

By Representative Prieguez

1                                   A bill to be entitled  
2           An act relating to home health agencies;  
3           amending s. 400.462, F.S.; defining the term  
4           "home health aide" and redefining the term  
5           "nurse registry"; amending s. 400.506, F.S.;  
6           authorizing nurse registries to refer home  
7           health aides for contract; conforming  
8           provisions; deleting a dual-registration  
9           requirement; providing an effective date.

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

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13           Section 1. Section 400.462, Florida Statutes, is  
14 amended to read:

15           400.462 Definitions.--As used in this part, the term:

16           (1) "Certified nursing assistant" means any person who  
17 has been issued a certificate after fulfilling the  
18 requirements of s. 400.211.

19           (2) "Companion" or "sitter" means a person who cares  
20 for an elderly, handicapped, or convalescent individual and  
21 accompanies such individual on trips and outings and may  
22 prepare and serve meals to such individual.

23           (3) "Department" means the Department of Health and  
24 Rehabilitative Services.

25           (4) "Home health agency" means an organization that  
26 provides home health services and staffing services for health  
27 care facilities.

28           (5) "Home health agency personnel" means persons who  
29 are employed by or under contract with a home health agency  
30 and enter the home or place of residence of patients at any  
31 time in the course of their employment or contract.

1           (6) "Home health aide" means a person who has  
2 accomplished training required by the Agency for Health Care  
3 Administration and is authorized to provide hands-on care,  
4 including assisting the patient in the activities of daily  
5 living, such as dressing, grooming, bathing, eating, and  
6 personal hygiene, and assisting with physical transfer,  
7 ambulation, and self-administered medications.

8           ~~(7)(6)~~ "Home health services" means health and medical  
9 services and medical supplies furnished to an individual by  
10 home health agency personnel or by others under arrangements  
11 with the agency, on a visiting basis, in the individual's home  
12 or place of residence. The term includes, but is not limited  
13 to, the following:

- 14           (a) Nursing care.  
15           (b) Physical, occupational, respiratory, or speech  
16 therapy.  
17           (c) Home health aide services.  
18           (d) Nutritional guidance.  
19           (e) Medical supplies, restricted to drugs and  
20 biologicals prescribed by a physician.

21           ~~(8)(7)~~ "Homemaker" means a person who performs  
22 household chores that include housekeeping, meal planning and  
23 preparation, shopping assistance, and routine household  
24 activities for an elderly, handicapped, or convalescent  
25 individual.

26           ~~(9)(8)~~ "Nurse registry" means any person that  
27 procures, offers, promises, or attempts to secure  
28 health-care-related contracts for registered nurses, licensed  
29 practical nurses, certified nursing assistants, home health  
30 aides, sitters, companions, or homemakers, who are compensated  
31 by fees as independent contractors, including, but not limited

1 to, contracts for the provision of services to patients and  
2 contracts to provide private duty or staffing services to  
3 health care facilities licensed under chapter 395 or this  
4 chapter.

5 (10)~~(9)~~ "Patient" means any person who receives home  
6 health services in his or her home or place of residence.

7 (11)~~(10)~~ "Screening" means the assessment of the  
8 background of home health agency personnel, nurse registry  
9 personnel, and persons registered under s. 400.509 and  
10 includes employment history checks, records checks of the  
11 department's central abuse hotline under chapter 415 relating  
12 to vulnerable adults, and statewide criminal records  
13 correspondence checks through the Department of Law  
14 Enforcement.

15 (12)~~(11)~~ "Staffing services" means services provided  
16 to a health care facility on a temporary basis by licensed  
17 health care personnel, including certified nursing assistants.

18 Section 2. Subsection (10) of section 400.506, Florida  
19 Statutes, 1998 Supplement, is amended to read:

20 400.506 Licensure of nurse registries; requirements;  
21 penalties.--

22 (10)(a) A nurse registry may refer for contract in  
23 private residences registered nurses and licensed practical  
24 nurses registered and licensed under chapter 464, certified  
25 nursing assistants certified under s. 400.211, home health  
26 aides, and sitters, companions, or homemakers for the purposes  
27 of providing those services authorized under s. 400.509(1).

28 (b) A certified nursing assistant or home health aide  
29 may be referred for a contract to provide care to a patient in  
30 his or her home only if that patient is under a physician's  
31 care. A certified nursing assistant referred for contract in

1 a private residence shall be limited to assisting a patient  
2 with bathing, dressing, toileting, grooming, eating, physical  
3 transfer, and those normal daily routines the patient could  
4 perform for himself or herself were he or she physically  
5 capable. A certified nursing assistant may not provide  
6 medical or other health care services that require specialized  
7 training and that may be performed only by licensed health  
8 care professionals. The nurse registry shall obtain the name  
9 and address of the attending physician and send written  
10 notification to the physician within 48 hours after a contract  
11 is concluded that a certified nursing assistant will be  
12 providing care for that patient.

13 (c) A registered nurse shall make monthly visits to  
14 the patient's home to assess the patient's condition and the  
15 quality of care being provided by the certified nursing  
16 assistant or home health aide. Any condition that ~~which~~ in  
17 the professional judgment of the nurse requires further  
18 medical attention shall be reported to the attending physician  
19 and the nurse registry. The assessment shall become a part of  
20 the patient's file with the nurse registry and may be reviewed  
21 by the Agency for Health Care Administration during their  
22 survey procedure.

23 ~~(d) In order to refer for contract in private~~  
24 ~~residences a certified nursing assistant or any person~~  
25 ~~specified in s. 400.509(1), the nurse registry and such person~~  
26 ~~registered with the nurse registry must also be registered~~  
27 ~~under s. 400.509. Any person registered as an independent~~  
28 ~~contractor with a nurse registry for the purpose of providing~~  
29 ~~services authorized under s. 400.509(1) on or before October~~  
30 ~~1, 1990, is exempt from registration under s. 400.509 so long~~  
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1 ~~as such person remains continuously registered with that nurse~~  
2 ~~registry.~~

3 Section 3. This act shall take effect July 1, 1999.

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6 SENATE SUMMARY

7 Defines the term "home health aide" and provides for such  
8 persons to be referred for contract by nurse registries.  
9 Deletes a dual-registration requirement.

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