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1  
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.  
18

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.

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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;

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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.

68  
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:

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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

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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.