June 11, 2012

Dear General Managers:

During the 2012 Florida legislative session, new laws were enacted that affect licensed health care providers. The primary legislation affecting home medical equipment providers is House Bill 787. To access the full text of these new laws, please visit: http://laws.flrules.org/2012/160.

A portion of House Bill 787 amends Chapter 400, Part VII, Florida Statutes (F.S.), the law that governs home medical equipment providers. This change will affect the licensure process for providers and applicants with physical locations outside the State of Florida. It takes effect July 1, 2012.

The new language reads as follows:

400.931(2), F.S., An applicant for initial licensure, change of ownership, or license renewal to operate a licensed home medical equipment provider at a location outside the state must submit documentation of accreditation or an application for accreditation from an accrediting organization that is recognized by the agency. An applicant that has applied for accreditation must provide proof of accreditation that is not conditional or provisional within 120 days after the date the agency receives the application for licensure or the application shall be withdrawn from further consideration. Such accreditation must be maintained by the home medical equipment provider in order to maintain licensure.

Thus, any initial, change of ownership or renewal application to operate a home medical equipment provider at a location outside the state which is received by the Agency on or after July 1, 2012 must include proof of accreditation or an application for accreditation from an organization recognized by the Agency for Health Care Administration.

Currently accrediting organizations recognized by the Agency for purposes of home medical equipment provider licensure are:

- The Joint Commission - http://www.jointcommission.org/
- Community Health Accreditation Program (CHAP) - http://www.chapinc.org/
- Accreditation Commission for Health Care (ACHC) - http://www.achc.org/
- Healthcare Quality Association on Accreditation (HQAA) - http://www.hqaa.org/

Changes were made as follows under Chapter 408, Part II: Health Care Licensing for all provider types regulated by the Agency, with the following being of specific interest:
• States that any licensee provider who alters, defaces or falsifies a license certificate is subject to an administrative fine of $1,000 for each day of illegal display.

• Allows the Agency to send a courtesy notice, at least 90 days before the expiration of a license to inform the licensee of the upcoming expiration date. It is important to note that the courtesy notice will be provided electronically or by United States mail and not via certified mail.

• Mandates an applicant must pay the late fee before a late application is considered complete and failure to pay the late fee is considered an omission from the application.

• Requires that the controlling interest shall notify the Agency within 10 days after the initiation of bankruptcy action, foreclosure or eviction proceedings concerning the provider in which the controlling interest is a petitioner or defendant.

• Grants the Agency authority to impose an administrative fine for unclassified violations.

Should you have questions about this information or any other Agency activities, please contact the Home Care Unit at (850) 412-4403.

Sincerely,

Anne Menard, Unit Manager
Home Care Unit