

1                                   A bill to be entitled  
 2           An act relating to licensure of home health agencies, home  
 3           medical equipment providers, and health care clinics;  
 4           designating Miami-Dade County as a health care fraud area  
 5           of special concern for certain purposes; creating s.  
 6           408.8065, F.S.; providing requirements for licensure of  
 7           home health agencies, home medical equipment providers,  
 8           and health care clinics; requiring the posting of a surety  
 9           bond in a specified minimum amount under certain  
 10          circumstances; requiring demonstration of financial  
 11          viability; providing limitations on licensing of home  
 12          health agencies in certain counties; providing an  
 13          exception for existing applicants accredited by an  
 14          organization recognized by the Agency for Health Care  
 15          Administration; providing penalties; providing an  
 16          effective date.

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 18   Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. The Legislature hereby designates Miami-Dade  
 21 County as a health care fraud area of special concern for  
 22 purposes of implementing increased scrutiny of home health  
 23 agencies, home medical equipment providers, and health care  
 24 clinics in Miami-Dade County in order to assist the state's  
 25 efforts to prevent Medicaid fraud, waste, and abuse in the  
 26 county and throughout the state.

27           Section 2. Section 408.8065, Florida Statutes, is created  
 28           to read:

29        408.8065 Licensure requirements for home health agencies,  
30 home medical equipment providers, and health care clinics.--

31        (1) An applicant for initial licensure or a change of  
32 ownership licensure as a home health agency, home medical  
33 equipment provider, or health care clinic shall comply with the  
34 following requirements:

35        (a) To be an applicant or controlling interest in a home  
36 health agency, a home medical equipment provider, or a health  
37 care clinic licensed under this section, an applicant must have  
38 been a legal resident of the United States for at least 5 years,  
39 unless the applicant files a surety bond of at least \$500,000,  
40 payable to the agency, which guarantees that the home health  
41 agency, home medical equipment provider, or health care clinic  
42 will act in full conformity with all legal requirements for  
43 operation.

44        (b) An applicant must demonstrate financial ability to  
45 operate, as required under s. 408.810(8), and submit a financial  
46 statement, including a balance sheet and an income and expense  
47 statement, for the first year of operation that provides  
48 evidence that the applicant has sufficient assets, credit, and  
49 projected revenues to cover liabilities and expenses. The  
50 applicant must demonstrate the financial ability to operate if  
51 the applicant's assets, credit, and projected revenues do not  
52 meet or exceed projected liabilities and expenses. The applicant  
53 must also prove it has the ability to fund all startup costs  
54 through the break-even point in operations by submitting a  
55 statement of estimated provider startup costs and sources of  
56 funds. The statement shall disclose, at a minimum, reasonable

57 anticipated startup costs, including operating funds needed to  
58 reach the break-even point when operating receipts equal or  
59 exceed expenditures. To reach the break-even point, at a  
60 minimum, operating funds must be equal to 2 months' average  
61 expenses to cover working capital and contingencies. The  
62 applicant must provide documented proof that these funds will be  
63 available as needed. All documentation required under this  
64 subsection must be prepared in accordance with generally  
65 accepted accounting principles and may be in a compilation form.  
66 The financial statement must be signed by a certified public  
67 accountant.

68 (3) The agency may not issue a license to a home health  
69 agency under part III of chapter 400 or this part for the  
70 purpose of opening a new home health agency until July 1, 2010,  
71 in any county with at least one actively licensed home health  
72 agency and a population of persons 65 years of age or older, as  
73 indicated in the most recent population estimates published by  
74 the Executive Office of the Governor, that is fewer than 1,200  
75 per home health agency. For any complete application submitted  
76 prior to July 1, 2009, the agency may issue a license only if  
77 the applicant has received accreditation before May 1, 2009,  
78 from an accrediting organization that is recognized by the  
79 agency.

80 (4) In addition to the requirements of s. 408.812, any  
81 person offering services requiring licensure under part III,  
82 part VII, or part X of chapter 400; any person who knowingly  
83 files a false or misleading license or license renewal  
84 application or who submits false or misleading information

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85 related to such application or agency rule; and any person who  
86 violates or conspires to violate this section commits a felony  
87 of the third degree, punishable as provided in s. 775.082, s.  
88 775.083, or s. 775.084.

89 Section 3. This act shall take effect July 1, 2009.