

1 A bill to be entitled

2 An act relating to recovery care services; amending s.  
3 395.001, F.S.; providing legislative intent regarding  
4 recovery care centers; amending s. 395.002, F.S.;  
5 revising and providing definitions; amending s.  
6 395.003, F.S.; including recovery care centers as  
7 facilities licensed under chapter 395, F.S.; creating  
8 s. 395.0171, F.S.; providing admission criteria for a  
9 recovery care center; requiring emergency care,  
10 transfer, and discharge protocols; authorizing the  
11 Agency for Health Care Administration to adopt rules;  
12 amending s. 395.1055, F.S.; authorizing the agency to  
13 establish separate standards for the care and  
14 treatment of patients in recovery care centers;  
15 amending s. 395.10973, F.S.; directing the agency to  
16 enforce special-occupancy provisions of the Florida  
17 Building Code applicable to recovery care centers;  
18 amending s. 395.301, F.S.; providing for format and  
19 content of a patient bill from a recovery care center;  
20 amending s. 408.802, F.S.; providing applicability of  
21 the Health Care Licensing Procedures Act to recovery  
22 care centers; amending s. 408.820, F.S.; exempting  
23 recovery care centers from specified minimum licensure  
24 requirements; amending ss. 394.4787 and 409.975, F.S.;  
25 conforming cross-references; providing an effective  
26 date.

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

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

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

Section 2. Subsections (3), (16), and (23) of section 395.002, Florida Statutes, are amended, subsections (25) through (33) are renumbered as subsections (27) through (35), respectively, and new subsections (25) and (26) are added to that section, to read:

395.002 Definitions.—As used in this chapter:

(3) "Ambulatory surgical center" or "mobile surgical facility" means a facility the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within 24 hours ~~the same working day and is not permitted to stay overnight~~, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine,

53 | or an office maintained for the practice of dentistry shall not  
54 | be construed to be an ambulatory surgical center, provided that  
55 | any facility or office which is certified or seeks certification  
56 | as a Medicare ambulatory surgical center shall be licensed as an  
57 | ambulatory surgical center pursuant to s. 395.003. Any structure  
58 | or vehicle in which a physician maintains an office and  
59 | practices surgery, and which can appear to the public to be a  
60 | mobile office because the structure or vehicle operates at more  
61 | than one address, shall be construed to be a mobile surgical  
62 | facility.

63 |       (16) "Licensed facility" means a hospital, ambulatory  
64 | surgical center, recovery care center, or mobile surgical  
65 | facility licensed in accordance with this chapter.

66 |       (23) "Premises" means those buildings, beds, and equipment  
67 | located at the address of the licensed facility and all other  
68 | buildings, beds, and equipment for the provision of hospital,  
69 | ambulatory surgical, recovery, or mobile surgical care located  
70 | in such reasonable proximity to the address of the licensed  
71 | facility as to appear to the public to be under the dominion and  
72 | control of the licensee. For any licensee that is a teaching  
73 | hospital as defined in s. 408.07(45), reasonable proximity  
74 | includes any buildings, beds, services, programs, and equipment  
75 | under the dominion and control of the licensee that are located  
76 | at a site with a main address that is within 1 mile of the main  
77 | address of the licensed facility; and all such buildings, beds,  
78 | and equipment may, at the request of a licensee or applicant, be

79 included on the facility license as a single premises.

80 (25) "Recovery care center" means a facility the primary  
81 purpose of which is to provide recovery care services, to which  
82 a patient is admitted and discharged within 72 hours, and which  
83 is not part of a hospital.

84 (26) "Recovery care services" means postsurgical and  
85 postdiagnostic medical and general nursing care provided to  
86 patients for whom acute care hospitalization is not required and  
87 an uncomplicated recovery is reasonably expected. The term  
88 includes postsurgical rehabilitation services. The term does not  
89 include intensive care services, coronary care services, or  
90 critical care services.

91 Section 3. Subsection (1) of section 395.003, Florida  
92 Statutes, is amended to read:

93 395.003 Licensure; denial, suspension, and revocation.—

94 (1)(a) The requirements of part II of chapter 408 apply to  
95 the provision of services that require licensure pursuant to ss.  
96 395.001-395.1065 and part II of chapter 408 and to entities  
97 licensed by or applying for such licensure from the Agency for  
98 Health Care Administration pursuant to ss. 395.001-395.1065. A  
99 license issued by the agency is required in order to operate a  
100 hospital, ambulatory surgical center, recovery care center, or  
101 mobile surgical facility in this state.

102 (b)1. It is unlawful for a person to use or advertise to  
103 the public, in any way or by any medium whatsoever, any facility  
104 as a "hospital," "ambulatory surgical center," "recovery care

105 center," or "mobile surgical facility" unless such facility has  
106 first secured a license under the provisions of this part.

107 2. This part does not apply to veterinary hospitals or to  
108 commercial business establishments using the word "hospital,"  
109 "ambulatory surgical center," "recovery care center," or "mobile  
110 surgical facility" as a part of a trade name if no treatment of  
111 human beings is performed on the premises of such  
112 establishments.

113 (c) Until July 1, 2006, additional emergency departments  
114 located off the premises of licensed hospitals may not be  
115 authorized by the agency.

116 Section 4. Section 395.0171, Florida Statutes, is created  
117 to read:

118 395.0171 Recovery care center admissions; emergency and  
119 transfer protocols; discharge planning and protocols.-

120 (1) Admissions to a recovery care center shall be  
121 restricted to patients who need recovery care services.

122 (2) Each patient must be certified by his or her attending  
123 or referring physician or by a physician on staff at the  
124 facility as medically stable and not in need of acute care  
125 hospitalization before admission.

126 (3) A patient may be admitted for recovery care services  
127 upon discharge from a hospital or an ambulatory surgery center.  
128 A patient may also be admitted postdiagnosis and posttreatment  
129 for recovery care services.

130 (4) A recovery care center must have emergency care and

131 transfer protocols, including transportation arrangements, and  
132 referral or admission agreements with at least one hospital.

133 (5) A recovery care center must have procedures for  
134 discharge planning and discharge protocols.

135 (6) The agency may adopt rules to implement this section.

136 Section 5. Subsections (2) and (8) of section 395.1055,  
137 Florida Statutes, are amended, and subsection (10) is added to  
138 that section, to read:

139 395.1055 Rules and enforcement.—

140 (2) Separate standards may be provided for general and  
141 specialty hospitals, ambulatory surgical centers, recovery care  
142 centers, mobile surgical facilities, and statutory rural  
143 hospitals as defined in s. 395.602.

144 (8) The agency may not adopt any rule governing the  
145 design, construction, erection, alteration, modification,  
146 repair, or demolition of any public or private hospital,  
147 intermediate residential treatment facility, recovery care  
148 center, or ambulatory surgical center. It is the intent of the  
149 Legislature to preempt that function to the Florida Building  
150 Commission and the State Fire Marshal through adoption and  
151 maintenance of the Florida Building Code and the Florida Fire  
152 Prevention Code. However, the agency shall provide technical  
153 assistance to the commission and the State Fire Marshal in  
154 updating the construction standards of the Florida Building Code  
155 and the Florida Fire Prevention Code which govern hospitals,  
156 intermediate residential treatment facilities, recovery care

157 centers, and ambulatory surgical centers.

158 (10) The agency shall adopt rules for recovery care  
159 centers which include fair and reasonable minimum standards for  
160 ensuring that recovery care centers have:

161 (a) A dietetic department, service, or other similarly  
162 titled unit, either on the premises or under contract, which  
163 shall be organized, directed, and staffed to ensure the  
164 provision of appropriate nutritional care and quality food  
165 service.

166 (b) Procedures to ensure the proper administration of  
167 medications. Such procedures shall address the prescribing,  
168 ordering, preparing, and dispensing of medications and  
169 appropriate monitoring of the effects of such medications on the  
170 patient.

171 (c) A pharmacy, pharmaceutical department, or  
172 pharmaceutical service, or similarly titled unit, on the  
173 premises or under contract.

174 Section 6. Subsection (8) of section 395.10973, Florida  
175 Statutes, is amended to read:

176 395.10973 Powers and duties of the agency.—It is the  
177 function of the agency to:

178 (8) Enforce the special-occupancy provisions of the  
179 Florida Building Code which apply to hospitals, intermediate  
180 residential treatment facilities, recovery care centers, and  
181 ambulatory surgical centers in conducting any inspection  
182 authorized by this chapter and part II of chapter 408.

183 Section 7. Subsection (3) of section 395.301, Florida  
 184 Statutes, is amended to read:

185 395.301 Itemized patient bill; form and content prescribed  
 186 by the agency; patient admission status notification.—

187 (3) On each itemized statement submitted pursuant to  
 188 subsection (1) there shall appear the words "A FOR-PROFIT (or  
 189 NOT-FOR-PROFIT or PUBLIC) HOSPITAL (or AMBULATORY SURGICAL  
 190 CENTER or RECOVERY CARE CENTER) LICENSED BY THE STATE OF  
 191 FLORIDA" or substantially similar words sufficient to identify  
 192 clearly and plainly the ownership status of the licensed  
 193 facility. Each itemized statement must prominently display the  
 194 phone number of the medical facility's patient liaison who is  
 195 responsible for expediting the resolution of any billing dispute  
 196 between the patient, or his or her representative, and the  
 197 billing department.

198 Section 8. Subsection (30) is added to section 408.802,  
 199 Florida Statutes, to read:

200 408.802 Applicability.—The provisions of this part apply  
 201 to the provision of services that require licensure as defined  
 202 in this part and to the following entities licensed, registered,  
 203 or certified by the agency, as described in chapters 112, 383,  
 204 390, 394, 395, 400, 429, 440, 483, and 765:

205 (30) Recovery care centers, as provided under part I of  
 206 chapter 395.

207 Section 9. Subsection (29) is added to section 408.820,  
 208 Florida Statutes, to read:



209 408.820 Exemptions.—Except as prescribed in authorizing  
 210 statutes, the following exemptions shall apply to specified  
 211 requirements of this part:

212 (29) Recovery care centers, as provided under part I of  
 213 chapter 395, are exempt from s. 408.810(7)-(10).

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

216 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,  
 217 and 394.4789.—As used in this section and ss. 394.4786,  
 218 394.4788, and 394.4789:

219 (7) "Specialty psychiatric hospital" means a hospital  
 220 licensed by the agency pursuant to s. 395.002(30) ~~395.002(28)~~  
 221 and part II of chapter 408 as a specialty psychiatric hospital.

222 Section 11. Paragraph (b) of subsection (1) of section  
 223 409.975, Florida Statutes, is amended to read:

224 409.975 Managed care plan accountability.—In addition to  
 225 the requirements of s. 409.967, plans and providers  
 226 participating in the managed medical assistance program shall  
 227 comply with the requirements of this section.

228 (1) PROVIDER NETWORKS.—Managed care plans must develop and  
 229 maintain provider networks that meet the medical needs of their  
 230 enrollees in accordance with standards established pursuant to  
 231 s. 409.967(2)(c). Except as provided in this section, managed  
 232 care plans may limit the providers in their networks based on  
 233 credentials, quality indicators, and price.

234 (b) Certain providers are statewide resources and

235 essential providers for all managed care plans in all regions.  
236 All managed care plans must include these essential providers in  
237 their networks. Statewide essential providers include:  
238       1. Faculty plans of Florida medical schools.  
239       2. Regional perinatal intensive care centers as defined in  
240 s. 383.16(2).  
241       3. Hospitals licensed as specialty children's hospitals as  
242 defined in s. 395.002(30) ~~395.002(28)~~.  
243       4. Accredited and integrated systems serving medically  
244 complex children that are comprised of separately licensed, but  
245 commonly owned, health care providers delivering at least the  
246 following services: medical group home, in-home and outpatient  
247 nursing care and therapies, pharmacy services, durable medical  
248 equipment, and Prescribed Pediatric Extended Care.  
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250 Managed care plans that have not contracted with all statewide  
251 essential providers in all regions as of the first date of  
252 recipient enrollment must continue to negotiate in good faith.  
253 Payments to physicians on the faculty of nonparticipating  
254 Florida medical schools shall be made at the applicable Medicaid  
255 rate. Payments for services rendered by regional perinatal  
256 intensive care centers shall be made at the applicable Medicaid  
257 rate as of the first day of the contract between the agency and  
258 the plan. Payments to nonparticipating specialty children's  
259 hospitals shall equal the highest rate established by contract  
260 between that provider and any other Medicaid managed care plan.

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Section 12. This act shall take effect July 1, 2016.