

CHAPTER 2015-33

House Bill No. 441

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

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

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

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

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

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

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

~~If the home health agency fails to submit the written quarterly report within 15 days after the end of each calendar quarter, the Agency for Health Care Administration shall impose a fine against the home health agency in the amount of \$200 per day until the Agency for Health Care Administration receives the report, except that the total fine imposed pursuant to this subsection may not exceed \$5,000 per quarter. A home health agency is exempt from submission of the report and the imposition of the fine if it is not~~

~~a Medicaid or Medicare provider or if it does not share a controlling interest with a licensee, as defined in s. 408.803, which bills the Florida Medicaid program or the Medicare program.~~

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

408.036 Projects subject to review; exemptions.—

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

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

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

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

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

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

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

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

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

Notwithstanding subparagraph 1., an applicant whose license expired between January 1, 2015 and the effective date of this act may apply for an exemption within 30 days of this act becoming law.

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

Approved by the Governor May 14, 2015.

Filed in Office Secretary of State May 14, 2015.