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LEGISLATIVE ACTION

Senate

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House

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Floor: 3/AD/2R

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04/30/2009 11:29 AM

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Senator Baker moved the following:

Senate Amendment (with title amendment)

Delete lines 30 - 95

and insert:

408.8065 Additional licensure requirements for home health agencies, home medical equipment providers, and health care clinics.-

(1) An applicant for initial licensure, or initial licensure due to a change of ownership, as a home health agency, home medical equipment provider, or health care clinic shall:

(a) Demonstrate financial ability to operate, as required under s. 408.810(8) and this section. If the applicant's assets,



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13 credit, and projected revenues meet or exceed projected
14 liabilities and expenses and the applicant provides independent
15 evidence that the funds necessary for startup costs, working
16 capital, and contingency financing exist and will be available
17 as needed, the applicant has demonstrated the financial ability
18 to operate.

19 (b) Submit pro forma financial statements, including a
20 balance sheet, income and expense statement, and a statement of
21 cash flows for the first 2 years of operation which provide
22 evidence that the applicant has sufficient assets, credit, and
23 projected revenues to cover liabilities and expenses.

24 (c) Submit a statement of the applicant's estimated startup
25 costs and sources of funds through the break-even point in
26 operations demonstrating that the applicant has the ability to
27 fund all startup costs, working capital costs, and contingency
28 financing requirements. The statement must show that the
29 applicant has at a minimum 3 months of average projected
30 expenses to cover startup costs, working capital costs, and
31 contingency financing requirements. The minimum amount for
32 contingency funding may not be less than 1 month of average
33 projected expenses.

34
35 All documents required under this subsection must be prepared in
36 accordance with generally accepted accounting principles and may
37 be in a compilation form. The financial statements must be
38 signed by a certified public accountant.

39 (2) For initial, renewal, or change of ownership licenses
40 for a home health agency, a home medical equipment provider, or
41 a health care clinic, applicants and controlling interests who



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42 are nonimmigrant aliens, as described in 8 U.S.C. s. 1101, must
43 file a surety bond of at least \$500,000, payable to the agency,
44 which guarantees that the home health agency, home medical
45 equipment provider, or health care clinic will act in full
46 conformity with all legal requirements for operation.

47 (3) In addition to the requirements of s. 408.812, any
48 person who offers services that require licensure under part VII
49 or part X of chapter 400, or who offers skilled services that
50 require licensure under part III of chapter 400, without
51 obtaining a valid license; any person who knowingly files a
52 false or misleading license or license renewal application or
53 who submits false or misleading information related to such
54 application, and any person who violates or conspires to violate
55 this section, commits a felony of the third degree, punishable
56 as provided in s. 775.082, s. 775.083, or s. 775.084.

57 Section 3. Subsection (10) is added to section 400.471,
58 Florida Statutes, to read:

59 400.471 Application for license; fee.-

60 (10) (a) The agency may not issue an initial license to a
61 home health agency under part II of chapter 408 or this part for
62 the purpose of opening a new home health agency until July 1,
63 2010, in any county that has at least one actively licensed home
64 health agency and a population of persons 65 years of age or
65 older, as indicated in the most recent population estimates
66 published by the Executive Office of the Governor, of fewer than
67 1,200 per home health agency. In such counties, for any
68 application received by the agency prior to July 1, 2009, which
69 has been deemed by the agency to be complete except for proof of
70 accreditation, the agency may issue an initial ownership license



71 only if the applicant has applied for accreditation before May
72 1, 2009, from an accrediting organization that is recognized by
73 the agency.

74 (b) Effective October 1, 2009, the agency may not issue a
75 change of ownership license to a home health agency under part
76 II of chapter 408 or this part until July 1, 2010, in any county
77 that has at least one actively licensed home health agency and a
78 population of persons 65 years of age or older, as indicated in
79 the most recent population estimates published by the Executive
80 Office of the Governor, of fewer than 1,200 per home health
81 agency. In such counties, for any application received by the
82 agency prior to October 1, 2009, which has been deemed by the
83 agency to be complete except for proof of accreditation, the
84 agency may issue a change of ownership license only if the
85 applicant has applied for accreditation before August 1, 2009,
86 from an accrediting organization that is recognized by the
87 agency.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 7 - 17

92 and insert:

93 additional licensure requirements for home health agencies, home
94 medical equipment providers, and health care clinics; requiring
95 the posting of a surety bond in a specified minimum amount under
96 certain circumstances; imposing criminal penalties against a
97 person who knowingly submits misleading information to the
98 Agency for Health Care Administration in connection with
99 applications for certain licenses; amending s. 400.471, F.S.;



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100 providing limitations on the licensure of home health agencies
101 in certain counties; providing an exception; providing an
102 effective date.