



Compliance in Focus:

Mastering Florida's Regulatory Landscape
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ATTORNEYS AT LAW

HOME HEALTH AGENCIES

Application Processing

- Initial Licensure
- License Renewal Every Two Years
- Change of Ownership Applications

Inspections for Licensure

- Initial and Renewal Licensure
- Consumer Complaints
- Regulatory Concerns / Monitor Visits
- Background Checks and Exemption



CHAPTER 400, Florida Statutes Home Health Agencies

- Provides for Initial Application Processing
- Provides for Renewal Application Processing
- Provides for Change of Ownership Application Processing
- Provides for the Discontinuance of Operations
- Provides the Reasons an Application may be denied an several reasons for License Revocation
- Provides for the resolution of conflicts that arise between authorizing statutes and Core



HOME HEALTH AGENCIES

- (14) "Family caregiver" means a person who provides or intends to provide significant personal care to an eligible relative.
- (15) "Home health agency" means a person that provides one or more home health services.
- (16) "Home health agency personnel" means persons who are employed by or under contract with a home health agency and enter the home or place of residence of patients at any time in the course of their employment or contract.
- (17) "Home health aide" means a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, assists in administering medications as permitted in rule and for which the person has received training established by the agency under this part, or performs tasks delegated to him or her under chapter 464.



HOME HEALTH AGENCIES

(19) “Home health services” means health and medical services and medical supplies furnished to an individual in the individual’s home or place of residence. The term includes the following:

- (a) Nursing care.*
- (b) Physical, occupational, respiratory, or speech therapy.*
- (c) Home health aide services.*
- (d) Dietetics and nutrition practice and nutrition counseling.*
- (e) Medical supplies, restricted to drugs and biologicals prescribed by a physician.*



HOME HEALTH AGENCIES

(22) “Homemaker” means a person who performs household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for an elderly, handicapped, or convalescent individual. A homemaker may not provide hands-on personal care to a client.

(25) “Nurse registry” means any person that procures, offers, promises, or attempts to secure health-care-related contracts for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, or homemakers, who are compensated by fees as independent contractors, including, but not limited to, contracts for the provision of services to patients and contracts to provide private duty or staffing services to health care facilities licensed under chapter 395, this chapter, or chapter 429 or other business entities.



APPLICATION PROCESS (400.471, F.S.)

- All request for licensure require an application to submitted on Agency forms.
- Upon receipt on an application for licensure, the Agency will review the application within 30 days and provide the applicant notification of errors or omissions.

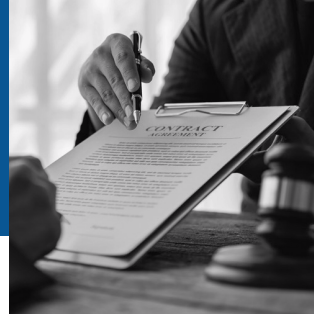


APPLICATION PROCESS (CONTINUED)

- Within 21 days of receipt of the Agency letter notifying the applicant of errors or omissions, the applicant must supply the requested information.
- If the applicant fails to provide omitted items or correct errors within 21 days the applicant's application will be withdrawn from further review.

S. 400.471, FLORIDA STATUTES

- Applicant must demonstrate financial ability to operate, submit pro forma financial statements, and submit a statement of the applicant's estimated startup costs and sources of funds through the break-even point in operations.
- All documents required under this subsection must be prepared in accordance with generally accepted accounting principles and may be in a compilation form. The financial statements must be signed by a certified public accountant.



APPLICATION REQUIREMENTS

- *Proof of Liability and Malpractice Insurance (current)*
- *Proof of Accreditation*
- *Business Plan*
- *Proof of Legal Right to Occupy Property*
- *Zoning*
- *CEMP (submission)*
- *Tax ID Letter*
- *Bank Statements or other form of liquidated funds*

A screenshot of a computer screen displaying the "Health Care Licensing Application - PROOF OF FINANCIAL ABILITY TO OPERATE ALF INSTRUCTIONS". The document includes sections for "Provider/Facility Type", "Licensee Information", and "Assumptions Used". It also contains a table for "Assumptions Used" with columns for "Assumption", "Description", and "Amount". The document is titled "Health Care Licensing Application - PROOF OF FINANCIAL ABILITY TO OPERATE ALF INSTRUCTIONS".

INITIAL & RENEWAL APPLICATIONS



Applications for initial licensure should be filed at least 60 days prior to your client's desired opening date.



Renewal applications must be received 60 days prior to the license expiration date.

AHCA OMMISSION NOTICE



RON DESANTIS
GOVERNOR

SHEVAUN L. HARRIS
SECRETARY

March 13, 2026

via email:rick@jsh-pa.com

██████████, Administrator

File Number: 1 ██████████

License Number: 2 ██████████

Provider Type: Home Health Agency

Re: Omission Notice for ██████████

Dear Administrator:

This letter is to acknowledge receipt of your Change of Ownership application for your Home Health Agency license. After review, it was found to be incomplete. Applicants receive only **one** letter describing the errors or omissions that must be addressed to deem the application complete. If the response to this letter does not satisfactorily address what is outlined below, the application will be withdrawn from consideration. Therefore, pursuant to section 408.806, Florida Statutes, no further action can be taken until the following is received:

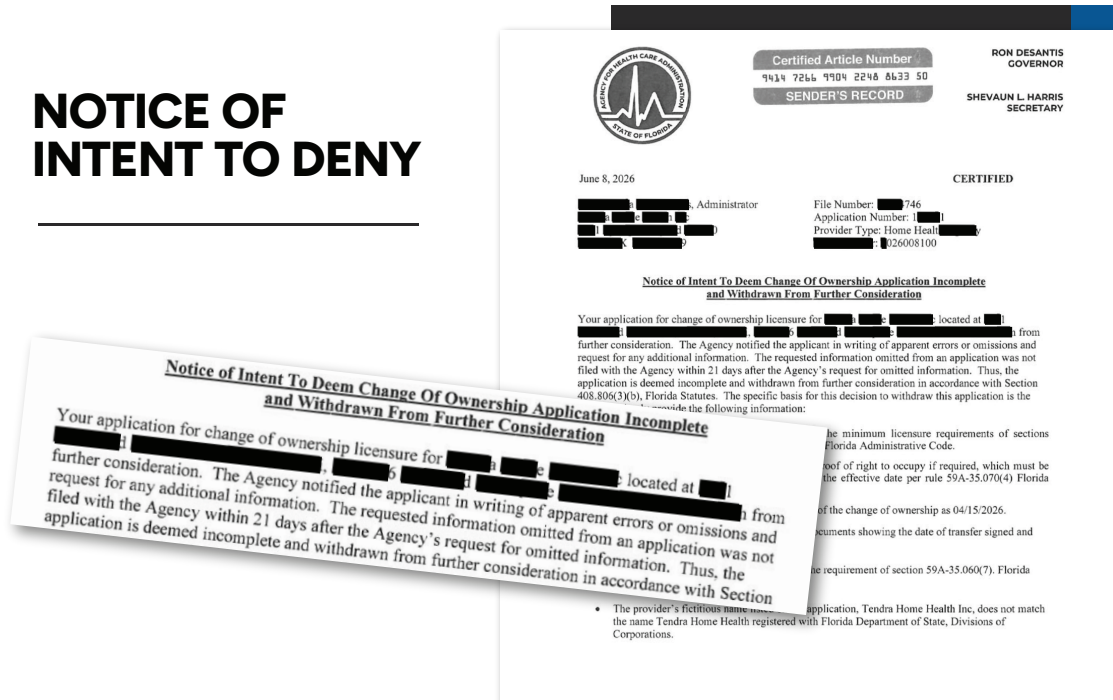
Attestation- Effective July 1, 2023, each applicant for initial, renewal or change of ownership licensure must attest to the following. Please submit the following attestations to the agency on company letterhead with a signature indicating the applicant is in compliance.

I attest to the following:

Pursuant to sections 408.810(14) and 408.051(3), FS, the licensee ensures that all patient information stored in an offsite physical or virtual environment, including through a third-party or subcontracted computing facility or an entity providing cloud computing services, is physically maintained in the continental United States or its territories or Canada.

Pursuant to section 408.810(15), FS, the licensee ensures that controlling interests of the licensee do not hold, either directly or indirectly, regardless of ownership structure, an interest in an entity that has a business relationship with a foreign country of concern or that is subject to section 287.135, FS.

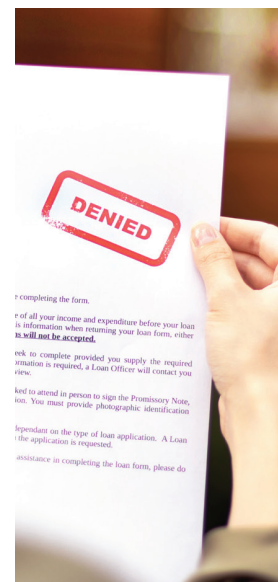
NOTICE OF INTENT TO DENY



NOTICE OF INTENT TO DENY OR DEEM APPLICATION INCOMPLETE

If your client receives a "Notice of Intent to Deem Application Incomplete and Withdrawn From Further Review," you need to respond to the "Election of Rights."

- Option 1: You admit and the application is withdrawn (the same as denied).
- Option 2: You admit and wish to provide mitigating factors to an informal hearing officer.
- Option 3: You are requesting a hearing in front of an Administrative Law Judge.



NOTICE OF INTENT TO DENY OR DEEM APPLICATION INCOMPLETE

- Prior to a Formal Hearing request being filed/transferred to the Division of Administrative Hearings (DOAH), all motions or filing must be filed with the Agency.
- Once transferred to DOAH all filings must be lodged with DOAH.
- After a Recommended Order is filed, exceptions to the recommended order has to be filed back with the Agency.

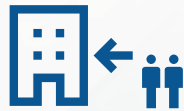


NOTICE OF INTENT TO DENY OR DEEM APPLICATION INCOMPLETE

- After your response to the "Notice" is filed, you should contact the unit and provide all missing information. The unit may accept the information needed to make the application complete and assist with settling the open legal case.



SURVEY PROCESS



Assisted Living
Facilities Require
Survey (site visit)



The Agency is required to
investigate all complaints
lodged against a facility
regardless of validity.

RIGHT OF INSPECTION



The Agency has broad
authority to inspect license
holders and applicants.



An application for licensure issued under
Chapter 400, authorizing statutes, or
applicable rules constitutes permission for
an inspection to verify the information
submitted on or in connection with the
application.



Corrective Plan of Action, 400, Florida Statutes

- (3) The agency shall have access to and the licensee shall provide, or if requested send, copies of all provider records required during an inspection or other review at no cost to the agency, including records requested during an offsite review.
- (4) A deficiency must be corrected within 30 calendar days after the provider is notified of inspection results unless an alternative timeframe is required or approved by the agency.
- (5) The agency may require an applicant or licensee to submit a plan of correction for deficiencies. If required, the plan of correction must be filed with the agency within 10 calendar days after notification unless an alternative timeframe is required.



ADMINISTRATIVE COMPLAINT

NATURE OF THE ACTION

This is an action against an individual to impose an administrative fine in the amount of one hundred and one thousand dollars (\$101,000.00).

JURISDICTION AND VENUE

1. The Agency has jurisdiction pursuant to §§ 20.42, 120.60, and Chapters 408, Part II, and

STATE OF FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

AHCA No. 201

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, State of Florida, Agency for Health Care Administration ("Agency"), by and through its undersigned counsel, and files this Administrative Complaint against Respondent, (hereinafter referred to as "Respondent"), pursuant to §§ 20.569 and 120.57, Fla. Stat. (2018), and alleges:

NATURE OF THE ACTION

This is an action against an individual to impose an administrative fine in the amount of one hundred and one thousand dollars (\$101,000.00).

JURISDICTION AND VENUE

1. The Agency has jurisdiction pursuant to §§ 20.42, 120.60, and Chapters 408, Part II, and 429, Part I, Fla. Stat. (2018).

2. Venue lies pursuant to R. 28-106.207, Fla. Admin Code.

PARTIES

3. The Agency is the regulatory authority responsible for licensure of assisted living facilities and enforcement of all applicable federal regulations, state statutes and rules governing



SANCTIONS

- F.S. 408.815 & 408.813 provide authority for sanctions and denials. This is in addition to any authority in the licensee's authorizing statute.
- Sanctions include fines, revocation and denial.
- F.S. 408.812 provides penalties for unlicensed activity.

Imposition of Fines 400.484, F.S.

- (1) In addition to the requirements of s. 408.811, the agency may make such inspections and investigations as are necessary in order to determine the state of compliance with this part, part II of chapter 408, and applicable rules.
- (2) The agency shall impose fines for various classes of violations in accordance with the following schedule:
 - (a) *Class I violations are as provided in s. 408.813. Upon finding a class I violation, the agency shall impose an administrative fine in the amount of \$15,000 for each occurrence and each day that the violation exists.*
 - (b) *Class II violations are as provided in s. 408.813. Upon finding a class II violation, the agency shall impose an administrative fine in the amount of \$5,000 for each occurrence and each day that the violation exists.*
 - (c) *Class III violations are as provided in s. 408.813. Upon finding an uncorrected or repeated class III violation, the agency shall impose an administrative fine not to exceed \$1,000 for each occurrence and each day that the uncorrected or repeated violation exists.*
 - (d) *Class IV violations are as provided in s. 408.813. These violations are of a type that the agency determines do not threaten the health, safety, or security of patients. Upon finding an uncorrected or repeated class IV violation, the agency shall impose an administrative fine not to exceed \$500 for each occurrence and each day that the uncorrected or repeated violation exists.*



IMPOSITION OF FINES (CONT.)

- (3) For purposes of this section, in determining if a penalty is to be imposed and in fixing the amount of the fine, the agency shall consider the following factors:

(a) *The gravity of the violation, including the probability that death or serious physical or emotional harm to a resident will result or has resulted, the severity of the action or potential harm, and the extent to which the provisions of the applicable laws or rules were violated.*

(b) *Actions taken by the owner or administrator to correct violations.*

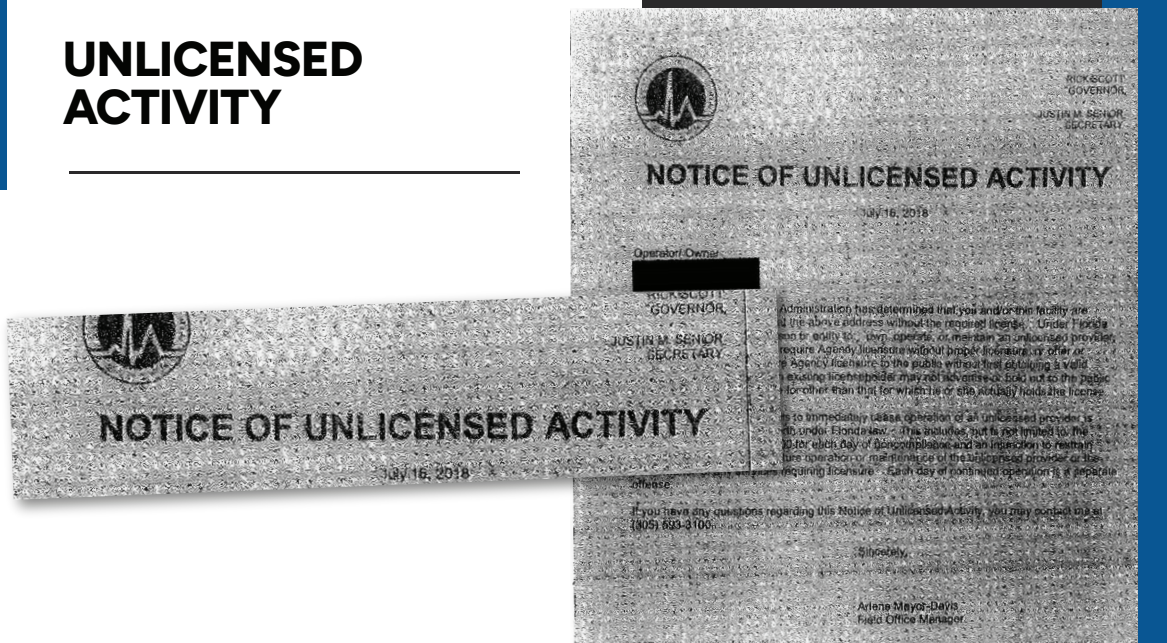
(c) *Any previous violations.*

(d) *The financial benefit to the facility of committing or continuing the violation.*

(e) *The licensed capacity of the facility.*



UNLICENSED ACTIVITY



UNLICENSED ACTIVITY

- 408.812 Unlicensed activity.—(1) A person or entity may not offer or advertise services that require licensure as defined by this part, authorizing statutes, or applicable rules to the public without obtaining a valid license from the agency. A licenseholder may not advertise or hold out to the public that he or she holds a license for other than that for which he or she actually holds the license.
- (3) It is unlawful for any person or entity to own, operate, or maintain an unlicensed provider. If after receiving notification from the agency, such person or entity fails to cease operation, the person or entity is subject to penalties as prescribed by authorizing statutes and applicable rules. Each day of operation is a separate offense.



EMERGENCY MORATORIUM ON ADMISSIONS & EMERGENCY SUSPENSIONS

- The agency may impose an immediate moratorium or emergency suspension as defined in s. 120.60 on any provider if the agency determines that any condition related to the provider or licensee presents a threat to the health, safety, or welfare of a client. See, 408.814, F.S.



Howell, Buchan & Strong
— ATTORNEYS AT LAW —

The law firm of Howell, Buchan & Strong, Attorneys at Law is an experienced healthcare law firm. Jeffrey Howell, Thomas Buchan and Rickey Strong have legal experience with a wide range of issues faced by assisted living facilities (ALFs), doctors, clinics, nurses, hospitals, treatment centers, physician groups, and patients. If you need to speak with an experienced attorney about your health care related issue, please consider Howell, Buchan & Strong and contact our office.



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