

ENROLLED
CS/HB 843

2011 Legislature

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

ENROLLED
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2011 Legislature

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

ENROLLED

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2011 Legislature

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.