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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/09/2024	.	
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The Appropriations Committee on Health and Human Services
(Simon) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (3) of section
395.1041, Florida Statutes, is amended to read

395.1041 Access to and ensurance of emergency services;
transfers; patient rights; diversion programs; reports of
controlled substance overdoses.—

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF



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11 FACILITY OR HEALTH CARE PERSONNEL.—

12 (a) Every general hospital which has an emergency
13 department and every rural emergency hospital as defined in s.
14 395.607 shall provide emergency services and care for any
15 emergency medical condition when:

- 16 1. Any person requests emergency services and care; or
17 2. Emergency services and care are requested on behalf of a
18 person by:

19 a. An emergency medical services provider who is rendering
20 care to or transporting the person; or

21 b. Another hospital, when such hospital is seeking a
22 medically necessary transfer, except as otherwise provided in
23 this section.

24 Section 2. Paragraph (b) of subsection (2) of section
25 395.602, Florida Statutes, is amended to read:

26 395.602 Rural hospitals.—

27 (2) DEFINITIONS.—As used in this part, the term:

28 (b) "Rural hospital" means an acute care hospital licensed
29 under this chapter, having 100 or fewer licensed beds and an
30 emergency room, which is:

31 1. The sole provider within a county with a population
32 density of up to 100 persons per square mile;

33 2. An acute care hospital, in a county with a population
34 density of up to 100 persons per square mile, which is at least
35 30 minutes of travel time, on normally traveled roads under
36 normal traffic conditions, from any other acute care hospital
37 within the same county;

38 3. A hospital supported by a tax district or subdistrict
39 whose boundaries encompass a population of up to 100 persons per



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40 square mile;

41 4. A hospital classified as a sole community hospital under
42 42 C.F.R. s. 412.92, regardless of the number of licensed beds;

43 5. A hospital with a service area that has a population of
44 up to 100 persons per square mile. As used in this subparagraph,
45 the term "service area" means the fewest number of zip codes
46 that account for 75 percent of the hospital's discharges for the
47 most recent 5-year period, based on information available from
48 the hospital inpatient discharge database in the Florida Center
49 for Health Information and Transparency at the agency; or

50 6. A hospital designated as a critical access hospital, as
51 defined in s. 408.07.

52
53 Population densities used in this paragraph must be based upon
54 the most recently completed United States census. ~~A hospital
55 that received funds under s. 409.9116 for a quarter beginning no
56 later than July 1, 2002, is deemed to have been and shall
57 continue to be a rural hospital from that date through June 30,
58 2021, if the hospital continues to have up to 100 licensed beds
59 and an emergency room.~~ An acute care hospital that has not
60 previously been designated as a rural hospital and that meets
61 the criteria of this paragraph shall be granted such designation
62 upon application, including supporting documentation, to the
63 agency. A hospital that was licensed as a rural hospital during
64 the 2010-2011 or 2011-2012 fiscal year shall continue to be a
65 rural hospital from the date of designation through June 30,
66 2031 ~~2025~~, if the hospital continues to have up to 100 licensed
67 beds and an emergency room.

68 Section 3. Section 395.607, Florida Statutes, is created to



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69 read:

70 395.607 Rural emergency hospitals.—

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

72 (a) "Rural emergency hospital" means a rural hospital or
73 critical access hospital as those terms are defined in s. 408.07
74 designated by the agency as a rural emergency hospital under
75 this section.

76 (b) "Rural emergency services" means emergency services and
77 other care that does not require treatment for more than 24
78 hours, on average, provided in a rural emergency hospital;
79 observation care; and, at the election of the hospital,
80 outpatient services specified in regulations adopted by the
81 United States Secretary of Health and Human Services.

82 (2) A qualifying hospital may apply to the agency for
83 designation as a rural emergency hospital on a form adopted by
84 the agency. The agency may designate a hospital as a rural
85 emergency hospital if it demonstrates that it meets all of the
86 following criteria:

87 (a) Meets the requirements of the Consolidated
88 Appropriations Act of 2021, Pub. L. No. 116-260, and the
89 regulations adopted and guidance issued thereunder.

90 (b) Has no more than 50 beds.

91 (c) Can adequately provide rural emergency services in the
92 facility 24 hours a day and seven days a week.

93 (d) Is sufficiently staffed and equipped to provide rural
94 emergency services of the types indicated by the applicant.

95 (e) Has a transfer agreement in effect with a Level I or
96 Level II trauma center.

97 (3) Notwithstanding s. 395.002(12), a rural emergency



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98 hospital is not required to offer acute inpatient care or care
99 beyond 24 hours, or to make available treatment facilities for
100 surgery, obstetrical care, or similar services in order to be
101 deemed a hospital as long as it maintains its designation as a
102 rural emergency hospital, and may be required to make such
103 services available only if it ceases to be designated as a rural
104 emergency hospital.

105 (4) The agency must suspend or revoke a rural emergency
106 hospital designation if at any time such a hospital fails to
107 meet the requirements of this section.

108 Section 4. This act shall take effect July 1, 2024.

109
110 ===== T I T L E A M E N D M E N T =====

111 And the title is amended as follows:

112 Delete everything before the enacting clause
113 and insert:

114 A bill to be entitled
115 An act relating to rural emergency hospitals; amending
116 s. 395.1041, F.S.; subjecting rural emergency
117 hospitals to certain requirements for the provision of
118 emergency services and care; amending s. 395.602,
119 F.S.; revising the definition of the term "rural
120 hospital"; creating s. 395.607, F.S.; defining the
121 terms "rural emergency hospital" and "rural emergency
122 services"; authorizing qualifying hospitals to apply
123 to the Agency for Health Care Administration for
124 designation as a rural emergency hospital; specifying
125 requirements for such designation; exempting
126 designated rural emergency hospitals from certain



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127 requirements for general hospitals; requiring the
128 agency to suspend or revoke a rural emergency
129 hospital's designation if at any time it fails to meet
130 specified requirements; providing an effective date.