

Bill No. SB 2570

Barcode 872422

CHAMBER ACTION

Senate

House

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
. .
. .
. .
. .
. .

The Committee on Health Care (Jones) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

(17) "High-tech medical equipment provider" means any home medical equipment company that provides life-sustaining equipment, technologically advanced equipment, or any other

Bill No. SB 2570

Barcode 872422

1 similar equipment or product to any patient.

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

6 (19) "Technologically advanced equipment" means
7 equipment of such complexity that a licensed respiratory
8 therapist or registered nurse must set it up and train the
9 patient in its use.

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

12 Section 2. Paragraph (a) of subsection (2) and
13 subsections (6) and (7) of section 400.931, Florida Statutes,
14 are amended to read:

15 400.931 Application for license; fee; provisional
16 license; temporary permit.--

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

20 (a) A report, by category, of the equipment to be
21 provided, indicating those offered either directly by the
22 applicant or through contractual arrangements with existing
23 providers. Categories of equipment include:

- 24 1. Respiratory modalities.
- 25 2. Ambulation aids.
- 26 3. Mobility aids.
- 27 4. Sickroom setup.
- 28 5. Disposables.
- 29 6. Life-sustaining equipment.
- 30 7. Technologically advanced equipment.

31 (6) The home medical equipment provider must also

Bill No. SB 2570

Barcode 872422

1 obtain and maintain professional and commercial liability
 2 insurance. Proof of liability insurance, as defined in s.
 3 624.605, must be submitted with the application. The agency
 4 shall set the required amounts of liability insurance by rule,
 5 but the required amount must not be less than \$300,000
 6 ~~\$250,000~~ per claim. In the case of contracted services, it is
 7 required that the contractor have liability insurance not less
 8 than \$300,000~~\$250,000~~ per claim.

9 (7) ~~A provisional license shall be issued to an~~
 10 ~~approved applicant for initial licensure for a period of 90~~
 11 ~~days, during which time a survey must be conducted~~
 12 ~~demonstrating substantial compliance with this section. A~~
 13 temporary provisional license shall ~~also~~ be issued pending the
 14 results of an applicant's Federal Bureau of Investigation
 15 report of background screening confirming that all standards
 16 have been met. If substantial compliance is demonstrated, a
 17 standard license shall be issued to expire 2 years after the
 18 effective date of the provisional license.

19 Section 3. Subsection (2) of section 400.933, Florida
 20 Statutes, is amended, and subsection (3) is added to that
 21 section, to read:

22 400.933 Licensure inspections and investigations.--

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

26 ~~(a)~~ the survey or inspection of an accrediting
 27 organization, provided the accreditation of the licensed home
 28 medical equipment provider is not provisional and provided the
 29 licensed home medical equipment provider authorizes release
 30 of, and the agency receives the report of, the accrediting
 31 organization. ~~† or~~

Bill No. SB 2570

Barcode 872422

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

4 (3) In addition to any administrative fines imposed,
5 the agency may assess a survey fee of \$500 to cover the cost
6 of conducting complaint investigations that result in the
7 finding of a violation that was the subject of the complaint
8 and any followup visits conducted to verify the correction of
9 the violations found in complaints.

10 Section 4. Subsections (3), (4), and (18) of section
11 400.934, Florida Statutes, are amended, and subsection (20) is
12 added to that section, to read:

13 400.934 Minimum standards.--As a requirement of
14 licensure, home medical equipment providers shall:

15 (3) Respond to orders received for other equipment by
16 filling those orders from its own inventory or inventory from
17 other companies with which it has contracted to fill such
18 orders~~†~~ or by customizing or fitting items for sale from
19 supplies purchased under contract, except that high-tech
20 medical equipment providers shall fill all orders for
21 technologically advanced equipment directly from their own
22 inventory and shall not contract with any entity for the
23 delivery of such orders unless such entity is also licensed
24 and accredited pursuant to this subsection.

25 (4) Maintain trained personnel to coordinate order
26 fulfillment and schedule timely equipment and service
27 delivery. High-tech medical equipment providers shall have on
28 staff, at a minimum, one licensed respiratory therapist, who
29 is either a certified respiratory therapist (CRT), a
30 registered respiratory therapist (RRT), or a registered nurse.

31 (18) Maintain safe premises that are fully accessible

Bill No. SB 2570

Barcode 872422

1 to all patients between the hours of 9 a.m. and 5 p.m.

2 (20) Provide consumers with after-hours emergency
3 service appropriately staffed by personnel equipped to offer
4 necessary services to the public. High-tech medical equipment
5 providers shall have on call, at a minimum, one licensed
6 respiratory therapist who is either a certified respiratory
7 therapist (CRT), a registered respiratory therapist (RRT), or
8 a registered nurse.

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

11 400.935 Rules establishing minimum standards.--The
12 agency shall adopt, publish, and enforce rules to implement
13 this part, which must provide reasonable and fair minimum
14 standards relating to:

15 (11) The designation of equipment as life sustaining
16 or technologically advanced.

17 (12) The designation of appropriate accrediting
18 organizations.

19 Section 6. Section 400.936, Florida Statutes, is
20 created to read:

21 400.936 Mandatory accreditation.--

22 (1) Effective January 1, 2006, all home medical
23 equipment providers licensed under this part shall submit to
24 the agency proof of accreditation as a prerequisite for
25 licensure or license renewal. Any provider that does not
26 submit proof of accreditation shall be issued a temporary
27 license and shall have 60 days to submit proof of application
28 to an accrediting organization. Such provider shall submit
29 proof of accreditation within 180 days after submitting an
30 application in order to receive a permanent license. Any home
31 medical equipment provider licenses as of January 1, 2006,

Bill No. SB 2570

Barcode 872422

1 shall have a reasonable period of time, not to exceed its next
 2 licensure renewal date, to comply with the accreditation
 3 requirement. Applicants that submit proof of accreditation, a
 4 completed licensure application, and the required fee may
 5 receive a temporary license until completion of the review of
 6 accreditation.

7 (2) The agency shall adopt rules designating
 8 appropriate accrediting organizations whose standards for
 9 accreditation are comparable to those required by this part
 10 for licensure.

11 Section 7. Section 400.95, Florida Statutes, is
 12 amended to read:

13 400.95 Notice of toll-free telephone number for
 14 central fraud and abuse hotline.--On or before the first day
 15 home medical equipment is delivered to the patient's home, any
 16 home medical equipment provider licensed under this part must
 17 inform the consumer and his or her immediate family, if
 18 appropriate, of the right to report fraudulent, abusive,
 19 neglectful, or exploitative practices. The statewide toll-free
 20 telephone number for the central fraud and abuse hotline must
 21 be provided to consumers in a manner that is clearly legible
 22 and must include the words: "To report fraud, abuse, neglect,
 23 or exploitation, please call toll-free 1-800-962-2873." Home
 24 medical equipment providers shall establish appropriate
 25 policies and procedures for providing such notice to
 26 consumers.

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

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

31 And the title is amended as follows:

Bill No. SB 2570

Barcode 872422

1 Delete everything before the enacting clause

2

3 and insert:

4 A bill to be entitled

5 An act relating to home medical equipment
6 providers; amending s. 400.925, F.S.; revising
7 and providing definitions; amending s. 400.931,
8 F.S.; including additional categories of
9 equipment in a report required by applicants
10 for licensure; increasing the amount of
11 liability insurance required of home medical
12 equipment providers; amending s. 400.933, F.S.;
13 revising requirements for licensure and
14 assessment of fees; amending s. 400.934, F.S.;
15 revising minimum standards required for
16 licensure; amending s. 400.935, F.S.; requiring
17 the Agency for Health Care Administration to
18 provide additional regulatory standards by
19 rule; creating s. 400.936, F.S.; requiring
20 proof of accreditation as a prerequisite for
21 licensure or license renewal; providing for
22 temporary licensure; providing for rules
23 relating to designation of accrediting
24 organizations; amending s. 400.95, F.S.;
25 providing for notice of a toll-free telephone
26 number to report fraud and abuse by providers;
27 providing an effective date.

28

29

30

31