

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

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

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

17 430.81 Implementation of a teaching agency for home and
 18 community-based care.-

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

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

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

29 services for more than 10 consecutive years.

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

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

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

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

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

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

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

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

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

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

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

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