

By Senator Peaden

2-1586-04

1                                   A bill to be entitled  
2           An act relating to licensure of an emergency  
3           medical department; amending s. 395.003, F.S.;  
4           providing that, notwithstanding any right or  
5           privilege granted to a licensed hospital, a  
6           medical facility located away from the primary  
7           premises of a licensed hospital may not be  
8           licensed as, or represent itself to the public  
9           to be, an emergency department of a licensed  
10          hospital; providing an effective date.  
11  
12          WHEREAS, the regulation of hospitals is a matter of  
13          great public importance, and the issuance of a license to  
14          operate a hospital is a privilege and not a right, and  
15          WHEREAS, it is an important state interest to ensure  
16          that an emergency department operated by a licensed hospital  
17          is capable of providing the highest quality of emergency  
18          services to individuals seeking such care, and  
19          WHEREAS, chapter 395, Florida Statutes, authorizes a  
20          licensed hospital to establish an emergency department, and  
21          WHEREAS, it was never the intent of the Legislature to  
22          allow a licensed hospital to operate an emergency department  
23          located off premises of the licensed hospital, and  
24          WHEREAS, it is not in the public interest to license or  
25          operate an emergency department located off premises of a  
26          licensed hospital, and  
27          WHEREAS, operating an off-premise emergency department  
28          will lead to public confusion and to a lowering of the quality  
29          of care provided to the public in the emergency department,  
30          and  
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1           WHEREAS, it is in the public's interest to prohibit a  
2 licensed hospital from operating an emergency department  
3 located off premises of the licensed hospital, and

4           WHEREAS, it is in the public's interest to apply this  
5 prohibition to all emergency departments operating off  
6 premises of a licensed hospital on the effective date of this  
7 act, NOW, THEREFORE,

8  
9 Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Subsection (1) of section 395.003, Florida  
12 Statutes, is amended to read:

13           395.003 Licensure; issuance, renewal, denial,  
14 modification, suspension, and revocation.--

15           (1)(a) A ~~No~~ person may not ~~shall~~ establish, conduct,  
16 or maintain a hospital, ambulatory surgical center, or mobile  
17 surgical facility in this state without first obtaining a  
18 license under this part.

19           (b)1. It is unlawful for a ~~any~~ person to use or  
20 advertise to the public, in any way or by any medium  
21 whatsoever, any facility as a "hospital," "ambulatory surgical  
22 center," or "mobile surgical facility" unless the ~~such~~  
23 facility has first secured a license under ~~the provisions of~~  
24 this part.

25           2. ~~Nothing in~~ This part does not apply ~~applies~~ to  
26 veterinary hospitals or to commercial business establishments  
27 using the word "hospital," "ambulatory surgical center," or  
28 "mobile surgical facility" as a part of a trade name if no  
29 treatment of human beings is performed on the premises of the  
30 ~~such~~ establishments.

31

1           3. Notwithstanding any right or privilege granted by a  
2 license issued under this part, a medical facility located  
3 away from the primary premises of a licensed hospital may not  
4 be licensed as, or represent itself to the public to be, an  
5 emergency department of a licensed hospital.

6           Section 2. This act shall take effect upon becoming a  
7 law.

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9           \*\*\*\*\*

10                               SENATE SUMMARY

11           Provides that a medical facility located away from the  
12 primary premises of a licensed hospital may not be  
13 licensed as, or represent itself to the public to be, an  
14 emergency department of a licensed hospital.