

Bill No. CS for CS for SB 1150

Amendment No. Barcode 374700

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Saunders moved the following amendment:

Senate Amendment (with title amendment)

On page 5, between lines 12 and 13,

insert:

Section 3. Paragraph (d) of subsection (5) of section 400.179, Florida Statutes, is amended to read:

400.179 Sale or transfer of ownership of a nursing facility; liability for Medicaid underpayments and overpayments.--

(5) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide

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1 proof to the agency of a bond with a term of 30 months,
2 renewable annually, in an amount not less than the total of 3
3 months Medicaid payments to the facility computed on the basis
4 of the preceding 12-month average Medicaid payments to the
5 facility.

6 2. The leasehold operator may meet the bond
7 requirement through other arrangements acceptable to the
8 department.

9 3. All existing nursing facility licensees, operating
10 the facility as a leasehold, shall acquire, maintain, and
11 provide proof to the agency of the 30-month bond required in
12 subparagraph 1., above, on and after July 1, 1993, for each
13 license renewal.

14 4. It shall be the responsibility of all nursing
15 facility operators, operating the facility as a leasehold, to
16 renew the 30-month bond and to provide proof of such renewal
17 to the agency annually at the time of application for license
18 renewal.

19 5. Any failure of the nursing facility operator to
20 acquire, maintain, renew annually, or provide proof to the
21 agency shall be grounds for the agency to deny, cancel,
22 revoke, or suspend the facility license to operate such
23 facility and to take any further action, including, but not
24 limited to, enjoining the facility, asserting a moratorium, or
25 applying for a receiver, deemed necessary to ensure compliance
26 with this section and to safeguard and protect the health,
27 safety, and welfare of the facility's residents.

28

29 Notwithstanding any provision of this section to the contrary,
30 a lease agreement required as a condition of bond financing or
31 refinancing under s. 154.213 by a health facilities authority

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1 or under s. 159.30 by a county or municipality is not a
2 leasehold for purposes of this paragraph and is not subject to
3 the bond required under this paragraph.

4
5 (Redesignate subsequent sections.)

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7
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 1, line 10, after the semicolon,

11
12 insert:

13 amending s. 400.179, F.S.; providing an
14 exception to the requirement that a nursing
15 facility subject to sale or transfer obtain a
16 bond;

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