

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Robaina offered the following:

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3 **Amendment (with title amendment)**

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

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

8 400.925 Definitions.--As used in this part, the term:

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

854977

Amendment No. (for drafter's use only)

15 (17) "High-tech medical equipment provider" means any home
16 medical equipment company that provides life-sustaining
17 equipment, technologically advanced equipment, or any other
18 similar equipment or product to any patient.

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

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

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

29 Section 2. Paragraph (i) of subsection (5) of section
30 400.93, Florida Statutes, is amended to read:

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

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

39 (i) Licensed health care practitioners who utilize home
40 medical equipment in the course of their practice, but do not
41 sell or rent home medical equipment to their patients, or

854977

4/28/2005 8:15:28 AM

Amendment No. (for drafter's use only)

42 physicians who sell, rent, or supply to their patients equipment
43 or devices in the physicians' offices.

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

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

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

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

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

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

854977

4/28/2005 8:15:28 AM

Amendment No. (for drafter's use only)

69 claim. In the case of contracted services, it is required that
70 the contractor have liability insurance not less than \$300,000
71 ~~\$250,000~~ per claim.

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

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

85 400.933 Licensure inspections and investigations.--

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

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

854977

4/28/2005 8:15:28 AM

Amendment No. (for drafter's use only)

94 ~~(b) A copy of a valid medical oxygen retail establishment~~
95 ~~permit issued by the Department of Health, pursuant to chapter~~
96 ~~499.~~

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

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

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

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

118 (4) Maintain trained personnel to coordinate order
119 fulfillment and schedule timely equipment and service delivery.
120 High-tech medical equipment providers shall have on staff, at a

854977

4/28/2005 8:15:28 AM

Amendment No. (for drafter's use only)

121 minimum, one licensed respiratory therapist, who is either a
122 certified respiratory therapist (CRT), a registered respiratory
123 therapist (RRT), or a registered nurse.

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

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

132 Section 6. Subsections (11) and (12) are added to section
133 400.935, Florida Statutes, to read:

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

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

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

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

144 400.936 Mandatory accreditation.--

145 (1) Effective January 1, 2006, all home medical equipment
146 providers licensed under this part shall submit to the agency
147 proof of accreditation as a prerequisite for licensure or

854977

4/28/2005 8:15:28 AM

HOUSE AMENDMENT

Bill No. HB 1503 CS

Amendment No. (for drafter's use only)

148 license renewal. Any provider that does not submit proof of
149 accreditation shall be issued a temporary license and shall have
150 60 days to submit proof of application to an accrediting
151 organization. Such provider shall submit proof of accreditation
152 within 180 days after submitting an application in order to
153 receive a permanent license. Any home medical equipment provider
154 licenses as of January 1, 2006, shall have a reasonable period
155 of time, not to exceed its next licensure renewal date, to
156 comply with the accreditation requirement. Applicants that
157 submit proof of accreditation, a completed licensure
158 application, and the required fee may receive a temporary
159 license until completion of the review of accreditation.

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

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

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

854977

4/28/2005 8:15:28 AM

Amendment No. (for drafter's use only)

175 | please call toll-free 1-800-962-2873." Home medical equipment
176 | providers shall establish appropriate policies and procedures
177 | for providing such notice to consumers.

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

180 | Remove line(s) 6 and insert:

181 | An act relating to health care; amending s. 400.925, F.S.;
182 | revising and providing definitions; amending s. 400.93,
183 | F.S.; providing that physicians who sell, rent, or supply
184 | equipment or devices to their patients are exempt from
185 | licensure as a home medical equipment provider; amending
186 | s. 400.931, F.S.; including additional categories of
187 | equipment in a report required by applicants for
188 | licensure; increasing the amount of liability insurance
189 | required of home medical equipment providers; amending s.
190 | 400.933, F.S.; revising requirements for licensure and
191 | assessment of fees; amending s. 400.934, F.S.; revising
192 | minimum standards required for licensure; amending s.
193 | 400.935, F.S.; requiring the Agency for Health Care
194 | Administration to provide additional regulatory standards
195 | by rule; creating s. 400.936, F.S.; requiring proof of
196 | accreditation as a prerequisite for licensure or license
197 | renewal; providing for temporary licensure; providing for
198 | rules relating to designation of accrediting
199 | organizations; amending s. 400.95, F.S.; providing for
200 | notice of a toll-free telephone number to report fraud and
201 | abuse by providers; amending s. 408.05,

854977

4/28/2005 8:15:28 AM