

By Senator Garcia

40-01436-11

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1 A bill to be entitled
2 An act relating to a teaching agency for home and
3 community-based care; creating s. 430.81, F.S.;
4 providing a definition; authorizing the Agency for
5 Health Care Administration to designate a home health
6 agency as a teaching agency for home and community-
7 based care and to charge a fee for such designation;
8 establishing criteria for qualification; authorizing a
9 teaching agency to be affiliated with an academic
10 research university in the state that meets certain
11 criteria; authorizing a teaching agency to be
12 affiliated with an academic health center; providing
13 an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 430.81, Florida Statutes, is created to
18 read:

19 430.81 Implementation of a teaching agency for home and
20 community-based care.-

21 (1) As used in this section, the term "teaching agency for
22 home and community-based care" means a home health agency that
23 is licensed under part III of chapter 400 and has access to a
24 resident population of sufficient size to support education,
25 training, and research relating to geriatric care.

26 (2) The Agency for Health Care Administration may designate
27 a home health agency as a teaching agency for home and
28 community-based care if the home health agency:

29 (a) Has been a not-for-profit, designated community care

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30 for the elderly lead agency for home and community-based
31 services for more than 10 consecutive years and serves a
32 geographic area with a minimum of 200,000 adults age 60 and
33 older.

34 (b) Participates in a nationally recognized accreditation
35 program and holds a valid accreditation, such as the
36 accreditation awarded by the Community Health Accreditation
37 Program.

38 (c) Has been in business in this state for a minimum of 30
39 consecutive years.

40 (d) Demonstrates an active program in multidisciplinary
41 education and research that relates to gerontology.

42 (e) Has a formalized affiliation agreement with at least
43 one established academic research university with a nationally
44 accredited health professions program in this state.

45 (f) Has salaried academic faculty from a nationally
46 accredited health professions program.

47 (g) Is a Medicare and Medicaid certified home health agency
48 that has participated in the nursing home diversion program for
49 a minimum of 5 consecutive years.

50 (h) Maintains insurance coverage pursuant to s.
51 400.141(1)(s) or proof of financial responsibility in a minimum
52 amount of \$750,000. Such proof of financial responsibility may
53 include:

54 1. Maintaining an escrow account consisting of cash or
55 assets eligible for deposit in accordance with s. 625.52; or

56 2. Obtaining and maintaining pursuant to chapter 675 an
57 unexpired, irrevocable, nontransferable, and nonassignable
58 letter of credit issued by any bank or savings association

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59 authorized to do business in this state. This letter of credit
60 shall be used to satisfy the obligation of the agency to the
61 claimant upon presentation of a final judgment indicating
62 liability and awarding damages to be paid by the facility or
63 upon presentment of a settlement agreement signed by all parties
64 to the agreement when such final judgment or settlement is a
65 result of a liability claim against the agency.

66 (3) The Agency for Health Care Administration may charge a
67 home health agency seeking designation as a teaching agency for
68 home and community-based care a fee, up to \$250, to comply with
69 this section.

70 (4) A teaching agency for home and community-based care may
71 be affiliated with an academic health center in this state. The
72 purpose of such affiliation is to foster the development of
73 methods for improving and expanding the capability of home
74 health agencies to respond to the medical, health care,
75 psychological, and social needs of frail and elderly persons by
76 providing the most effective and appropriate services. A
77 teaching agency for home and community-based care shall serve as
78 a resource for research and for training health care
79 professionals in providing health care services in homes and
80 community-based settings to frail and elderly persons.

81 Section 2. This act shall take effect July 1, 2011.