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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/01/2009	.	
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The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Legislature designates Miami-Dade County as a health care fraud area of special concern for purposes of implementing increased scrutiny of home health agencies, home medical equipment providers, and health care clinics in Miami-Dade County and in order to assist the state's efforts to prevent Medicaid fraud, waste, and abuse in the county and throughout the state.



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12 Section 2. Section 408.8065, Florida Statutes, is created
13 to read:

14 408.8065 Licensure requirements for home health agencies,
15 home medical equipment providers, and health care clinics;
16 limitations on licenses; penalty.-

17 (1) An applicant for initial licensure or a change-of-
18 ownership licensure as a home health agency, home medical
19 equipment provider, or health care clinic shall comply with the
20 following requirements:

21 (a) In order to be an applicant for initial licensure as,
22 or to hold a controlling interest in, a home health agency, a
23 home medical equipment provider, or a health care clinic
24 licensed under this section, the applicant must have been a
25 legal resident of the United States for at least 5 years, unless
26 the applicant files a surety bond of at least \$500,000, payable
27 to the agency, which guarantees that the home health agency,
28 home medical equipment provider, or health care clinic will act
29 in full conformity with all requirements for operation.

30 (b) In addition, the applicant must demonstrate financial
31 ability to operate, as required under s. 408.810(8), and submit
32 a financial statement, including a balance sheet and an income
33 and expense statement, for the first year of operation which
34 provides evidence that the applicant has sufficient assets,
35 credit, and projected revenues to cover liabilities and
36 expenses. The applicant must demonstrate the financial ability
37 to operate if the applicant's assets, credit, and projected
38 revenues do not meet or exceed projected liabilities and
39 expenses. An applicant for initial licensure must also prove
40 that it has the ability to fund all startup costs through the



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41 break-even point in operations by submitting a statement of
42 estimated provider startup costs and sources of funds. The
43 statement shall disclose, at a minimum, reasonable anticipated
44 startup costs, including operating funds needed to reach the
45 break-even point when operating receipts equal or exceed
46 expenditures. At a minimum, operating funds to reach the break-
47 even point must equal 2 months of average expenses to cover
48 working capital and contingencies. The applicant must provide
49 documented proof that these funds will be available as needed.
50 All documents required under this subsection must be prepared in
51 accordance with generally accepted accounting principles and may
52 be in a compilation form. The financial statement must be signed
53 by a certified public accountant.

54 (2) The agency may not issue a license to a home health
55 agency under part III of chapter 400 or this part for the
56 purpose of opening a new home health agency until July 1, 2010,
57 in any county that has at least one actively licensed home
58 health agency, and where the county's population of persons 65
59 years of age or older, as indicated in the most recent
60 population estimates published by the Executive Office of the
61 Governor, is fewer than 1,200 per home health agency. For any
62 complete application submitted before July 1, 2009, the agency
63 may issue a license only if the applicant has received
64 accreditation before May 1, 2009, from an accrediting
65 organization that is recognized by the agency.

66 (3) In addition to the requirements of s. 408.812, any
67 person offering services requiring licensure under part III,
68 part VII, or part X of chapter 400 who knowingly files a false
69 or misleading license or license renewal application or who



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70 submits false or misleading information related to such
71 application or agency rule, and any person who violates or
72 conspires to violate subsection (1) commits a felony of the
73 third degree, punishable as provided in s. 775.082, s. 775.083,
74 or s. 775.084.

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

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to the licensure of home health
83 agencies, home medical equipment providers, and health
84 care clinics; designating Miami-Dade County as a
85 health care fraud area of special concern for certain
86 purposes; creating s. 408.8065, F.S.; providing
87 requirements for an applicant for initial licensure
88 of, or to acquire a controlling interest in, a home
89 health agency, home medical equipment provider, or
90 health care clinic; requiring the posting of a surety
91 bond in a specified minimum amount under certain
92 circumstances; requiring demonstration of financial
93 viability; providing limitations on licensing of home
94 health agencies in certain counties; providing an
95 exception for existing applicants accredited by an
96 agency-approved organization; providing penalties;
97 providing an effective date.