to:7

135 (a) A list of alternative urgent care contracted
136 providers;7

137 (b) The types of services offered by these providers;7

138 (c) A comparison of statewide average in-network and out-
139 of-network urgent care center and hospital-based off-campus

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140 emergency department charges for the 30 most common urgent care
141 center

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

145

Remove lines 8-20 and insert:

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395.1041, F.S.; prohibiting a hospital-based off-campus

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emergency department from holding itself out to the public as an

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urgent care center; requiring a hospital-based off-campus

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emergency department to clearly identify itself as a hospital

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emergency department using certain signage; requiring a

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hospital-based off-campus emergency department to post signs in

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certain locations which contain specified statements; providing

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requirements for such signs; providing requirements for the

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advertisement of hospital-based off-campus emergency

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departments; requiring the Agency for Health Care Administration

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to post certain information on its website describing the

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differences between a hospital-based off-campus emergency

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department and an urgent care