

APRIL 30, 2024 | PUBLICATION

Client Alert: Florida Enacts New Requirements for Hospital Emergency Departments

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Florida has adopted new [requirements](#) for hospital emergency departments (EDs) as part of the broader 'Live Healthy' legislative package. Effective July 1, 2025, all hospitals with an ED must submit a "nonemergent care access plan" (NCAP) to the Agency for Health Care Administration (AHCA) to qualify for initial licensure or licensure renewal. This includes "hospital-based off-campus emergency departments."

According to a [summary](#) of the bill released by the Senate Fiscal Policy and Health Policy Committees, the new requirements are intended to reduce the burden placed on EDs when patients rely on them as a substitute for regular primary care. In short, an NCAP outlines a hospital's strategy for educating and redirecting such patients to suitable primary care resources.

NCAP Requirements

In preparing an NCAP, hospitals must describe procedures to:

- i. "[E]ducate such patients about care that would be best provided in a primary care setting and the importance of receiving regular primary care; and"
- ii. "[E]nsure the plan does not conflict or interfere with the hospital's duties and responsibilities under Fla. Stat. [§ 395.1041](#) or [\[EMTALA\]](#)."

In addition, **hospitals must establish** at least one of the following channels for redirecting patients to primary care:

- a. "A collaborative partnership with one or more nearby federally qualified health centers or other primary care settings."
- b. "The establishment, construction, and operation of a hospital-owned urgent care center co-located within or adjacent to the hospital emergency department location."

Special Provisions for Medicaid Patients

For patients enrolled in Medicaid, the NCAP must include procedures for coordination with Medicaid managed care plans to ensure these patients are connected to the appropriate primary care setting.

Hospitals are also required to assist in updating patient contact information with managed care plans.

Implementation and Reporting

Hospitals with an approved NCAP must submit data to the AHCA demonstrating compliance as part of the licensure renewal process. They are also expected to update their NCAP as directed by the AHCA or based on operational needs.