

By the Appropriations Committee on Health and Human Services;
and Senator Simon

603-03118-24

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1 A bill to be entitled
2 An act relating to rural emergency hospitals; amending
3 s. 395.1041, F.S.; subjecting rural emergency
4 hospitals to certain requirements for the provision of
5 emergency services and care; amending s. 395.602,
6 F.S.; revising the definition of the term "rural
7 hospital"; creating s. 395.607, F.S.; defining the
8 terms "rural emergency hospital" and "rural emergency
9 services"; authorizing qualifying hospitals to apply
10 to the Agency for Health Care Administration for
11 designation as a rural emergency hospital; specifying
12 requirements for such designation; exempting
13 designated rural emergency hospitals from certain
14 requirements for general hospitals; requiring the
15 agency to suspend or revoke a rural emergency
16 hospital's designation if at any time it fails to meet
17 specified requirements; providing an effective date.

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

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21 Section 1. Paragraph (a) of subsection (3) of section
22 395.1041, Florida Statutes, is amended to read

23 395.1041 Access to and ensurance of emergency services;
24 transfers; patient rights; diversion programs; reports of
25 controlled substance overdoses.—

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

28 (a) Every general hospital which has an emergency
29 department and every rural emergency hospital as defined in s.

603-03118-24

2024644c1

30 395.607 shall provide emergency services and care for any
31 emergency medical condition when:

- 32 1. Any person requests emergency services and care; or
33 2. Emergency services and care are requested on behalf of a
34 person by:

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

37 b. Another hospital, when such hospital is seeking a
38 medically necessary transfer, except as otherwise provided in
39 this section.

40 Section 2. Paragraph (b) of subsection (2) of section
41 395.602, Florida Statutes, is amended to read:

42 395.602 Rural hospitals.—

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

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

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

49 2. An acute care hospital, in a county with a population
50 density of up to 100 persons per square mile, which is at least
51 30 minutes of travel time, on normally traveled roads under
52 normal traffic conditions, from any other acute care hospital
53 within the same county;

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

57 4. A hospital classified as a sole community hospital under
58 42 C.F.R. s. 412.92, regardless of the number of licensed beds;

603-03118-24

2024644c1

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

66 6. A hospital designated as a critical access hospital, as
67 defined in s. 408.07.

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69 Population densities used in this paragraph must be based upon
70 the most recently completed United States census. ~~A hospital
71 that received funds under s. 409.9116 for a quarter beginning no
72 later than July 1, 2002, is deemed to have been and shall
73 continue to be a rural hospital from that date through June 30,
74 2021, if the hospital continues to have up to 100 licensed beds
75 and an emergency room.~~ An acute care hospital that has not
76 previously been designated as a rural hospital and that meets
77 the criteria of this paragraph shall be granted such designation
78 upon application, including supporting documentation, to the
79 agency. A hospital that was licensed as a rural hospital during
80 the 2010-2011 or 2011-2012 fiscal year shall continue to be a
81 rural hospital from the date of designation through June 30,
82 2031 2025, if the hospital continues to have up to 100 licensed
83 beds and an emergency room.

84 Section 3. Section 395.607, Florida Statutes, is created to
85 read:

86 395.607 Rural emergency hospitals.—

87 (1) As used in this section, the term:

603-03118-24

2024644c1

88 (a) "Rural emergency hospital" means a rural hospital or
89 critical access hospital as those terms are defined in s. 408.07
90 designated by the agency as a rural emergency hospital under
91 this section.

92 (b) "Rural emergency services" means emergency services and
93 other care that does not require treatment for more than 24
94 hours, on average, provided in a rural emergency hospital;
95 observation care; and, at the election of the hospital,
96 outpatient services specified in regulations adopted by the
97 United States Secretary of Health and Human Services.

98 (2) A qualifying hospital may apply to the agency for
99 designation as a rural emergency hospital on a form adopted by
100 the agency. The agency may designate a hospital as a rural
101 emergency hospital if it demonstrates that it meets all of the
102 following criteria:

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

106 (b) Has no more than 50 beds.

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

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

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

113 (3) Notwithstanding s. 395.002(12), a rural emergency
114 hospital is not required to offer acute inpatient care or care
115 beyond 24 hours, or to make available treatment facilities for
116 surgery, obstetrical care, or similar services in order to be

603-03118-24

2024644c1

117 deemed a hospital as long as it maintains its designation as a
118 rural emergency hospital, and may be required to make such
119 services available only if it ceases to be designated as a rural
120 emergency hospital.

121 (4) The agency must suspend or revoke a rural emergency
122 hospital designation if at any time such a hospital fails to
123 meet the requirements of this section.

124 Section 4. This act shall take effect July 1, 2024.