

CHAPTER 2024-201

Committee Substitute for Senate Bill No. 644

An act relating to rural emergency hospitals; amending s. 395.1041, F.S.; subjecting rural emergency hospitals to certain requirements for the provision of emergency services and care; amending s. 395.602, F.S.; revising the definition of the term “rural hospital”; creating s. 395.607, F.S.; defining the terms “rural emergency hospital” and “rural emergency services”; authorizing qualifying hospitals to apply to the Agency for Health Care Administration for designation as a rural emergency hospital; specifying requirements for such designation; exempting designated rural emergency hospitals from certain requirements for general hospitals; requiring the agency to suspend or revoke a rural emergency hospital’s designation if at any time it fails to meet specified requirements; providing an effective date.

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

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 FACILITY OR HEALTH CARE PERSONNEL.—

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

1. Any person requests emergency services and care; or
2. Emergency services and care are requested on behalf of a person by:
 - a. An emergency medical services provider who is rendering care to or transporting the person; or
 - b. Another hospital, when such hospital is seeking a medically necessary transfer, except as otherwise provided in this section.

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

395.602 Rural hospitals.—

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

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

1. The sole provider within a county with a population density of up to 100 persons per square mile;
2. An acute care hospital, in a county with a population density of up to 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county;
3. A hospital supported by a tax district or subdistrict whose boundaries encompass a population of up to 100 persons per square mile;
4. A hospital classified as a sole community hospital under 42 C.F.R. s. 412.92, regardless of the number of licensed beds;
5. A hospital with a service area that has a population of up to 100 persons per square mile. As used in this subparagraph, the term “service area” means the fewest number of zip codes that account for 75 percent of the hospital’s discharges for the most recent 5-year period, based on information available from the hospital inpatient discharge database in the Florida Center for Health Information and Transparency at the agency; or
6. A hospital designated as a critical access hospital, as defined in s. 408.07.

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

Section 3. Section 395.607, Florida Statutes, is created to read:

395.607 Rural emergency hospitals.—

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

(a) “Rural emergency hospital” means a rural hospital or critical access hospital as those terms are defined in s. 408.07 designated by the agency as a rural emergency hospital under this section.

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

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

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

(b) Has no more than 50 beds.

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

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

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

(3) Notwithstanding s. 395.002(12), a rural emergency hospital is not required to offer acute inpatient care or care beyond 24 hours, or to make available treatment facilities for surgery, obstetrical care, or similar services in order to be deemed a hospital as long as it maintains its designation as a rural emergency hospital, and may be required to make such services available only if it ceases to be designated as a rural emergency hospital.

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

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

Approved by the Governor May 28, 2024.

Filed in Office Secretary of State May 28, 2024.