

### 59A-3.066 Licensure Procedure.

(1) No person or ~~entity governmental unit~~ shall establish, conduct, or maintain a hospital in this state without first obtaining a license.

(2) ~~All applicants or licensees All persons~~ requesting licensure for the operation of a hospital under the provisions of chapter 395, F.S., ~~must shall~~ make application to the Agency, on Health Care Licensing Application Hospitals, AHCA Form 3130-8001, July ~~2022~~ 2014, which is incorporated by reference, and ~~shall receive a standard or provisional license prior to the acceptance of patients for care or treatment.~~ The form is available at: <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. ~~Applicants for renewal and changes during licensure may submit the Health Care Licensing Online Application, Hospital, AHCA Form 3130-8001OL, July 2022, incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.~~ ~~The application forms are available online at <http://www.ahca.myflorida.com/HQALicensureforms> or, for online submissions, at: <http://apps.ahca.myflorida.com/SingleSignOnPortal>.~~ ~~Applicants must receive a standard or provisional license prior to the acceptance of patients for care or treatment, and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 31, Tallahassee, Florida 32308 or at the web address at: <http://ahca.myflorida.com/HQALicensureforms.shtml>.~~

(a) Each hospital applying for a license shall be designated by a distinctive name, and the name shall not be changed without first notifying the licensing agency and receiving approval in writing. Duplication of an existing hospital name is prohibited in new hospitals. The following documents ~~must shall~~ be prepared at the time of the initial application, and shall be available for review by the Agency at the ~~initial~~ licensure inspection:

1. Governing authority bylaws, rules and regulations, or other written organization plan;
2. Organized professional staff bylaws, rules and regulations;
3. The hospital's fire and Comprehensive Emergency Management Plans;
4. Roster of organized medical staff members;
5. Nursing procedure manual; ~~and,~~
6. Roster of registered nurses, licensed practical nurses, emergency medical technicians and paramedics with current registration number; ~~and~~
7. A copy of the child abuse and neglect policy as specified in Rule 59A-3.280, F.A.C.

(b) An application for initial licensure will not be accepted unless plans and specifications as required by Section 395.0163, F.S., have been received by the Agency's Office of Plans and Construction. ~~The following documents shall accompany the initial application:~~

1. The hospital's zoning certificate;
2. Articles of incorporation;
3. Registration of a fictitious name;
4. The name and address of the ultimate owner of the hospital;
5. A valid certificate of need or letter of exemption as required by sections 408.031 through 408.045, F.S.;
6. Evidence of approval from the Agency's Office of Plans and Construction for any physical plant requirements as required by section 395.0163, F.S.; ~~and,~~
7. Evidence of medical malpractice insurance through the Patient Compensation Fund or other means of demonstrating financial responsibility as provided for under section 766.105, F.S.
8. A copy of the child abuse and neglect policy as specified in rule 59A-3.280, F.A.C.

(c) An application for a change of ownership will not be approved until the Agency receives written confirmation signed by the buyer and the seller that the ownership transfer is complete and specifying the effective date. ~~All applications for change of ownership shall include:~~

1. A signed agreement to correct physical plant deficiencies listed in the most recent licensure inspection to conform to the most recently adopted, nationally recognized life safety code, unless otherwise modified herein;
2. Written verification of the transaction, which must include an effective date and the signatures of both the buyer and the seller;
3. Registration of a fictitious name;
4. The name and address of the ultimate owner of the hospital;
5. Evidence of payment of, or arrangement to pay, any liability to the state pursuant to sections 395.003(3) and 408.807(3)(b), F.S.; ~~and,~~

(d) An application for change during licensure period is required to amend the classification, addresses, emergency services, licensed programs, bed capacity and type, administrative personnel, board members, and less than 51% change of controlling interests. biennial licensure renewal must be accompanied by:

1. ~~A copy of the hospital's most recent accreditation report, if the hospital is accredited by an accrediting organization and the hospital seeks to substitute evidence of accreditation in lieu of an Agency licensure inspection, and,~~

2. ~~Evidence of medical malpractice insurance through the Patient Compensation Fund or other means of demonstrating financial responsibility as provided for under section 766.105, F.S.~~

(e) All permanent changes to the street address, hospital-based off-campus emergency departments and outpatient surgical center addresses, and the constructed bed capacity or bed type must be ~~An application for the addition of beds, off site outpatient facilities, off site emergency department or a change in classification to a hospital's license must include:~~

1. Approved by the Agency's Office of Plans and Construction, pursuant to Section 395.0163, F.S. and Rule 59A-3.080, F.A.C.; ~~A valid certificate of need or letter of exemption or notification as required by sections 408.031 through 408.045, F.S., and~~

2. In compliance with life safety codes pursuant to Sections 408.811 and 395.0161, F.S., except the life safety code inspection for a change in bed type in which life safety requirements are identical may be postponed until the next scheduled inspection; and, Approval from the Agency's Office of Plans and Construction, pursuant to rule 59A 3.080, F.A.C.

3. Amended on the license prior to occupancy.

(f) ~~Evidence of medical malpractice insurance through the Patient Compensation Fund or other means of demonstrating financial responsibility as provided for under section 395.1061-766.105, F.S., must be submitted annually to the Agency.~~

(g) Upon receipt of a completed initial application the Agency ~~will~~ shall conduct an inspection of the facility to determine compliance with chapter 395, part I, F.S., and rules 69A-3.012 and 59A-3.065-.310, F.A.C.

(h) When the applicant and hospital are in compliance with chapter 395, part I, F.S., and rules 69A-3.012 and 59A-3.065 through 59A-3.310, F.A.C., and have received all approvals required by law, the Agency ~~will~~ shall issue a license.

(i) A single license number will be issued to a licensee for facilities located on separate premises, upon request of the applicant in accordance with section 395.003(2), F.S. Each license certificate issued under a single license number ~~The license will include the information listed in subsection (3) and shall have a common mailing address~~ specifically state the location of the facilities, their services, and the licensed beds available on each separate premises. Such a license shall also specifically identify the general or specialty classification of hospitals located on separate premises. There shall be one chief executive officer and one medical staff for the facilities issued a single license number.

(3) ~~A license fee of \$1,565.13 per hospital, or \$31.46 per licensed bed, whichever is greater, shall accompany an application for an initial, biennial renewal, or change of ownership license. An application for the addition of beds to a license shall be accompanied by a license fee of \$31.46 per additional bed. All permanent additions to the constructed bed capacity occurring after the issuance of the license shall require licensure prior to occupancy. The license fee shall be made payable to the Agency for Health Care Administration. No license shall be issued without payment of the requisite fee, and, if the request for licensure is withdrawn, the license fee is not refundable. Where licenses are denied in whole or part, the license fee is not refundable.~~

(4)(a) ~~In the event of suspension or revocation of a license, or voluntary cessation of services which are required by section 395.002(12), F.S., the facility license shall be returned to the Agency by the licensee. A license returned to the Agency will be terminated upon receipt by the Agency, and the facility may not operate as a hospital until licensure is obtained. For continued operation, the licensee must apply for a new license in compliance with the requirements for initial licensure specified in this section, and subject to the provisions of the certificate of need program as specified in sections 408.031 through 408.045, F.S., and chapter 59C 1, F.A.C.~~

(b) ~~In the event of an intended change in ownership, as described in section 408.807, F.S., an application for an amended license must be submitted at least 60 days prior to the change, consistent with the requirements of paragraph (2)(c) of this section.~~

(5) ~~A licensee shall notify the Agency of impending closure of a hospital 30 days prior to such closure. The hospital shall be responsible for advising the licensing agency as to the placement of patients and disposition of medical records.~~

(3)(6) Each license ~~will~~ shall specifically state the name of the licensed operator of the hospital, the class of hospital, the emergency services, if applicable, licensed programs, bed capacity, and the name and location of the hospital. ~~Any beds in the hospital which are regulated under the certificate of need program, as specified in chapter 59C 1, F.A.C., shall be listed, including the number of licensed beds by type. The license for hospitals having facilities on more than one premises shall specifically state the location of each facility, their general or specialty classification, their services, and the licensed beds available on each separate~~

premises.

~~(7) Licenses shall be posted in a conspicuous place on the licensed premises, and copies of licenses shall be made available for inspection to all persons. In the case of a single license issued for facilities on more than one premises, a copy of the license shall be retained and posted in a conspicuous place at each separate premises.~~

~~(8) A license, unless sooner suspended or revoked, shall automatically expire two years from date of issuance, and shall be renewable biennially upon application for renewal and payment of the fee prescribed by these rules, provided that the applicant and hospital meet the requirements established under the chapter 395, part I, F.S. and rules 69A 3.012 and 59A 3.065 .303, F.A.C. Application for renewal of license shall be made not less than 60 days prior to expiration of a license, on forms prescribed by the Agency. If an application is received after the required filing date and exhibits a hand canceled postmark obtained from a United States Post Office dated on or before the required filing date, no fine will be levied.~~

~~(9) through (11) renumbered (4) through (6)~~

~~(7) (12) Data Collection~~

~~(a) All hospitals shall comply with the Agency requirements for data submission as authorized under section 395.1055 and chapter 408, F.S. This data, which does not have to be resubmitted to the Agency's hospital licensing office as a provision of this part, includes:~~

~~1. Certificate of need reviews required under sections 408.031 through 408.045, F.S., and at such intervals as required by chapter 59C-1, F.A.C.;~~

~~2. Quality of care patient outcome data as required by sections 408.061(1) and 395.1055(1)(g), F.S., and as mandated by rules adopted by the Agency;~~

~~(b) All hospitals must shall make available on their Internet websites a description of and link to the Agency's webpage which contains the hospital patient charge and performance outcome data that is collected pursuant to section 408.061(1), F.S. and, if requested, hospitals must shall provide a hard copy of the description and the link.~~

~~(8) Each hospital must designate a mailing address and a street address. All additional addresses under the administrative control of the hospital and operated as a department of the hospital must be identified as hospital-based off-campus emergency departments, outpatient surgery centers, urgent care centers, or off-site outpatient locations.~~

~~(9) Each hospital must be designated by a distinctive name, and the name may not be changed without first notifying the licensing agency and receiving approval in writing. Duplication of an existing hospital name is prohibited in new hospitals. Fictitious names must be registered with the Florida Department of State Division of Corporations, as required by the Department of State.~~

*Rulemaking Authority 395.003, 395.004, 395.1055, 408.033, 408.819 FS. Law Implemented 395.003, 395.004, 395.0161, 395.1055, 408.033, 408.805, 408.806, 408.809, 408.811 FS. History—New 9-4-95, Amended 6-18-96, Formerly 59A-3.203, Amended 10-16-14.*