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LEGISLATIVE ACTION

Senate

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House

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03/03/2018 10:05 AM

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Senator Brandes moved the following:

Senate Amendment (with directory and title amendments)

Between lines 833 and 834

insert:

(6)

(b) A specialty-licensed children's hospital that has licensed neonatal intensive care unit beds and is located in District 5 or District 11, as defined in s. 408.032, as of January 1, 2018, ~~a county with a population of 1,750,000 or more~~ may provide obstetrical services, in accordance with the pertinent guidelines promulgated by the American College of



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12 Obstetricians and Gynecologists and with verification of
13 guidelines and compliance with internal safety standards by the
14 Voluntary Review for Quality of Care Program of the American
15 College of Obstetricians and Gynecologists and in compliance
16 with the agency's rules pertaining to the obstetrical department
17 in a hospital and offer healthy mothers all necessary critical
18 care equipment, services, and the capability of providing up to
19 10 beds for labor and delivery care, which services are
20 restricted to the diagnosis, care, and treatment of pregnant
21 women of any age who have documentation by an examining
22 physician that includes information regarding:

23 1. At least one fetal characteristic or condition diagnosed
24 intra-utero that would characterize the pregnancy or delivery as
25 high risk including structural abnormalities of the digestive,
26 central nervous, and cardiovascular systems and disorders of
27 genetic malformations and skeletal dysplasia, acute metabolic
28 emergencies, and babies of mothers with rheumatologic disorders;
29 or

30 2. Medical advice or a diagnosis indicating that the fetus
31 may require at least one perinatal intervention.

32
33 This paragraph shall not preclude a specialty-licensed
34 children's hospital from complying with s. 395.1041 or the
35 Emergency Medical Treatment and Active Labor Act, 42 U.S.C.
36 1395dd.

37
38 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

39 And the directory clause is amended as follows:

40 Delete lines 799 - 800



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41 and insert:

42 Section 1. Paragraphs (a) and (b) of subsection (1),
43 paragraph (b) of subsection (2), and paragraph (b) of subsection
44 (6) of section 395.003, Florida

45

46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete lines 27 - 299

49 and insert:

50 amending s. 395.003, F.S.; conforming provisions to
51 changes made by the act; authorizing certain
52 specialty-licensed children's hospitals to provide
53 obstetrical services under certain circumstances;
54 creating the public health trust; amending ss.
55 381.0031, 381.004, 384.31, 395.009, 400.0625, and
56 409.905, F.S.; eliminating state licensure
57 requirements for clinical laboratories; requiring
58 clinical laboratories to be federally certified;
59 amending s. 381.915, F.S.; increasing the number of
60 years that a cancer center may participate in Tier 3
61 of the Florida Consortium of National Cancer Institute
62 Centers Program; increasing the number of years after
63 qualification that a certain Tier 3 cancer center may
64 pursue specified NCI designations; amending s.
65 383.313, F.S.; requiring a birth center to be
66 federally certified and meet specified requirements to
67 perform certain laboratory tests; repealing s.
68 383.335, F.S., relating to partial exemptions from
69 licensure requirements for certain facilities that



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70 provide obstetrical and gynecological surgical
71 services; amending s. 395.002, F.S.; revising and
72 deleting definitions to remove the term "mobile
73 surgical facility"; conforming a cross-reference;
74 creating s. 395.0091, F.S.; requiring the Agency for
75 Health Care Administration, in consultation with the
76 Board of Clinical Laboratory Personnel, to adopt rules
77 establishing criteria for alternate-site laboratory
78 testing; requiring specifications to be included in
79 the criteria; defining the term "alternate-site
80 testing"; amending ss. 395.0161 and 395.0163, F.S.;
81 deleting licensure and inspection requirements for
82 mobile surgical facilities to conform to changes made
83 by the act; amending s. 395.0197, F.S.; requiring the
84 manager of a hospital or ambulatory surgical center
85 internal risk management program to demonstrate
86 competence in specified administrative and health care
87 service areas; conforming provisions to changes made
88 by the act; repealing s. 395.1046, F.S., relating to
89 hospital complaint investigation procedures; amending
90 s. 395.1055, F.S.; requiring hospitals that provide
91 specified services to meet agency licensure
92 requirements; providing standards to be included in
93 licensure requirements; conforming a provision to
94 changes made by the act; requiring a level 2
95 background screening for personnel of distinct part
96 nursing units; requiring the agency to adopt rules
97 establishing standards for pediatric cardiac
98 catheterization and pediatric cardiovascular surgery



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99 programs; providing requirements for such programs;
100 requiring pediatric cardiac programs to participate in
101 the clinical outcome reporting systems; revising
102 duties and membership of the pediatric cardiac
103 technical advisory panel; repealing ss. 395.10971 and
104 395.10972, F.S., relating to the purpose and the
105 establishment of the Health Care Risk Manager Advisory
106 Council, respectively; amending s. 395.10973, F.S.;
107 removing requirements relating to agency standards for
108 health care risk managers to conform provisions to
109 changes made by the act; repealing s. 395.10974, F.S.,
110 relating to licensure of health care risk managers,
111 qualifications, licensure, and fees; repealing s.
112 395.10975, F.S., relating to grounds for denial,
113 suspension, or revocation of a health care risk
114 manager's license and an administrative fine; amending
115 s. 395.602, F.S.; deleting definitions for the terms
116 "emergency care hospital," "essential access community
117 hospital," "inactive rural hospital bed," and "rural
118 primary care hospital"; amending s. 395.603, F.S.;
119 deleting provisions relating to deactivation of
120 general hospital beds by certain rural and emergency
121 care hospitals; repealing s. 395.604, F.S., relating
122 to other rural hospital programs; repealing s.
123 395.605, F.S., relating to emergency care hospitals;
124 amending s. 395.701, F.S.; revising the definition of
125 the term "hospital" to exclude hospitals operated by a
126 state agency; amending s. 400.191, F.S.; removing the
127 30-month reporting timeframe for the Nursing Home



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128 Guide; amending s. 400.464, F.S.; requiring that a
129 license issued to a home health agency on or after a
130 specified date specify the services the organization
131 is authorized to perform and whether the services
132 constitute skilled care; providing that the provision
133 or advertising of certain services constitutes
134 unlicensed activity under certain circumstances;
135 authorizing certain persons, entities or organizations
136 providing home health services to voluntarily apply
137 for a certificate of exemption from licensure by
138 providing certain information to the agency; providing
139 that the certificate is valid for a specified time and
140 is nontransferable; authorizing the agency to charge a
141 fee for the certificate; amending s. 400.471, F.S.;
142 revising home health agency licensure requirements;
143 providing requirements for proof of accreditation for
144 home health agencies applying for change of ownership
145 or the addition of skilled care services; removing a
146 provision prohibiting the agency from issuing a
147 license to a home health agency that fails to satisfy
148 the requirements of a Medicare certification survey
149 from the agency; amending s. 400.474, F.S.; revising
150 conditions for the imposition of a fine against a home
151 health agency; amending s. 400.476, F.S.; requiring a
152 home health agency providing skilled nursing care to
153 have a director of nursing; amending s. 400.484, F.S.;
154 imposing administrative fines on home health agencies
155 for specified classes of violations; amending s.
156 400.497, F.S.; requiring the agency to adopt, publish,



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157 and enforce rules establishing standards for
158 certificates of exemption; amending s. 400.506, F.S.;
159 specifying a criminal penalty for any person who owns,
160 operates, or maintains an unlicensed nurse registry
161 that fails to cease operation immediately and apply
162 for a license after notification from the agency;
163 revising provisions authorizing the agency to impose a
164 fine on a nurse registry that fails to cease operation
165 after agency notification; revising circumstances
166 under which the agency is authorized to deny, suspend,
167 or revoke a license or impose a fine on a nurse
168 registry; prohibiting a nurse registry from
169 monitoring, supervising, managing, or training a
170 certain caregiver who is an independent contractor;
171 amending s. 400.606, F.S.; removing a requirement that
172 an existing licensed health care provider's hospice
173 licensure application be accompanied by a copy of the
174 most recent profit-loss statement and licensure
175 inspection report; amending s. 400.925, F.S.; revising
176 the definition of the term "home medical equipment";
177 amending s. 400.931, F.S.; requiring a home medical
178 equipment provider to notify the agency of certain
179 personnel changes within a specified timeframe;
180 amending s. 400.933, F.S.; requiring the agency to
181 accept the submission of a valid medical oxygen retail
182 establishment permit issued by the Department of
183 Business and Professional Regulation in lieu of an
184 agency inspection for licensure; amending s. 400.980,
185 F.S.; revising the timeframe within which a health



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186 care services pool registrant must provide the agency
187 with certain changes of information; amending s.
188 400.9935, F.S.; specifying that a voluntary
189 certificate of exemption may be valid for up to 2
190 years; amending s. 408.036, F.S.; conforming
191 provisions to changes made by the act; deleting
192 obsolete provisions relating to certificate of need
193 requirements for specified services; amending s.
194 408.0361, F.S.; providing an exception for a hospital
195 to become a Level I Adult Cardiovascular provider if
196 certain requirements are met; amending s. 408.05,
197 F.S.; requiring the agency to contract with the
198 Society of Thoracic Surgeons and the American College
199 of Cardiology for the collection of certain data for
200 publication on the agency's website for certain
201 purposes; amending s. 408.061, F.S.; excluding
202 hospitals operated by state agencies from certain
203 financial reporting requirements; conforming a cross-
204 reference; amending s. 408.07, F.S.; deleting the
205 definition for the term "clinical laboratory";
206 amending s. 408.20, F.S.; exempting hospitals operated
207 by any state agency from assessments against the
208 Health Care Trust Fund to fund certain agency
209 activities; repealing s. 408.7056, F.S., relating to
210 the Subscriber Assistance Program; amending s.
211 408.803, F.S.; defining the term "relative" for
212 purposes of the Health Care Licensing Procedures Act;
213 amending s. 408.806, F.S.; authorizing licensees who
214 hold licenses for multiple providers to request that



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215 the agency align related license expiration dates;
216 authorizing the agency to issue licenses for an
217 abbreviated licensure period and to charge a prorated
218 licensure fee; amending s. 408.809, F.S.; expanding
219 the scope of persons subject to a level 2 background
220 screening to include any employee of a licensee who is
221 a controlling interest and certain part-time
222 contractors; amending s. 408.810, F.S.; providing that
223 an applicant for change of ownership licensure is
224 exempt from furnishing proof of financial ability to
225 operate if certain conditions are met; authorizing the
226 agency to adopt rules governing circumstances under
227 which a controlling interest may act in certain legal
228 capacities on behalf of a patient or client; requiring
229 a licensee to ensure that certain persons do not hold
230 an ownership interest if the licensee is not organized
231 as or owned by a publicly traded corporation; defining
232 the term "publicly traded corporation"; amending s.
233 408.812, F.S.; providing that certain unlicensed
234 activity by a provider constitutes abuse and neglect;
235 clarifying that the agency may impose a fine or
236 penalty, as prescribed in an authorizing statute, if
237 an unlicensed provider who has received notification
238 fails to cease operation; authorizing the agency to
239 revoke all licenses and impose a fine or penalties
240 upon a controlling interest or licensee who has an
241 interest in more than one provider and who fails to
242 license a provider rendering services that require
243 licensure in certain circumstances; amending s.



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244 408.820, F.S.; deleting certain exemptions from part
245 II of ch. 408, F.S., for specified providers to
246 conform provisions to changes made by the act;
247 amending s. 409.907, F.S.; removing the agency's
248 authority to consider certain factors in determining
249 whether to enter into, and in maintaining, a Medicaid
250 provider agreement; amending s. 429.02, F.S.; revising
251 definitions of the terms "assisted living facility"
252 and "personal services"; amending s. 429.04, F.S.;
253 providing additional exemptions from licensure as an
254 assisted living facility; requiring a person or entity
255 asserting the exemption to provide documentation that
256 substantiates the claim upon agency investigation of
257 unlicensed activity; amending s. 429.08, F.S.;
258 providing criminal penalties and fines for a person
259 who rents or otherwise maintains a building or
260 property used as an unlicensed assisted living
261 facility; providing criminal penalties and fines for a
262 person who owns, operates, or maintains an unlicensed
263 assisted living facility after receiving notice from
264 the agency; amending s. 429.176, F.S.; prohibiting an
265 assisted living facility from operating for more than
266 a specified time without an administrator who has
267 completed certain educational requirements; amending
268 s. 429.24, F.S.; providing that 30-day written notice
269 of rate increase for residency in an assisted living
270 facility is not required in certain situations;
271 amending s. 429.28, F.S.; revising the assisted living
272 facility resident bill of rights to include assistance



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273 with obtaining access to adequate and appropriate
274 health care; defining the term "adequate and
275 appropriate health care"; deleting a requirement that
276 the agency conduct at least one monitoring visit under
277 certain circumstances; deleting provisions authorizing
278 the agency to conduct periodic followup inspections
279 and complaint investigations under certain
280 circumstances; amending s. 429.294, F.S.; deleting the
281 specified timeframe within which an assisted living
282 facility must provide complete copies of a resident's
283 records in an investigation of resident's rights;
284 amending s. 429.34, F.S.; authorizing the agency to
285 inspect and investigate assisted living facilities as
286 necessary to determine compliance with certain laws;
287 removing a provision requiring the agency to inspect
288 each licensed assisted living facility at least
289 biennially; authorizing the agency to conduct
290 monitoring visits of each facility cited for prior
291 violations under certain circumstances; amending s.
292 429.52, F.S.; requiring an assisted living facility
293 administrator to complete required training and
294 education within a specified timeframe; amending s.
295 435.04, F.S.; providing that security background
296 investigations must ensure that a person has not been
297 arrested for, and is not awaiting final disposition
298 of, certain offenses; requiring that security
299 background investigations for purposes of
300 participation in the Medicaid program screen for
301 violations of federal or state law, rule, or



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302 regulation governing any state Medicaid program, the
303 Medicare program, or any other publicly funded federal
304 or state health care or health insurance program;
305 specifying offenses under federal law or any state law
306 that the security background investigations must
307 screen for; amending s. 456.054, F.S.; prohibiting any
308 person or entity from paying or receiving a kickback
309 for referring patients to a clinical laboratory;
310 prohibiting a clinical laboratory from providing
311 personnel to perform certain functions or duties in a
312 health care practitioner's office or dialysis
313 facility; providing an exception; prohibiting a
314 clinical laboratory from leasing space in any part of
315 a health care practitioner's office or dialysis
316 facility; repealing part I of ch. 483, F.S., relating
317 to clinical laboratories; amending s. 483.294, F.S.;
318 removing a requirement that the agency inspect
319 multiphasic health testing centers at least once
320 annually; amending s. 483.801, F.S.; providing an
321 exemption from regulation for certain persons employed
322 by certain laboratories; amending s. 483.803, F.S.;
323 revising definitions of the terms "clinical
324 laboratory" and "clinical laboratory examination";
325 removing a cross-reference; amending s. 641.511, F.S.;
326 revising health maintenance organization subscriber
327 grievance reporting requirements; repealing s. 641.60,
328 F.S., relating to the Statewide Managed Care Ombudsman
329 Committee; repealing s. 641.65, F.S., relating to
330 district managed care ombudsman committees; repealing



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331 s. 641.67, F.S., relating to a district managed care
332 ombudsman committee, exemption from public records
333 requirements, and exceptions; repealing s. 641.68,
334 F.S., relating to a district managed care ombudsman
335 committee and exemption from public meeting
336 requirements; repealing s. 641.70, F.S., relating to
337 agency duties relating to the Statewide Managed Care
338 Ombudsman Committee and the district managed care
339 ombudsman committees; repealing s. 641.75, F.S.,
340 relating to immunity from liability and limitation on
341 testimony; amending s. 945.36, F.S.; authorizing law
342 enforcement personnel to conduct drug tests on certain
343 inmates and releasees; amending ss. 20.43, 220.1845,
344 376.30781, 376.86, 381.0034, 381.0405, 383.14, 383.30,
345 383.301, 383.302, 383.305, 383.309, 383.33, 385.211,
346 394.4787, 395.001, 395.7015, 400.9905,