

By Senator Jones

13-1533A-05

See HB 179

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

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26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Subsection (1) of section 400.925, Florida
29 Statutes, is amended, and subsections (17), (18), (19), (20),
30 and (21) are added to that section, to read:

31 400.925 Definitions.--As used in this part, the term:

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

8 (17) "High-tech medical equipment provider" means any
9 home medical equipment company that provides ventilator care,
10 tracheotomy care, life-sustaining equipment, technologically
11 advanced equipment, or any other similar service or product to
12 any pediatric patient.

13 (18) "Pediatric patient" means any patient under 21
14 years of age.

15 (19) "Life-sustaining equipment" means mechanical
16 ventilators or other similar equipment that supports life or
17 essential respiratory functions.

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

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

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

28 400.931 Application for license; fee; provisional
29 license; temporary permit.--
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1 (2) The applicant must file with the application
2 satisfactory proof that the home medical equipment provider is
3 in compliance with this part and applicable rules, including:

4 (a) A report, by category, of the equipment to be
5 provided, indicating those offered either directly by the
6 applicant or through contractual arrangements with existing
7 providers. Categories of equipment include:

8 1. Respiratory modalities.

9 2. Ambulation aids.

10 3. Mobility aids.

11 4. Sickroom setup.

12 5. Disposables.

13 6. Life-sustaining equipment.

14 7. Technologically advanced equipment.

15 (6) The home medical equipment provider must also
16 obtain and maintain professional and commercial liability
17 insurance. Proof of liability insurance, as defined in s.
18 624.605, must be submitted with the application. The agency
19 shall set the required amounts of liability insurance by rule,
20 but the required amount must not be less than \$300,000
21 ~~\$250,000~~ per claim. In the case of contracted services, it is
22 required that the contractor have liability insurance not less
23 than \$300,000~~\$250,000~~ per claim.

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

26 400.933 Licensure inspections and investigations.--

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

30 ~~(a)~~ the survey or inspection of an accrediting
31 organization, provided the accreditation of the licensed home

1 | medical equipment provider is not provisional and provided the
2 | licensed home medical equipment provider authorizes release
3 | of, and the agency receives the report of, the accrediting
4 | organization; ~~or~~

5 | ~~(b) A copy of a valid medical oxygen retail~~
6 | ~~establishment permit issued by the Department of Health,~~
7 | ~~pursuant to chapter 499.~~

8 | Section 4. Subsections (3), (4), and (18) of section
9 | 400.934, Florida Statutes, are amended, and subsections (20)
10 | and (21) are added to that section, to read:

11 | 400.934 Minimum standards.--As a requirement of
12 | licensure, home medical equipment providers shall:

13 | (3) Respond to orders received for other equipment by
14 | filling those orders from its own inventory or inventory from
15 | other companies with which it has contracted to fill such
16 | orders; or by customizing or fitting items for sale from
17 | supplies purchased under contract, except that high-tech
18 | medical equipment providers shall fill all orders for
19 | technologically advanced equipment directly from their own
20 | inventory and shall not contract with any entity for the
21 | delivery of such orders.

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

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

30 | (20) Provide consumers with after-hours emergency
31 | service appropriately staffed by personnel equipped to offer

1 necessary services to the public. High-tech medical equipment
2 providers shall have on call, at a minimum, one licensed
3 respiratory therapist, who is either a certified respiratory
4 therapist (CRT) or a registered respiratory therapist (RRT),
5 or a registered nurse.

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

8 400.935 Rules establishing minimum standards.--The
9 agency shall adopt, publish, and enforce rules to implement
10 this part, which must provide reasonable and fair minimum
11 standards relating to:

12 (11) The designation of equipment as life sustaining
13 or technologically advanced.

14 (12) The designation of appropriate accrediting
15 organizations.

16 Section 6. Section 400.936, Florida Statutes, is
17 created to read:

18 400.936 Mandatory accreditation.--

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

28 (2) The agency shall adopt rules designating
29 appropriate accrediting organizations whose standards for
30 accreditation are comparable to those required by this part
31 for licensure.

1 Section 7. Section 400.95, Florida Statutes, is
2 amended to read:

3 400.95 Notice of toll-free telephone number for
4 central fraud and abuse hotline.--On or before the first day
5 home medical equipment is delivered to the patient's home, any
6 home medical equipment provider licensed under this part must
7 inform the consumer and his or her immediate family, if
8 appropriate, of the right to report fraudulent, abusive,
9 neglectful, or exploitative practices. The statewide toll-free
10 telephone number for the central fraud and abuse hotline must
11 be provided to consumers in a manner that is clearly legible
12 and must include the words: "To report fraud, abuse, neglect,
13 or exploitation, please call toll-free 1-800-962-2873." Home
14 medical equipment providers shall establish appropriate
15 policies and procedures for providing such notice to
16 consumers.

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