

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Select Committee on Health
 2 Innovation

3 Representative Silvers offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (a) of subsection (3) of section
 8 395.1041, Florida Statutes, is amended to read:

9 395.1041 Access to and ensurance of emergency services;
 10 transfers; patient rights; diversion programs; reports of
 11 controlled substance overdoses.—

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

14 (a) Every general hospital which has an emergency
 15 department, and every rural emergency hospital, shall provide

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16 emergency services and care for any emergency medical condition
17 when:

- 18 1. Any person requests emergency services and care; or
19 2. Emergency services and care are requested on behalf of
20 a person by:

21 a. An emergency medical services provider who is rendering
22 care to or transporting the person; or

23 b. Another hospital, when such hospital is seeking a
24 medically necessary transfer, except as otherwise provided in
25 this section.

26 Section 2. Paragraph (b) of subsection (2) of section
27 395.602, Florida Statutes, is amended to read:

28 395.602 Rural hospitals.—

29 (2) DEFINITIONS.—As used in this part, the term:

30 (b) "Rural hospital" means an acute care hospital licensed
31 under this chapter, having 100 or fewer licensed beds and an
32 emergency room, which is:

33 1. The sole provider within a county with a population
34 density of up to 100 persons per square mile;

35 2. An acute care hospital, in a county with a population
36 density of up to 100 persons per square mile, which is at least
37 30 minutes of travel time, on normally traveled roads under
38 normal traffic conditions, from any other acute care hospital
39 within the same county;

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40 3. A hospital supported by a tax district or subdistrict
41 whose boundaries encompass a population of up to 100 persons per
42 square mile;

43 4. A hospital classified as a sole community hospital
44 under 42 C.F.R. s. 412.92, regardless of the number of licensed
45 beds;

46 5. A hospital with a service area that has a population of
47 up to 100 persons per square mile. As used in this subparagraph,
48 the term "service area" means the fewest number of zip codes
49 that account for 75 percent of the hospital's discharges for the
50 most recent 5-year period, based on information available from
51 the hospital inpatient discharge database in the Florida Center
52 for Health Information and Transparency at the agency; or

53 6. A hospital designated as a critical access hospital, as
54 defined in s. 408.07.

55
56 Population densities used in this paragraph must be based upon
57 the most recently completed United States census. ~~A hospital
58 that received funds under s. 409.9116 for a quarter beginning no
59 later than July 1, 2002, is deemed to have been and shall
60 continue to be a rural hospital from that date through June 30,
61 2021, if the hospital continues to have up to 100 licensed beds
62 and an emergency room.~~ An acute care hospital that has not
63 previously been designated as a rural hospital and that meets
64 the criteria of this paragraph shall be granted such designation

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65 upon application, including supporting documentation, to the
66 agency. A hospital that was licensed as a rural hospital during
67 the 2010-2011 or 2011-2012 fiscal year shall continue to be a
68 rural hospital from the date of designation through June 30,
69 ~~2031~~2025, if the hospital continues to have up to 100 licensed
70 beds and an emergency room.

71 Section 3. Section 395.607, Florida Statutes, is created
72 to read:

73 395.607 Rural Emergency Hospitals.--

74 (1) As used in this section:

75 (a) "Rural emergency hospital" means a licensed rural
76 hospital or critical access hospital as defined in s. 408.07
77 designated by the agency under this section.

78 (b) "Rural emergency services" means emergency services and
79 care services and care that not require more than 24 hours on
80 average in a rural emergency hospital; observation care; and, at
81 the election of the hospital, outpatient services specified in
82 regulations adopted by the United States Secretary of Health and
83 Human Services.

84 (2) A qualifying hospital may apply to the agency for
85 designation as a rural emergency hospital on a form adopted by
86 the agency. The agency may designate a hospital as a rural
87 emergency hospital if it demonstrates that it:

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88 (a) Meets the requirements of the Consolidated
89 Appropriations Act of 2021 (Pub. L. No. 116-260), and of
90 regulations adopted and guidance issued thereunder.

91 (b) Has no more than 50 beds.

92 (c) Can adequately provide rural emergency services in the
93 facility 24 hours a day and seven days a week.

94 (d) Is sufficiently staffed and equipped to provide rural
95 emergency services of the types indicated by the applicant.

96 (e) Has a transfer agreement in effect with a Level I or
97 Level II trauma center.

98 (3) Designated rural emergency hospitals are exempt from
99 the requirements of s. 395.002 to offer acute inpatient care or
100 care beyond 24 hours, or to make available treatment facilities
101 for surgery, obstetrical care, or similar services, and shall be
102 required to make such services available only if it ceases to be
103 designated as a rural emergency hospital.

104 (4) The agency shall suspend or revoke the rural emergency
105 hospital designation if at any time such a hospital fails to
106 meet the requirements of this section.

107 Section 5. This act shall take effect July 1, 2024.

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

112 Remove everything before the enacting clause and insert:

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113 An act relating to rural emergency hospitals; amending s.
114 395.1041, F.S.; making rural emergency hospitals subject to
115 certain emergency services requirements for general hospitals;
116 creating s. 395.607, F.S.; providing definitions; authorizing
117 certain entities to apply to the Agency for Health Care
118 Administration for designation as a rural emergency hospital;
119 establishing requirements for emergency rural hospitals;
120 providing exemptions from certain requirements for general
121 hospitals; providing for administrative enforcement; providing
122 an effective date.