



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.