

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. 408.802, F.S.; providing applicability of
 19 the Health Care Licensing Procedures Act to recovery
 20 care centers; amending s. 408.820, F.S.; exempting
 21 recovery care centers from specified minimum licensure
 22 requirements; amending ss. 385.211, 394.4787, 409.975,
 23 and 627.64194, F.S.; conforming cross-references;
 24 providing an effective date.
 25

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

27

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

30 395.001 Legislative intent.—It is the intent of the
31 Legislature to provide for the protection of public health and
32 safety in the establishment, construction, maintenance, and
33 operation of hospitals, ambulatory surgical centers, recovery
34 care centers, and mobile surgical facilities by providing for
35 licensure of same and for the development, establishment, and
36 enforcement of minimum standards with respect thereto.

37 Section 2. Subsections (3), (16), and (23) of section
38 395.002, Florida Statutes, are amended, subsections (25) through
39 (33) are renumbered as subsections (27) through (35),
40 respectively, and new subsections (25) and (26) are added to
41 that section, to read:

42 395.002 Definitions.—As used in this chapter:

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

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

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

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

76 and equipment may, at the request of a licensee or applicant, be
77 included on the facility license as a single premises.

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

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

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

91 395.003 Licensure; denial, suspension, and revocation.—

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

100 (b)1. It is unlawful for a person to use or advertise to

101 the public, in any way or by any medium whatsoever, any facility
102 as a "hospital," "ambulatory surgical center," "recovery care
103 center," or "mobile surgical facility" unless such facility has
104 first secured a license under the provisions of this part.

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

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

114 Section 4. Section 395.0171, Florida Statutes, is created
115 to read:

116 395.0171 Recovery care center admissions; emergency and
117 transfer protocols; discharge planning and protocols.-

118 (1) Admissions to a recovery care center are restricted to
119 patients who need recovery care services.

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

124 (3) A patient may be admitted for recovery care services
125 upon discharge from a hospital or an ambulatory surgery center.

126 A patient may also be admitted postdiagnosis and posttreatment
127 for recovery care services.

128 (4) A recovery care center must have emergency care and
129 transfer protocols, including transportation arrangements, and
130 referral or admission agreements with at least one hospital.

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

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

134 Section 5. Subsection (10) is renumbered as subsection
135 (11), subsections (2) and (8) of section 395.1055, Florida
136 Statutes, are amended, and a new subsection (10) is added to
137 that section, to read:

138 395.1055 Rules and enforcement.—

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

143 (8) The agency may not adopt any rule governing the
144 design, construction, erection, alteration, modification,
145 repair, or demolition of any public or private hospital,
146 intermediate residential treatment facility, recovery care
147 center, or ambulatory surgical center. It is the intent of the
148 Legislature to preempt that function to the Florida Building
149 Commission and the State Fire Marshal through adoption and
150 maintenance of the Florida Building Code and the Florida Fire

151 Prevention Code. ~~However, the agency shall provide technical~~
152 ~~assistance to the commission and the State Fire Marshal in~~
153 ~~updating the construction standards of the Florida Building Code~~
154 ~~and the Florida Fire Prevention Code which govern hospitals,~~
155 ~~intermediate residential treatment facilities, recovery care~~
156 ~~centers, and ambulatory surgical centers.~~

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

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

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

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

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

175 395.10973 Powers and duties of the agency.—It is the

176 function of the agency to:

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

182 Section 7. Subsection (30) is added to section 408.802,
183 Florida Statutes, to read:

184 408.802 Applicability.—The provisions of this part apply
185 to the provision of services that require licensure as defined
186 in this part and to the following entities licensed, registered,
187 or certified by the agency, as described in chapters 112, 383,
188 390, 394, 395, 400, 429, 440, 483, and 765:

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

191 Section 8. Subsection (29) is added to section 408.820,
192 Florida Statutes, to read:

193 408.820 Exemptions.—Except as prescribed in authorizing
194 statutes, the following exemptions shall apply to specified
195 requirements of this part:

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

198 Section 9. Subsection (2) of section 385.211, Florida
199 Statutes, is amended to read:

200 385.211 Refractory and intractable epilepsy treatment and

201 research at recognized medical centers.—

202 (2) Notwithstanding chapter 893, medical centers
203 recognized pursuant to s. 381.925, or an academic medical
204 research institution legally affiliated with a licensed
205 children's specialty hospital as defined in s. 395.002(30)
206 ~~395.002(28)~~ that contracts with the Department of Health, may
207 conduct research on cannabidiol and low-THC cannabis. This
208 research may include, but is not limited to, the agricultural
209 development, production, clinical research, and use of liquid
210 medical derivatives of cannabidiol and low-THC cannabis for the
211 treatment for refractory or intractable epilepsy. The authority
212 for recognized medical centers to conduct this research is
213 derived from 21 C.F.R. parts 312 and 316. Current state or
214 privately obtained research funds may be used to support the
215 activities described in this section.

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

218 394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788,
219 and 394.4789.—As used in this section and ss. 394.4786,
220 394.4788, and 394.4789:

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

224 Section 11. Paragraph (b) of subsection (1) of section
225 409.975, Florida Statutes, is amended to read:

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

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

236 (b) Certain providers are statewide resources and
237 essential providers for all managed care plans in all regions.
238 All managed care plans must include these essential providers in
239 their networks. Statewide essential providers include:

- 240 1. Faculty plans of Florida medical schools.
- 241 2. Regional perinatal intensive care centers as defined in
242 s. 383.16(2).
- 243 3. Hospitals licensed as specialty children's hospitals as
244 defined in s. 395.002(30) ~~395.002(28)~~.
- 245 4. Accredited and integrated systems serving medically
246 complex children which comprise separately licensed, but
247 commonly owned, health care providers delivering at least the
248 following services: medical group home, in-home and outpatient
249 nursing care and therapies, pharmacy services, durable medical
250 equipment, and Prescribed Pediatric Extended Care.

251
 252 Managed care plans that have not contracted with all statewide
 253 essential providers in all regions as of the first date of
 254 recipient enrollment must continue to negotiate in good faith.
 255 Payments to physicians on the faculty of nonparticipating
 256 Florida medical schools shall be made at the applicable Medicaid
 257 rate. Payments for services rendered by regional perinatal
 258 intensive care centers shall be made at the applicable Medicaid
 259 rate as of the first day of the contract between the agency and
 260 the plan. Except for payments for emergency services, payments
 261 to nonparticipating specialty children's hospitals shall equal
 262 the highest rate established by contract between that provider
 263 and any other Medicaid managed care plan.

264 Section 12. Paragraphs (b) and (e) of subsection (1) of
 265 section 627.64194, Florida Statutes, are amended to read:

266 627.64194 Coverage requirements for services provided by
 267 nonparticipating providers; payment collection limitations.—

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

269 (b) "Facility" means a licensed facility as defined in s.
 270 395.002(16) and an urgent care center as defined in s.
 271 395.002(32) ~~395.002(30)~~.

272 (e) "Nonparticipating provider" means a provider who is
 273 not a preferred provider as defined in s. 627.6471 or a provider
 274 who is not an exclusive provider as defined in s. 627.6472. For
 275 purposes of covered emergency services under this section, a

HB 23

2018

276 facility licensed under chapter 395 or an urgent care center
277 defined in s. 395.002(32) ~~395.002(30)~~ is a nonparticipating
278 provider if the facility has not contracted with an insurer to
279 provide emergency services to its insureds at a specified rate.

280 Section 13. This act shall take effect July 1, 2018.