

By the Committee on Children, Families, and Elder Affairs; and
Senator Garcia

586-03203-11

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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 Department of
5 Elderly Affairs to designate a home health agency as a
6 teaching agency for home and community-based care;
7 establishing criteria for qualification; authorizing a
8 teaching agency to be affiliated with an academic
9 research university in the state that meets certain
10 criteria; authorizing a teaching agency to be
11 affiliated with an academic health center; providing
12 an effective date.

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

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

18 430.81 Implementation of a teaching agency for home and
19 community-based care.-

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

25 (2) The Department of Elderly Affairs may designate a home
26 health agency as a teaching agency for home and community-based
27 care if the home health agency:

28 (a) Has been a not-for-profit, designated community care
29 for the elderly lead agency for home and community-based

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30 services for more than 10 consecutive years.

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

35 (c) Has been in business in this state for a minimum of 20
36 consecutive years.

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

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

42 (f) Has salaried academic faculty from a nationally
43 accredited health professions program.

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

47 (h) Maintains insurance coverage pursuant to s.
48 400.141(1)(s) or proof of financial responsibility in a minimum
49 amount of \$750,000. Such proof of financial responsibility may
50 include:

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

53 2. Obtaining and maintaining pursuant to chapter 675 an
54 unexpired, irrevocable, nontransferable, and nonassignable
55 letter of credit issued by any bank or savings association
56 authorized to do business in this state. This letter of credit
57 shall be used to satisfy the obligation of the agency to the
58 claimant upon presentation of a final judgment indicating

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59 liability and awarding damages to be paid by the facility or
60 upon presentment of a settlement agreement signed by all parties
61 to the agreement when such final judgment or settlement is a
62 result of a liability claim against the agency.

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

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