

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Stone offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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 8 Section 1. Paragraph (h) of subsection (2) of section
 9 400.471, Florida Statutes, is amended to read:

10 400.471 Application for license; fee.—

11 (2) In addition to the requirements of part II of chapter
 12 408, the initial applicant must file with the application
 13 satisfactory proof that the home health agency is in compliance
 14 with this part and applicable rules, including:

15 (h) In the case of an application for initial licensure,
 16 documentation of accreditation, or an application for
 17 accreditation, from an accrediting organization that is

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18 recognized by the agency as having standards comparable to those
19 required by this part and part II of chapter 408. A home health
20 agency that is not Medicare or Medicaid certified and does not
21 provide skilled care is exempt from this paragraph.

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23 Notwithstanding s. 408.806, an applicant that has applied for
24 accreditation must provide proof of accreditation that is not
25 conditional or provisional within 120 days after the date of the
26 agency's receipt of the application for licensure or the
27 application shall be withdrawn from further consideration. Such
28 accreditation must be maintained by the home health agency to
29 maintain licensure. The agency shall accept, in lieu of its own
30 periodic licensure survey, the submission of the survey of an
31 accrediting organization that is recognized by the agency if the
32 accreditation of the licensed home health agency is not
33 provisional and if the licensed home health agency authorizes
34 releases of, and the agency receives the report of, the
35 accrediting organization.

36 Section 2. Paragraph (a) of subsection (6) of section
37 400.506, Florida Statutes, is amended, and paragraphs (d) and
38 (e) are added to that subsection, and subsections (19) and (20)
39 are added to that section, to read:

40 400.506 Licensure of nurse registries; requirements;
41 penalties.—

42 (6) (a) A nurse registry may refer for contract in private
43 residences registered nurses and licensed practical nurses

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44 registered and licensed under part I of chapter 464, certified
45 nursing assistants certified under part II of chapter 464, home
46 health aides who present documented proof of successful
47 completion of the training required by rule of the agency, and
48 companions or homemakers for the purposes of providing those
49 services authorized under s. 400.509(1). A licensed nurse
50 registry shall ensure that each certified nursing assistant
51 referred for contract by the nurse registry and each home health
52 aide referred for contract by the nurse registry has presented
53 credentials demonstrating that he or she is adequately trained
54 to perform the tasks of a home health aide in the home setting.
55 Each person referred by a nurse registry must provide current
56 documentation that he or she is free from communicable diseases.

57 (d) A registered nurse, licensed practical nurse,
58 certified nursing assistant, companion or homemaker, or home
59 health aide referred for contract under this chapter by a nurse
60 registry shall be deemed an independent contractor and not an
61 employee of the nurse registry regardless of the obligations
62 imposed on a nurse registry under this chapter or chapter 408.

63 (e) Upon referral of a registered nurse, licensed
64 practical nurse, certified nursing assistant, companion or
65 homemaker, or home health aide for contract in a private
66 residence or facility, the nurse registry shall advise the
67 patient or the patient's family, or any other person acting on
68 behalf of the patient that at the time of the contract for
69 services that the caregiver referred by the nurse registry is an

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70 independent contractor and that it is not the obligation of a
71 nurse registry to monitor, supervise, manage, or train a
72 caregiver referred for contract under this chapter.

73 (19) It is not the obligation of a nurse registry to
74 monitor, supervise, manage, or train a registered nurse,
75 licensed practical nurse, certified nursing assistant, companion
76 or homemaker, or home health aide referred for contract under
77 this chapter. In the event of a violation of this chapter or a
78 violation of any other law of this state by a referred
79 registered nurse, licensed practical nurse, certified nursing
80 assistant, companion or homemaker, or home health aide, or a
81 deficiency in credentials which comes to the attention of the
82 nurse registry, the nurse registry shall advise the patient to
83 terminate the referred person's contract, providing the reason
84 for the suggested termination; cease referring the individual to
85 other patients or facilities; and, if practice violations are
86 involved, notify the licensing board. This section does not
87 affect or negate any other obligations imposed on a nurse
88 registry under chapter 408.

89 (20) Records required under this chapter to be filed with
90 the nurse registry as a repository of records must be kept in
91 accordance with rules adopted by the agency, and the nurse
92 registry has no obligation to review and act upon such records
93 except as specified in subsection (19).

94 Section 3. This act shall take effect July 1, 2014.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to home health care; amending s. 400.471, F.S.;
exempting certain home health agencies from specified licensure
application requirements; amending s. 400.506, F.S.; requiring a
licensed nurse registry to ensure that each certified nursing
assistant and home health aide referred by the registry present
certain credentials; providing that registered nurses, licensed
practical nurses, certified nursing assistants, companions or
homemakers, and home health aides are independent contractors
and not employees of the nurse registries that referred them;
requiring a nurse registry to inform the patient, the patient's
family, or a person acting on behalf of the patient that the a
referred caregiver is an independent contractor and that the
nurse registry is not required to monitor, supervise, manage, or
train a registered nurse, licensed practical nurse, certified
nursing assistant, companion or homemaker, or home health aide
referred by the nurse registry; providing the duties of the
nurse registry for a violation of certain laws by an individual
referred by the nurse registry; requiring that certain records
be kept in accordance with rules set by the Agency for Health
Care Administration; providing that a nurse registry does not
have an obligation to review and act upon such records except
under certain circumstances; providing an effective date.