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A bill to be entitled  
 An act relating to home medical equipment providers;  
 amending s. 400.925, F.S.; revising and providing  
 definitions; 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 inspections and investigations;  
 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 toll-free telephone  
 number to report fraud and abuse by providers; providing  
 an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 400.925, Florida  
 Statutes, is amended, and subsections (17), (18), (19), (20),  
 and (21) are added to said section, to read:

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

28           (1) "Accrediting organizations" means the Joint Commission  
 29 on Accreditation of Healthcare Organizations, the Community  
 30 Health Accreditation Program (CHAP), the Accreditation  
 31 Commission for Health Care, Inc. (ACHC), or other national  
 32 accreditation agencies whose standards for accreditation are  
 33 comparable to those required by this part for licensure.

34           (17) "High-tech medical equipment provider" means any home  
 35 medical equipment company that provides ventilator care,  
 36 tracheotomy care, life-sustaining equipment, technologically  
 37 advanced equipment, or any other similar service or product to  
 38 any pediatric patient.

39           (18) "Pediatric patient" means any patient under 21 years  
 40 of age.

41           (19) "Life-sustaining equipment" means mechanical  
 42 ventilators or other similar equipment that supports life or  
 43 essential respiratory functions.

44           (20) "Technologically advanced equipment" means equipment  
 45 of such complexity that a licensed respiratory therapist or  
 46 registered nurse must set it up and train the patient in its  
 47 use.

48           (21) "From its own inventory" means to provide the items  
 49 or service directly to the patient without the use of inventory  
 50 personnel from other companies or subcontractors.

51           Section 2. Paragraph (a) of subsection (2) and subsection  
 52 (6) of section 400.931, Florida Statutes, are amended to read:

53           400.931 Application for license; fee; provisional license;  
 54 temporary permit.--

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

58 (a) A report, by category, of the equipment to be  
 59 provided, indicating those offered either directly by the  
 60 applicant or through contractual arrangements with existing  
 61 providers. Categories of equipment include:

- 62 1. Respiratory modalities.
- 63 2. Ambulation aids.
- 64 3. Mobility aids.
- 65 4. Sickroom setup.
- 66 5. Disposables.
- 67 6. Life-sustaining equipment.
- 68 7. Technologically advanced equipment.

69 (6) The home medical equipment provider must also obtain  
 70 and maintain professional and commercial liability insurance.  
 71 Proof of liability insurance, as defined in s. 624.605, must be  
 72 submitted with the application. The agency shall set the  
 73 required amounts of liability insurance by rule, but the  
 74 required amount must not be less than \$300,000 ~~\$250,000~~ per  
 75 claim. In the case of contracted services, it is required that  
 76 the contractor have liability insurance not less than \$300,000  
 77 ~~\$250,000~~ per claim.

78 Section 3. Subsection (2) of section 400.933, Florida  
 79 Statutes, is amended to read:

80 400.933 Licensure inspections and investigations.--

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

83           ~~(a)~~ the survey or inspection of an accrediting  
 84 organization, provided the accreditation of the licensed home  
 85 medical equipment provider is not provisional and provided the  
 86 licensed home medical equipment provider authorizes release of,  
 87 and the agency receives the report of, the accrediting  
 88 organization; ~~or~~

89           ~~(b) A copy of a valid medical oxygen retail establishment~~  
 90 ~~permit issued by the Department of Health, pursuant to chapter~~  
 91 ~~499.~~

92           Section 4. Subsections (3), (4), and (18) of section  
 93 400.934, Florida Statutes, are amended, and subsections (20) and  
 94 (21) are added to said section, to read:

95           400.934 Minimum standards.--As a requirement of licensure,  
 96 home medical equipment providers shall:

97           (3) Respond to orders received for other equipment by  
 98 filling those orders from its own inventory or inventory from  
 99 other companies with which it has contracted to fill such  
 100 orders; ~~or by~~ customizing or fitting items for sale from  
 101 supplies purchased under contract, except that high-tech medical  
 102 equipment providers shall fill all orders for technologically  
 103 advanced equipment directly from their own inventory and shall  
 104 not contract with any entity for the delivery of such orders.

105           (4) Maintain trained personnel to coordinate order  
 106 fulfillment and schedule timely equipment and service delivery.  
 107 High-tech medical equipment providers shall have on staff, at a  
 108 minimum, one licensed respiratory therapist, who is either a  
 109 certified respiratory therapist (CRT) or a registered  
 110 respiratory therapist (RRT), or a registered nurse.

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

113           (20) Provide consumers with after-hours emergency service  
 114 appropriately staffed by personnel equipped to offer necessary  
 115 services to the public. High-tech medical equipment providers  
 116 shall have on call, at a minimum, one licensed respiratory  
 117 therapist, who is either a certified respiratory therapist (CRT)  
 118 or a registered respiratory therapist (RRT), or a registered  
 119 nurse.

120           Section 5. Subsections (11) and (12) are added to section  
 121 400.935, Florida Statutes, to read:

122           400.935 Rules establishing minimum standards.--The agency  
 123 shall adopt, publish, and enforce rules to implement this part,  
 124 which must provide reasonable and fair minimum standards  
 125 relating to:

126           (11) The designation of equipment as life sustaining or  
 127 technologically advanced.

128           (12) The designation of appropriate accrediting  
 129 organizations.

130           Section 6. Section 400.936, Florida Statutes, is created  
 131 to read:

132           400.936 Mandatory accreditation.--

133           (1) Effective January 1, 2006, all home medical equipment  
 134 providers licensed pursuant to this part shall submit to the  
 135 agency proof of accreditation as a prerequisite for licensure or  
 136 license renewal. Any provider that does not submit proof of  
 137 accreditation shall be issued a temporary license and shall have  
 138 60 days to submit proof of application to an accrediting

HB 0179

2005

139 organization. Such provider shall submit proof of accreditation  
140 within 180 days after submitting an application in order to  
141 receive a permanent license.

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

145 Section 7. Section 400.95, Florida Statutes, is amended to  
146 read:

147 400.95 Notice of toll-free telephone number for central  
148 fraud and abuse hotline.--On or before the first day home  
149 medical equipment is delivered to the patient's home, any home  
150 medical equipment provider licensed under this part must inform  
151 the consumer and his or her immediate family, if appropriate, of  
152 the right to report fraudulent, abusive, neglectful, or  
153 exploitative practices. The statewide toll-free telephone number  
154 for the central fraud and abuse hotline must be provided to  
155 consumers in a manner that is clearly legible and must include  
156 the words: "To report fraud, abuse, neglect, or exploitation,  
157 please call toll-free 1-800-962-2873." Home medical equipment  
158 providers shall establish appropriate policies and procedures  
159 for providing such notice to consumers.

160 Section 8. This act shall take effect July 1, 2005.