

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Robaina offered the following:

2 **Amendment (with title amendment)**

3 Between line(s) 68 and 69, insert:

4 Section 1. Subsection (1) of section 400.925, Florida  
5 Statutes, is amended, and subsections (17), (18), (19), and (20)  
6 are added to that section, to read:

7 400.925 Definitions.--As used in this part, the term:

8 (1) "Accrediting organizations" means the Joint Commission  
9 on Accreditation of Healthcare Organizations, the Community  
10 Health Accreditation Program (CHAP), the Accreditation  
11 Commission for Health Care, Inc. (ACHC), or other national  
12 accreditation agencies whose standards for accreditation are  
13 comparable to those required by this part for licensure.

14 (17) "High-tech medical equipment provider" means any home  
15 medical equipment company that provides life-sustaining

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16 equipment, technologically advanced equipment, or any other  
17 similar equipment or product to any patient.

18 (18) "Life-sustaining equipment" means mechanical  
19 ventilators or other equipment that is essential to the  
20 restoration or continuation of a bodily function important to  
21 the continuation of human life.

22 (19) "Technologically advanced equipment" means equipment  
23 of such complexity that a licensed respiratory therapist or  
24 registered nurse must set it up and train the patient in its  
25 use.

26 (20) "From its own inventory" means to provide the items  
27 or service directly to the patient.

28 Section 2. Paragraph (i) of subsection (5) of section  
29 400.93, Florida Statutes, is amended to read:

30 400.93 Licensure required; exemptions; unlawful acts;  
31 penalties.--

32 (5) The following are exempt from home medical equipment  
33 provider licensure, unless they have a separate company,  
34 corporation, or division that is in the business of providing  
35 home medical equipment and services for sale or rent to  
36 consumers at their regular or temporary place of residence  
37 pursuant to the provisions of this part:

38 (i) Licensed health care practitioners who utilize home  
39 medical equipment in the course of their practice, but do not  
40 sell or rent home medical equipment to their patients, or  
41 physicians who sell, rent, or supply to their patients equipment  
42 or devices in the physicians' offices.

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43 Section 3. Paragraph (a) of subsection (2) and subsections  
44 (6) and (7) of section 400.931, Florida Statutes, are amended to  
45 read:

46 400.931 Application for license; fee; provisional license;  
47 temporary permit.--

48 (2) The applicant must file with the application  
49 satisfactory proof that the home medical equipment provider is  
50 in compliance with this part and applicable rules, including:

51 (a) A report, by category, of the equipment to be  
52 provided, indicating those offered either directly by the  
53 applicant or through contractual arrangements with existing  
54 providers. Categories of equipment include:

- 55 1. Respiratory modalities.
- 56 2. Ambulation aids.
- 57 3. Mobility aids.
- 58 4. Sickroom setup.
- 59 5. Disposables.
- 60 6. Life-sustaining equipment.
- 61 7. Technologically advanced equipment.

62 (6) The home medical equipment provider must also obtain  
63 and maintain professional and commercial liability insurance.  
64 Proof of liability insurance, as defined in s. 624.605, must be  
65 submitted with the application. The agency shall set the  
66 required amounts of liability insurance by rule, but the  
67 required amount must not be less than \$300,000 ~~\$250,000~~ per  
68 claim. In the case of contracted services, it is required that

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69 the contractor have liability insurance not less than \$300,000  
70 ~~\$250,000~~ per claim.

71 ~~(7) A provisional license shall be issued to an approved~~  
72 ~~applicant for initial licensure for a period of 90 days, during~~  
73 ~~which time a survey must be conducted demonstrating substantial~~  
74 ~~compliance with this section. A temporary ~~provisional~~ license~~  
75 shall also be issued pending the results of an applicant's  
76 Federal Bureau of Investigation report of background screening  
77 confirming that all standards have been met. If substantial  
78 compliance is demonstrated, a standard license shall be issued  
79 to expire 2 years after the effective date of the provisional  
80 license.

81 Section 4. Subsection (2) of section 400.933, Florida  
82 Statutes, is amended, and subsection (3) is added to that  
83 section, to read:

84 400.933 Licensure inspections and investigations.--

85 (2) The agency shall accept, in lieu of its own periodic  
86 inspections for licensure, submission of ~~the following:~~

87 ~~(a)~~ the survey or inspection of an accrediting  
88 organization, provided the accreditation of the licensed home  
89 medical equipment provider is not provisional and provided the  
90 licensed home medical equipment provider authorizes release of,  
91 and the agency receives the report of, the accrediting  
92 organization. ~~;~~ ~~or~~

93 ~~(b) A copy of a valid medical oxygen retail establishment~~  
94 ~~permit issued by the Department of Health, pursuant to chapter~~  
95 ~~499.~~

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96       (3) In addition to any administrative fines imposed, the  
97 agency may assess a survey fee of \$500 to cover the cost of  
98 conducting complaint investigations that result in the finding  
99 of a violation that was the subject of the complaint and any  
100 followup visits conducted to verify the correction of the  
101 violations found in complaints.

102       Section 5. Subsections (3), (4), and (18) of section  
103 400.934, Florida Statutes, are amended, and subsection (20) is  
104 added to that section, to read:

105       400.934 Minimum standards.--As a requirement of licensure,  
106 home medical equipment providers shall:

107       (3) Respond to orders received for other equipment by  
108 filling those orders from its own inventory or inventory from  
109 other companies with which it has contracted to fill such  
110 orders+ or by customizing or fitting items for sale from  
111 supplies purchased under contract, except that high-tech medical  
112 equipment providers shall fill all orders for technologically  
113 advanced equipment directly from their own inventory and shall  
114 not contract with any entity for the delivery of such orders  
115 unless such entity is also licensed and accredited pursuant to  
116 this subsection.

117       (4) Maintain trained personnel to coordinate order  
118 fulfillment and schedule timely equipment and service delivery.  
119 High-tech medical equipment providers shall have on staff, at a  
120 minimum, one licensed respiratory therapist, who is either a  
121 certified respiratory therapist (CRT), a registered respiratory  
122 therapist (RRT), or a registered nurse.

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HOUSE AMENDMENT

Bill No. HB 1503 CS

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123       (18) Maintain safe premises that are fully accessible to  
124 all patients between the hours of 9 a.m. and 5 p.m.

125       (20) Provide consumers with after-hours emergency service  
126 appropriately staffed by personnel equipped to offer necessary  
127 services to the public. High-tech medical equipment providers  
128 shall have on call, at a minimum, one licensed respiratory  
129 therapist who is either a certified respiratory therapist (CRT),  
130 a registered respiratory therapist (RRT), or a registered nurse.

131       Section 6. Subsections (11) and (12) are added to section  
132 400.935, Florida Statutes, to read:

133       400.935 Rules establishing minimum standards.--The agency  
134 shall adopt, publish, and enforce rules to implement this part,  
135 which must provide reasonable and fair minimum standards  
136 relating to:

137       (11) The designation of equipment as life sustaining or  
138 technologically advanced.

139       (12) The designation of appropriate accrediting  
140 organizations.

141       Section 7. Section 400.936, Florida Statutes, is created  
142 to read:

143       400.936 Mandatory accreditation.--

144       (1) Effective January 1, 2006, all home medical equipment  
145 providers licensed under this part shall submit to the agency  
146 proof of accreditation as a prerequisite for licensure or  
147 license renewal. Any provider that does not submit proof of  
148 accreditation shall be issued a temporary license and shall have  
149 60 days to submit proof of application to an accrediting

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150 organization. Such provider shall submit proof of accreditation  
151 within 180 days after submitting an application in order to  
152 receive a permanent license. Any home medical equipment provider  
153 licenses as of January 1, 2006, shall have a reasonable period  
154 of time, not to exceed its next licensure renewal date, to  
155 comply with the accreditation requirement. Applicants that  
156 submit proof of accreditation, a completed licensure  
157 application, and the required fee may receive a temporary  
158 license until completion of the review of accreditation.

159 (2) The agency shall adopt rules designating appropriate  
160 accrediting organizations whose standards for accreditation are  
161 comparable to those required by this part for licensure.

162 Section 8. Section 400.95, Florida Statutes, is amended to  
163 read:

164 400.95 Notice of toll-free telephone number for central  
165 fraud and abuse hotline.--On or before the first day home  
166 medical equipment is delivered to the patient's home, any home  
167 medical equipment provider licensed under this part must inform  
168 the consumer and his or her immediate family, if appropriate, of  
169 the right to report fraudulent, abusive, neglectful, or  
170 exploitative practices. The statewide toll-free telephone number  
171 for the central fraud and abuse hotline must be provided to  
172 consumers in a manner that is clearly legible and must include  
173 the words: "To report fraud, abuse, neglect, or exploitation,  
174 please call toll-free 1-800-962-2873." Home medical equipment  
175 providers shall establish appropriate policies and procedures  
176 for providing such notice to consumers.

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

Remove line(s) 6 and insert:  
An act relating to health care regulation; amending s. 400.925, F.S.; revising and providing definitions; amending s. 400.93, F.S.; providing that physicians who sell, rent, or supply equipment or devices to their patients are exempt from licensure as a home medical equipment provider; amending s. 400.931, F.S.; including additional categories of equipment in a report required by applicants for licensure; increasing the amount of liability insurance required of home medical equipment providers; amending s. 400.933, F.S.; revising requirements for licensure and assessment of fees; amending s. 400.934, F.S.; revising minimum standards required for licensure; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to provide additional regulatory standards by rule; creating s. 400.936, F.S.; requiring proof of accreditation as a prerequisite for licensure or license renewal; providing for temporary licensure; providing for rules relating to designation of accrediting organizations; amending s. 400.95, F.S.; providing for notice of a toll-free telephone number to report fraud and abuse by providers; amending s. 408.05,

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