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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/30/2009 09:17 AM

Senator Baker moved the following:

Senate Amendment (with title amendment)

Delete lines 30 - 96

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, and contingency
28 financing. The statement must show that the applicant has at a
29 minimum 3 months of average projected expenses to cover startup
30 costs, working capital, and contingency financing. The minimum
31 amount for contingency funding may not be less than 1 month of
32 average projected expenses.

33
34 All documents required under this subsection must be prepared in
35 accordance with generally accepted accounting principles and may
36 be in a compilation form. The financial statements must be
37 signed by a certified public accountant.

38 (2) For initial, renewal, or change of ownership licenses
39 for a home health agency, a home medical equipment provider, or
40 a health care clinic, applicants and controlling interests who
41 are nonimmigrant aliens, as described in 8 U.S.C. s. 1101, must



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42 file a surety bond of at least \$500,000, payable to the agency,
43 which guarantees that the home health agency, home medical
44 equipment provider, or health care clinic will act in full
45 conformity with all legal requirements for operation.

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

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

58 (10) The agency may not issue an initial or change of
59 ownership license to a home health agency under part III of
60 chapter 400 or this part for the purpose of opening a new home
61 health agency until July 1, 2010, in any county that has at
62 least one actively licensed home health agency and a population
63 of persons 65 years of age or older, as indicated in the most
64 recent population estimates published by the Executive Office of
65 the Governor, of fewer than 1,200 per home health agency. In
66 such counties, for any application received by the agency prior
67 to July 1, 2009, which has been deemed by the agency to be
68 complete except for proof of accreditation, the agency may issue
69 an initial or a change of ownership license only if the
70 applicant has applied for accreditation before May 1, 2009, from



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71 an accrediting organization that is recognized by the agency.

72 Section 4. Except as otherwise provided in this act, this
73 act shall take effect July 1, 2009.

74
75 ===== T I T L E A M E N D M E N T =====

76 And the title is amended as follows:

77 Delete lines 7 - 17

78 and insert:

79 additional licensure requirements for home health agencies, home
80 medical equipment providers, and health care clinics; requiring
81 the posting of a surety bond in a specified minimum amount under
82 certain circumstances; imposing criminal penalties against a
83 person who knowingly submits misleading information to the
84 Agency for Health Care Administration in connection with
85 applications for certain licenses; providing an effective date;
86 amending s. 400.471; providing limitations on the licensure of
87 home health agencies in certain counties; providing an
88 exception; providing an effective date.