

By Senators Brown-Waite, Latvala, Bronson, McKay and Grant

10-271-98

See HB

1 A bill to be entitled
 2 An act relating to personnel working in nursing
 3 facilities; creating s. 400.215, F.S.;
 4 requiring background screening for nursing
 5 facility staff who have regular, unsupervised
 6 contact with residents; providing for fees;
 7 providing for exemptions from disqualification;
 8 providing certain exemptions from screening
 9 requirements; requiring adoption of rules;
 10 specifying dates for compliance by employees
 11 and new applicants; providing an effective
 12 date.

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

16 Section 1. Section 400.215, Florida Statutes, is
 17 created to read:

18 400.215 Personnel screening requirement.--The agency
 19 shall require background screening as provided in chapter 435
 20 for all persons who have regular, unsupervised contact with
 21 residents of facilities licensed under part II of chapter 400.

22 (1) Employers and employees shall comply with the
 23 requirements of s. 435.05.

24 (a) Facilities must have in their possession evidence
 25 that Level 1 screening has been completed for each applicant
 26 before allowing the person to begin working with patients.

27 (b) Employees who have satisfied Level 1 screening
 28 requirements and who have not maintained continuous residence
 29 within the state for the previous 5 years may not work more
 30 than 65 days without satisfying the requirements for Level 2
 31 screening pursuant to s. 435.04.

1 (c) Applicants and employees shall be excluded from
2 employment pursuant to s. 435.06.

3 (2) The applicant is responsible for paying the fees
4 associated with obtaining the required screening. Payment for
5 the screening shall be submitted to the Florida Department of
6 Law Enforcement. Payment for the search of the abuse hotline
7 shall be submitted by separate tender to the Department of
8 Children and Family Services. Facilities may reimburse
9 employees for these costs.

10 (3) The agency may grant an exemption from
11 disqualification as provided in s. 435.07.

12 (4) The following persons are exempt from the
13 screening requirements of this section:

14 (a) Employees and persons under the supervision of the
15 facility who do not have regular, unsupervised contact with
16 the residents.

17 (b) Persons licensed under the following boards and
18 professions within the Division of Medical Quality Assurance
19 of the Department of Health:

20 1. Nursing assistants, as provided under s. 400.211.

21 2. The Board of Medicine, created under chapter 458.

22 3. The Board of Osteopathic Medicine, created under
23 chapter 459.

24 4. The Board of Chiropractic, created under chapter
25 460.

26 5. The Board of Podiatric Medicine, created under
27 chapter 461.

28 6. The Board of Optometry, created under chapter 463.

29 7. The Board of Nursing, created under chapter 464.

30 8. The Board of Pharmacy, created under chapter 465.

31 9. The Board of Dentistry, created under chapter 466.

1 10. The Board of Speech-Language Pathology and
2 Audiology, created under part I of chapter 468.

3 11. The Board of Nursing Home Administrators, created
4 under part II of chapter 468.

5 12. Occupational therapy, as provided under part III
6 of chapter 468.

7 13. Respiratory therapy, as provided under part V of
8 chapter 468.

9 14. Dietetics and nutrition practice, as provided
10 under part X of chapter 468.

11 15. The Board of Massage Therapy, created under
12 chapter 480.

13 16. The Board of Hearing Aid Specialists, created
14 under part II of chapter 484.

15 17. The Board of Physical Therapy Practice, created
16 under chapter 486.

17 18. The Board of Psychology, created under chapter
18 490.

19 19. The Board of Clinical Social Work, Marriage and
20 Family Therapy, and Mental Health Counseling, created under
21 chapter 491.

22 (5) Any provision of law to the contrary
23 notwithstanding, persons who have been fingerprinted and
24 screened and who have not been unemployed for more than 90
25 days thereafter, and who under penalty of perjury attest to
26 the completion of such fingerprinting or screening shall not
27 be required to be refingerprinted or rescreened.

28 (6) The agency shall adopt rules to implement this
29 section.

30 (7) All employees shall comply with the requirements
31 of this section by October 1, 1998. All applicants hired on or

1 after October 1, 1998, shall comply with the requirements of
2 this section.

3 Section 2. This act shall take effect on July 1 of the
4 year in which enacted.

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7 HOUSE SUMMARY

8 Requires background screening pursuant to ch. 435, F.S.,
9 for nursing facility staff who have regular, unsupervised
10 contact with residents of the facility. Requires payment
11 of fees by the person being screened, and authorizes
12 facilities to reimburse employee screening fees. Exempts
13 from screening persons licensed under specified Division
14 of Medical Quality Assurance boards and professions.
15 Provides conditions for exempting certain persons from
16 refingerprinting and rescreening. Requires employees to
17 comply with screening requirements by October 1, 1998,
18 and requires compliance by applicants hired on or after
19 that date.
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