

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 life-sustaining
10 equipment, technologically advanced equipment, or any other
11 similar equipment or product to any patient.

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

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

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

22 Section 2. Paragraph (a) of subsection (2) and
23 subsections (6) and (7) of section 400.931, Florida Statutes,
24 are amended to read:

25 400.931 Application for license; fee; provisional
26 license; temporary permit.--

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

30 (a) A report, by category, of the equipment to be
31 provided, indicating those offered either directly by the

1 applicant or through contractual arrangements with existing
2 providers. Categories of equipment include:

- 3 1. Respiratory modalities.
- 4 2. Ambulation aids.
- 5 3. Mobility aids.
- 6 4. Sickroom setup.
- 7 5. Disposables.
- 8 6. Life-sustaining equipment.
- 9 7. Technologically advanced equipment.

10 (6) The home medical equipment provider must also
11 obtain and maintain professional and commercial liability
12 insurance. Proof of liability insurance, as defined in s.
13 624.605, must be submitted with the application. The agency
14 shall set the required amounts of liability insurance by rule,
15 but the required amount must not be less than \$300,000
16 ~~\$250,000~~ per claim. In the case of contracted services, it is
17 required that the contractor have liability insurance not less
18 than \$300,000~~\$250,000~~ per claim.

19 (7) ~~A provisional license shall be issued to an~~
20 ~~approved applicant for initial licensure for a period of 90~~
21 ~~days, during which time a survey must be conducted~~
22 ~~demonstrating substantial compliance with this section. A~~
23 temporary provisional license shall ~~also~~ be issued pending the
24 results of an applicant's Federal Bureau of Investigation
25 report of background screening confirming that all standards
26 have been met. If substantial compliance is demonstrated, a
27 standard license shall be issued to expire 2 years after the
28 effective date of the provisional license.

29 Section 3. Subsection (2) of section 400.933, Florida
30 Statutes, is amended, and subsection (3) is added to that
31 section, to read:

1 400.933 Licensure inspections and investigations.--

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

5 ~~(a)~~ the survey or inspection of an accrediting
6 organization, provided the accreditation of the licensed home
7 medical equipment provider is not provisional and provided the
8 licensed home medical equipment provider authorizes release
9 of, and the agency receives the report of, the accrediting
10 organization. ~~;~~ ~~or~~

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

14 (3) In addition to any administrative fines imposed,
15 the agency may assess a survey fee of \$500 to cover the cost
16 of conducting complaint investigations that result in the
17 finding of a violation that was the subject of the complaint
18 and any followup visits conducted to verify the correction of
19 the violations found in complaints.

20 Section 4. Subsections (3), (4), and (18) of section
21 400.934, Florida Statutes, are amended, and subsection (20) is
22 added to that section, to read:

23 400.934 Minimum standards.--As a requirement of
24 licensure, home medical equipment providers shall:

25 (3) Respond to orders received for other equipment by
26 filling those orders from its own inventory or inventory from
27 other companies with which it has contracted to fill such
28 orders; or by customizing or fitting items for sale from
29 supplies purchased under contract, except that high-tech
30 medical equipment providers shall fill all orders for
31 technologically advanced equipment directly from their own

1 inventory and shall not contract with any entity for the
2 delivery of such orders unless such entity is also licensed
3 and accredited pursuant to this subsection.

4 (4) Maintain trained personnel to coordinate order
5 fulfillment and schedule timely equipment and service
6 delivery. High-tech medical equipment providers shall have on
7 staff, at a minimum, one licensed respiratory therapist, who
8 is either a certified respiratory therapist (CRT), a
9 registered respiratory therapist (RRT), or a registered nurse.

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

12 (20) Provide consumers with after-hours emergency
13 service appropriately staffed by personnel equipped to offer
14 necessary services to the public. High-tech medical equipment
15 providers shall have on call, at a minimum, one licensed
16 respiratory therapist who is either a certified respiratory
17 therapist (CRT), a registered respiratory therapist (RRT), or
18 a registered nurse.

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

21 400.935 Rules establishing minimum standards.--The
22 agency shall adopt, publish, and enforce rules to implement
23 this part, which must provide reasonable and fair minimum
24 standards relating to:

25 (11) The designation of equipment as life sustaining
26 or technologically advanced.

27 (12) The designation of appropriate accrediting
28 organizations.

29 Section 6. Section 400.936, Florida Statutes, is
30 created to read:

31 400.936 Mandatory accreditation.--

1 (1) Effective January 1, 2006, all home medical
2 equipment providers licensed under this part shall submit to
3 the agency proof of accreditation as a prerequisite for
4 licensure or license renewal. Any provider that does not
5 submit proof of accreditation shall be issued a temporary
6 license and shall have 60 days to submit proof of application
7 to an accrediting organization. Such provider shall submit
8 proof of accreditation within 180 days after submitting an
9 application in order to receive a permanent license. Any home
10 medical equipment provider licenses as of January 1, 2006,
11 shall have a reasonable period of time, not to exceed its next
12 licensure renewal date, to comply with the accreditation
13 requirement. Applicants that submit proof of accreditation, a
14 completed licensure application, and the required fee may
15 receive a temporary license until completion of the review of
16 accreditation.

17 (2) The agency shall adopt rules designating
18 appropriate accrediting organizations whose standards for
19 accreditation are comparable to those required by this part
20 for licensure.

21 Section 7. Section 400.95, Florida Statutes, is
22 amended to read:

23 400.95 Notice of toll-free telephone number for
24 central fraud and abuse hotline.--On or before the first day
25 home medical equipment is delivered to the patient's home, any
26 home medical equipment provider licensed under this part must
27 inform the consumer and his or her immediate family, if
28 appropriate, of the right to report fraudulent, abusive,
29 neglectful, or exploitative practices. The statewide toll-free
30 telephone number for the central fraud and abuse hotline must
31 be provided to consumers in a manner that is clearly legible

1 and must include the words: "To report fraud, abuse, neglect,
2 or exploitation, please call toll-free 1-800-962-2873." Home
3 medical equipment providers shall establish appropriate
4 policies and procedures for providing such notice to
5 consumers.

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

7
8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 2570

11 The Committee Substitute differs from SB 2570 in the following
12 ways:

13 A high-tech medical equipment provider will provide equipment
14 for all patients, not just pediatric patients.

15 A high-tech medical equipment provider will not provide
16 ventilator care or tracheotomy care.

17 The bill does not define pediatric patient.

18 The bill revises the definition of "from its own inventory" to
19 delete the prohibition against using inventory personnel from
20 other companies or subcontractors, and to permit a high-tech
21 medical equipment provider to contract with a licensed and
22 accredited entity.

23 A survey fee of \$500 is authorized to cover the cost of
24 conducting complaint investigations that result in the finding
25 of a violation that was the subject of a complaint and any
26 follow-up visits.