



960070

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SA1/C
04/23/2015 10:50 AM	.	04/24/2015 05:43 PM
	.	

Senator Grimsley moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (7) of section 400.474, Florida
Statutes, is amended to read:

400.474 Administrative penalties.—

(7) A home health agency shall submit to the agency, with
each license renewal application, the number of patients who
receive home health services from the home health agency on the
day that the license renewal application is filed, ~~within 15~~



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12 ~~days after the end of each calendar quarter, a written report~~
13 ~~that includes the following data as they existed on the last day~~
14 ~~of the quarter:~~

15 ~~(a) The number of insulin-dependent diabetic patients who~~
16 ~~receive insulin-injection services from the home health agency.~~

17 ~~(b) The number of patients who receive both home health~~
18 ~~services from the home health agency and hospice services.~~

19 ~~(c) The number of patients who receive home health services~~
20 ~~from the home health agency.~~

21 ~~(d) The name and license number of each nurse whose primary~~
22 ~~job responsibility is to provide home health services to~~
23 ~~patients and who received remuneration from the home health~~
24 ~~agency in excess of \$25,000 during the calendar quarter.~~

25
26 ~~If the home health agency fails to submit the written~~
27 ~~quarterly report within 15 days after the end of each calendar~~
28 ~~quarter, the Agency for Health Care Administration shall impose~~
29 ~~a fine against the home health agency in the amount of \$200 per~~
30 ~~day until the Agency for Health Care Administration receives the~~
31 ~~report, except that the total fine imposed pursuant to this~~
32 ~~subsection may not exceed \$5,000 per quarter. A home health~~
33 ~~agency is exempt from submission of the report and the~~
34 ~~imposition of the fine if it is not a Medicaid or Medicare~~
35 ~~provider or if it does not share a controlling interest with a~~
36 ~~licensee, as defined in s. 408.803, which bills the Florida~~
37 ~~Medicaid program or the Medicare program.~~

38 Section 2. Paragraph (t) is added to subsection (3) of
39 section 408.036, Florida Statutes, to read:

40 408.036 Projects subject to review; exemptions.-



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41 (3) EXEMPTIONS.—Upon request, the following projects are
42 subject to exemption from the provisions of subsection (1):

43 (t) For the establishment of a health care facility or
44 project that meets all of the following criteria:

45 1. The applicant was previously licensed within the past 21
46 days as a health care facility or provider that is subject to
47 subsection (1).

48 2. The applicant failed to submit a renewal application and
49 the license expired on or after January 1, 2015.

50 3. The applicant does not have a license denial or
51 revocation action pending with the agency at the time of the
52 request.

53 4. The applicant's request is for the same service type,
54 district, service area, and site for which the applicant was
55 previously licensed.

56 5. The applicant's request, if applicable, includes the
57 same number and type of beds as were previously licensed.

58 6. The applicant agrees to the same conditions that were
59 previously imposed on the certificate of need or on an exemption
60 related to the applicant's previously licensed health care
61 facility or project.

62 7. The applicant applies for initial licensure as required
63 under s. 408.806 within 21 days after the agency approves the
64 exemption request. If the applicant fails to apply in a timely
65 manner, the exemption expires on the 22nd day following the
66 agency's approval of the exemption.

67
68 Notwithstanding subparagraph 1., an applicant whose license
69 expired between January 1, 2015 and the effective date of this



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70 act may apply for an exemption within 30 days of this act
71 becoming law.

72 Section 3. This act shall take effect upon becoming a law.

73

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

75 And the title is amended as follows:

76 Delete everything before the enacting clause
77 and insert:

78 A bill to be entitled

79 An act relating to the regulation of health care
80 facilities and services; amending s. 400.474, F.S.;
81 revising the information that a home health agency is
82 required to submit to the Agency for Health Care
83 Administration for license renewal; removing the
84 requirement that a home health agency submit quarterly
85 reports; amending s. 408.036, F.S.; providing an
86 exemption from a certificate-of-need review for
87 applicants that were previously licensed within a
88 specified period as a health care facility or provider
89 and that meet certain criteria; providing an exception
90 for an applicant whose license expired during a
91 specified time period to apply for an exemption from
92 the review; providing an effective date.

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