

By Representative Frankel

1                                   A bill to be entitled  
2           An act relating to health care facilities;  
3           creating s. 395.0500, F.S.; creating the "Safe  
4           Staffing for Quality of Care Act"; creating s.  
5           395.0501, F.S.; providing legislative findings;  
6           creating s. 395.0502, F.S.; providing  
7           definitions; creating s. 395.0503, F.S.;  
8           providing health care facility staffing  
9           requirements; requiring a staffing plan and  
10          staffing standards; providing for compliance  
11          with the staffing plan as a condition of  
12          licensing or license renewal; requiring certain  
13          recordkeeping; creating s. 395.0504, F.S.;  
14          prohibiting mandatory overtime and excessive  
15          duty hours for facility employees; specifying  
16          maximum hours; providing for emergency  
17          exceptions and providing limitations; creating  
18          s. 395.0505, F.S.; providing employee rights,  
19          including the right to refuse assignments that  
20          violate standards, and whistleblower  
21          protections; creating s. 395.0506, F.S.;  
22          providing for private rights of action for  
23          certain violations; creating s. 395.0507, F.S.;  
24          requiring public disclosure of certain  
25          information; creating s. 395.0508, F.S.;  
26          providing rulemaking authority of the Agency  
27          for Health Care Administration; creating s.  
28          395.0509, F.S.; providing for administrative  
29          penalties, including fines, and orders to  
30          correct deficiencies, closure of a facility or  
31          unit to admissions, and revocation of the

1 facility's license; providing a criminal  
2 penalty; providing for termination of a  
3 facility from the Medicaid program; providing  
4 an effective date.

5  
6 Be It Enacted by the Legislature of the State of Florida:

7  
8 Section 1. Section 395.0500, Florida Statutes, is  
9 created to read:

10 395.0500 Short title.--Sections 395.0500-395.0509 may  
11 be cited as the "Safe Staffing for Quality of Care Act."

12 Section 2. Section 395.0501, Florida Statutes, is  
13 created to read:

14 395.0501 Legislative findings.--The Legislature finds  
15 that:

16 (1) The state has a substantial interest in ensuring  
17 that delivery of health care services to patients in health  
18 care facilities located within this state is adequate and safe  
19 and that health care facilities retain sufficient nursing  
20 staff so as to promote optimal health care outcomes.

21 (2) Recent changes in the state's health care delivery  
22 system are resulting in a higher acuity level among patients  
23 in health care facilities.

24 (3) Inadequate hospital staffing results in dangerous  
25 medical errors and patient infections.

26 (4) To ensure adequate protection and care for  
27 patients in health care facilities, it is essential that  
28 qualified licensed nurses be accessible and available to meet  
29 the nursing needs of patients.

30 (5) Inadequate and poorly monitored nurse staffing  
31 practices jeopardize delivery of quality health care services

1 and adversely impact the health of patients who enter  
2 hospitals and outpatient emergency and surgical centers.

3 (6) The basic principles of staffing in health care  
4 facilities should be focused on patient health care needs and  
5 based on consideration of patient acuity levels and the  
6 services that need to be provided to ensure optimal outcomes.

7 (7) A substantial number of nurses indicate that  
8 hospital patient acuity measurements are inadequate and that  
9 many hospitals rarely, if ever, staff according to an acuity  
10 measurement tool.

11 (8) Establishing staffing standards will ensure that  
12 health care facilities throughout the state operate in a  
13 manner that guarantees the public safety and the delivery of  
14 quality health care services.

15 (9) Polling indicates that hospital nurses work  
16 substantial overtime hours and that nurses working 12-hour  
17 shifts work the most additional overtime hours per week.

18 (10) Mandatory overtime and lengthy work hours for  
19 direct care nurses constitute a threat to the health and  
20 safety of patients, adversely impact the general well-being of  
21 nurses and their families, and result in greater turnover  
22 which increases long-term shortages of nursing personnel.

23 Section 3. Section 395.0502, Florida Statutes, is  
24 created to read:

25 395.0502 Definitions.--

26 (1) "Acuity system" means an established measurement  
27 instrument that:

28 (a) Predicts nursing care requirements for individual  
29 patients based on the severity of the patient's illness, the  
30 need for specialized equipment and technology, the intensity  
31 of nursing interventions required, and the complexity of

1 clinical nursing judgment needed to design, implement, and  
2 evaluate the patient's nursing care plan.

3 (b) Details the amount of nursing care needed, both in  
4 the number of nurses and in the skill mix of nursing personnel  
5 required, on a daily basis, for each patient in a nursing  
6 department or unit.

7 (c) Is stated in terms that readily can be used and  
8 understood by direct care nursing staff.

9 (2) "Assessment tool" means a measurement system that  
10 compares the staffing level in each nursing department or unit  
11 against actual patient nursing care requirements in order to  
12 review the accuracy of an acuity system.

13 (3) "Critical care unit" means a unit of a hospital  
14 that is established to safeguard and protect patients whose  
15 severity of medical conditions requires continuous monitoring  
16 and complex nursing intervention.

17 (4) "Declared state of emergency" means an officially  
18 designated state of emergency that has been declared by a  
19 federal, state, or local government official having authority  
20 to declare that a state, county, municipality, or locality is  
21 in a state of emergency. This term does not include a state of  
22 emergency that results from a labor dispute in the health care  
23 industry.

24 (5) "Direct care nurse" or "direct care nursing staff"  
25 means any nurse who has direct responsibility to oversee or  
26 carry out medical regimens or nursing care for one or more  
27 patients.

28 (6) "Documented staffing plan" means a detailed  
29 written plan setting forth the minimum number, skill mix, and  
30 classification of licensed nurses required in each nursing  
31 department or unit in the health care facility for a given

1 year, based on reasonable projections derived from the patient  
2 census and average acuity level within each department or unit  
3 during the prior year, the department or unit size and  
4 geography, the nature of services provided, and any foreseeable  
5 changes in department or unit size or function during the  
6 current year.

7 (7) "Health care facility" means an acute care  
8 hospital, an emergency care, ambulatory, or outpatient surgery  
9 facility licensed under s. 395.003, or a psychiatric facility  
10 licensed under chapter 394.

11 (8) "Nurse" means either a registered nurse or a  
12 licensed practical nurse.

13 (9) "Nursing care" means care that falls within the  
14 scope of practice set forth in the applicable state nurse  
15 practice act or is otherwise encompassed within recognized  
16 professional standards of nursing practice, including  
17 assessment, nursing diagnosis, planning, intervention,  
18 evaluation, and patient advocacy.

19 (10) "Off duty" means that the individual has no  
20 restrictions placed on his or her whereabouts and is free of  
21 all restraint or duty on behalf of the health care facility.

22 (11) "On duty" means that the individual is required  
23 to be available and ready to perform services upon request  
24 within or on behalf of the health care facility and includes  
25 any rest periods or breaks during which the individual's  
26 ability to leave the health care facility is restricted either  
27 expressly or by work-related circumstances beyond the  
28 individual's control.

29 (12) "Skill mix" means the differences in licensing,  
30 specialty, and experience among direct care nurses.

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1           (13) "Staffing level" means the actual numerical  
2 nurse-to-patient ratio by licensed nurse classification within  
3 a nursing department or unit.

4           Section 4. Section 395.0503, Florida Statutes, is  
5 created to read:

6           395.0503 Facility staffing requirements.--

7           (1) MINIMUM STAFFING REQUIREMENTS.--Each facility  
8 licensed pursuant to this chapter shall ensure that it is  
9 staffed in a manner that provides sufficient, appropriately  
10 qualified nursing staff of each classification in each  
11 department or unit within the facility in order to meet the  
12 individualized care needs of the patients therein and to meet  
13 the requirements set forth in paragraphs (2)(a) and (b).

14           (2) STAFFING PLAN.--As a condition of licensing or  
15 license renewal, each health care facility licensed pursuant  
16 to this chapter shall annually submit to the agency a  
17 documented staffing plan, together with a written  
18 certification that the staffing plan is sufficient to provide  
19 adequate and appropriate delivery of health care services to  
20 patients for the ensuing year. The staffing plan must:

21           (a) Be adequate to meet any additional requirements  
22 provided by other laws, rules, or regulations.

23           (b) Employ and identify an approved acuity system for  
24 addressing fluctuations in actual patient acuity levels and  
25 nursing care requirements requiring increased staffing levels  
26 above the minimums set forth in the plan.

27           (c) Factor in other unit or department activities,  
28 such as discharges, transfers, admissions, and administrative  
29 and support tasks, that are expected to be performed by direct  
30 care nurses in addition to direct nursing care.

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- 1        (d) Identify the assessment tool used to validate the  
2 acuity system relied on in the plan.
- 3        (e) Identify the system that will be used to document  
4 actual staffing on a daily basis within each department or  
5 unit.
- 6        (f) Include a written assessment of the accuracy of  
7 the prior year's staffing plan in light of actual staffing  
8 needs.
- 9        (g) Identify each nursing staff classification  
10 referenced in the staffing plan, together with a statement  
11 setting forth minimum qualifications for each such  
12 classification.
- 13        (h) Be developed in consultation with the direct care  
14 nursing staff within each department or unit or, where such  
15 staff is represented, with the applicable recognized or  
16 certified collective bargaining representative of the direct  
17 care nursing staff.
- 18        (3) STAFFING STANDARDS.--
- 19        (a) Minimum nurse-to-patient ratios.--The health care  
20 facility's staffing plan must incorporate, at a minimum, the  
21 following direct care nurse-to-patient ratios:
- 22            1. One nurse to one patient: operating room and trauma  
23 emergency.
- 24            2. One nurse to two patients: all critical care areas,  
25 including emergency critical care, and all intensive care  
26 units, labor and delivery units, and postanesthesia units.
- 27            3. One nurse to three patients: antepartum, emergency  
28 room, pediatrics, psychiatry, step-down, and telemetry.
- 29            4. One nurse to four patients: intermediate care  
30 nursery and medical/surgical floors.
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- 1           5. One nurse to five patients: skilled nursing  
2 facilities and rehabilitation.
- 3           6. One nurse to six patients: postpartum (three  
4 couplets) and well-baby nursery.
- 5           (b) Mandatory additional staff.--The minimum number of  
6 direct care nurse-to-patient staff set forth in paragraph (a)  
7 shall constitute the minimum number of direct care nursing  
8 staff that shall be assigned to and present within a nursing  
9 department or unit. Where the approved acuity system adopted  
10 by the facility indicates that additional staff is required,  
11 the health care facility must staff at the higher staffing  
12 level.
- 13           (c) Approval of acuity system.--The agency shall adopt  
14 rules prescribing the method by which the agency will approve  
15 a health care facility's acuity system. Such rules may include  
16 a system for class approval of acuity systems.
- 17           (d) Minimum skill mix.--
- 18           1. The skill mix reflected in a staffing plan must  
19 ensure that all of the following elements of the nursing  
20 process are performed in the planning and delivery of care for  
21 each patient: assessment, nursing diagnosis, planning,  
22 intervention, evaluation, and patient advocacy.
- 23           2. Registered nurses must constitute at least 80  
24 percent of the direct care nurses included in the staffing  
25 plan.
- 26           3. The skill mix may not incorporate or assume that  
27 nursing care functions required by licensing laws or rules or  
28 accepted standards of practice to be performed by a licensed  
29 nurse are to be performed by unlicensed assistive personnel.
- 30           (4) COMPLIANCE WITH PLAN.--  
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1       (a) As a condition of licensing or license renewal, a  
2 health care facility must at all times staff in accordance  
3 with its staffing plan and the staffing standards set forth in  
4 this section. However, nothing in this section shall be deemed  
5 to preclude a health care facility from implementing higher  
6 direct care nurse-to-patient staffing levels.

7       (b) No nurse shall be assigned, or included in the  
8 count of assigned nursing staff for purposes of compliance  
9 with minimum staffing requirements, in a nursing department or  
10 unit or a clinical area within the health care facility  
11 without appropriate licensing, prior orientation, and  
12 verification that the nurse is capable of providing competent  
13 nursing care to the patients therein.

14       (5) RECORDKEEPING.--

15       (a) As a condition of licensing or license renewal,  
16 each health care facility shall maintain accurate daily  
17 records showing:

18           1. The number of patients admitted, released, and  
19 present in each nursing department or unit within the  
20 facility.

21           2. The individual acuity level of each patient present  
22 in each nursing department or unit within the facility.

23           3. The identity and duty hours of each direct care  
24 nurse in each nursing department or unit within the facility.

25       (b) As a condition of licensing or license renewal,  
26 each health care facility shall maintain daily statistics, by  
27 nursing department and unit, of mortality, morbidity,  
28 infection, accident, injury, and medical errors.

29       (c) All records required to be kept under this  
30 subsection shall be maintained for a period of 7 years.

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1       (d) All records required to be kept under this  
2 subsection shall be made available upon request to the agency  
3 and to the public. However, information released to the public  
4 shall not contain the name of or other personal identifying  
5 information, apart from acuity level, about any individual  
6 patient.

7       Section 5. Section 395.0504, Florida Statutes, is  
8 created to read:

9       395.0504 Mandatory overtime and excessive duty  
10 hours.--

11       (1) MANDATORY OVERTIME PROHIBITED.--

12       (a) Notwithstanding any other provision of law to the  
13 contrary and subject only to the exceptions included in this  
14 section, a health care facility shall not mandate or otherwise  
15 require, directly or indirectly, a health care employee to  
16 work or be on duty in excess of any one of the following:

17           1. The scheduled workshift or duty period.

18           2. Twelve hours in a 24-hour period.

19           3. Eighty hours in a 14-consecutive-day period.

20       (b) As used in this section, "mandatory" or "mandate"  
21 means any request that, if refused or declined by the health  
22 care employee, may result in discharge, discipline, loss of  
23 promotion, or other adverse employment consequence.

24       (c) Nothing in this subsection is intended to prohibit  
25 a health care employee from voluntarily working overtime.

26       (2) MAXIMUM HOURS.--

27       (a) No health care employee may work or be on duty for  
28 more than 16 hours in any 24-hour period.

29       (b) Any health care employee working 16 hours in any  
30 24-hour period must have at least 8 consecutive hours off duty  
31 before being required to return to duty.

1       (c) No health care employee may be required to work or  
2 be on duty for more than 7 consecutive days without at least  
3 one consecutive 24-hour period off duty within that time.  
4       (3) EXCEPTIONS.--  
5       (a) Declared state of emergency.--  
6           1. During a declared state of emergency in which a  
7 health care facility is requested or may otherwise reasonably  
8 be expected to provide an exceptional level of emergency or  
9 other medical services to the community, the mandatory  
10 overtime prohibition in subsection (1) shall be lifted to the  
11 following extent:  
12           a. Health care employees may be required to work or  
13 remain on duty up to the maximum hour limitations set forth in  
14 subsection (2), provided the health care facility has taken  
15 the steps set forth in subsection (2).  
16           b. Prior to requiring any health care employee to work  
17 mandatory overtime, the health care facility must make  
18 reasonable efforts to fill its immediate staffing needs  
19 through alternative efforts, including requesting off-duty  
20 staff to voluntarily report to work, requesting on-duty staff  
21 to volunteer for overtime hours, and recruiting per diem and  
22 registry staff to report to work.  
23           c. This exemption shall not exceed the duration of the  
24 declared state of emergency or the health care facility's  
25 direct role in responding to medical needs resulting from the  
26 declared state of emergency, whichever is less.  
27           2. During a declared state of emergency in which a  
28 health care facility is requested or may otherwise reasonably  
29 be expected to provide an exceptional level of emergency or  
30 other medical services to the community, the maximum hours  
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1 limitations in subsection (2) shall be lifted to the following  
2 extent:

3 a. Health care employees may work or remain on duty  
4 beyond the maximum hour limitation set forth in subsection  
5 (2), provided:

6 (I) The decision to work the additional time is  
7 voluntarily made by the individual health care employee  
8 affected.

9 (II) The health care employee is given at least one  
10 uninterrupted 4-hour rest period before the completion of the  
11 first 16 hours of duty and an uninterrupted 8-hour rest period  
12 at the completion of 24 hours of duty. As used in this  
13 sub-sub-subparagraph, "rest period" means a period in which an  
14 individual may be required to remain on the premises of the  
15 health care facility but is free of all restraint, duty, or  
16 responsibility for work or duty.

17 (III) No health care employee shall work or remain on  
18 duty for more than 28 consecutive hours in a 72-hour period.

19 (IV) A health care employee who has been on duty for  
20 more than 16 hours in a 24-hour period who informs the health  
21 care facility that he or she needs immediate rest must be  
22 relieved from duty as soon thereafter as possible, consistent  
23 with patient safety needs, and given at least 8 uninterrupted  
24 hours off duty before being required to return for duty.

25 b. This exemption shall not exceed the duration of the  
26 declared state of emergency or the health care facility's  
27 direct role in responding to medical needs resulting from the  
28 declared state of emergency, whichever is less.

29 (b) Collective bargaining agreement.--A work shift  
30 schedule or overtime program established pursuant to a  
31 collective bargaining agreement negotiated on behalf of the

1 health care employees by a bona fide labor organization may  
2 provide for mandatory on-duty hours in excess of those  
3 permitted under paragraph (1)(a), provided adequate measures  
4 are included in the agreement to ensure against excessive  
5 fatigue on the part of the affected employees.

6 Section 6. Section 395.0505, Florida Statutes, is  
7 created to read:

8 395.0505 Employee rights.--

9 (1) RIGHT TO REFUSE ASSIGNMENT UNDER CONDITIONS THAT  
10 VIOLATE STANDARDS.--

11 (a) Work assignment policy.--As a condition of  
12 licensure, each health care facility shall adopt and  
13 disseminate to direct care nursing staff a written policy,  
14 which complies with the requirements set forth in paragraphs  
15 (b) and (c), detailing the circumstances under which a direct  
16 care nurse may refuse a work assignment.

17 (b) Minimum conditions.--At a minimum, the work  
18 assignment policy shall permit a direct care nurse to refuse  
19 an assignment:

20 1. That the nurse is not prepared by education,  
21 training, or experience to safely fulfill without compromising  
22 or jeopardizing patient safety, the nurse's ability to meet  
23 foreseeable patient needs, or the nurse's license.

24 2. For which the nurse has volunteered to work  
25 overtime but determines that his or her level of fatigue or  
26 decreased alertness would compromise or jeopardize patient  
27 safety, the nurse's ability to meet foreseeable patient needs,  
28 or the nurse's license.

29 3. That would otherwise violate requirements set forth  
30 in ss. 395.0500-395.0509.

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1           (c) Minimum procedures.--At a minimum, the work  
2 assignment policy shall contain procedures for the following:  
3           1. Reasonable requirements for prior notice to the  
4 nurse's supervisor regarding the nurse's request and  
5 supporting reasons for being relieved of the assignment or  
6 continued duty.  
7           2. Where feasible, an opportunity for the nurse's  
8 supervisor to review the specific conditions supporting the  
9 nurse's request and to decide whether to remedy the  
10 conditions, to relieve the nurse of the assignment, or to deny  
11 the nurse's request to be relieved of the assignment or  
12 continued duty.  
13           3. A process that permits the nurse to exercise the  
14 right to refuse the assignment or continued duty when the  
15 nurse's supervisor denies the request to be relieved if:  
16           a. The nurse's supervisor rejects the request without  
17 proposing a remedy or the proposed remedy would be inadequate  
18 or untimely;  
19           b. Complaint and investigation process with a  
20 regulatory agency would be untimely to address the concern;  
21 and  
22           c. The employee in good faith believes the assignment  
23 meets conditions justifying refusal.  
24           (2) WHISTLEBLOWER PROTECTIONS.--  
25           (a) Discrimination prohibited.--A health care facility  
26 shall not discriminate against, retaliate against, or penalize  
27 in any manner with respect to compensation, terms, conditions,  
28 or privileges of employment an employee who in good faith,  
29 individually or in conjunction with another person or persons:  
30           1. Reports a violation or suspected violation of ss.  
31 395.0500-395.0509 to a public regulatory agency, a private

1 accrediting body, or management personnel of the health care  
2 facility;  
3 2. Initiates, cooperates, or otherwise participates in  
4 an investigation or proceeding brought by a regulatory agency  
5 or private accrediting body concerning matters covered by ss.  
6 395.0500-395.0509;  
7 3. Informs or discusses with other employees, employee  
8 representatives, patients, patient representatives, or the  
9 public violations or suspected violations of ss.  
10 395.0500-395.0509; or  
11 4. Otherwise avails himself or herself of the rights  
12 set forth in ss. 395.0500-395.0509.  
13 (b) "Good faith" defined.--For purposes of this  
14 subsection, an employee is deemed to act in good faith if the  
15 employee reasonably believes that:  
16 1. The information reported or disclosed is true; and  
17 2. A violation has occurred or may occur.  
18 Section 7. Section 395.0506, Florida Statutes, is  
19 created to read:  
20 395.0506 Private right of action.--  
21 (1) RIGHT TO LEGAL AND EQUITABLE RELIEF.--Any health  
22 care facility that violates the provisions of s. 395.0504 or  
23 s. 395.0505 may be held liable to the employees affected in an  
24 action brought in a court of competent jurisdiction for such  
25 legal or equitable relief as may be appropriate to effectuate  
26 the purposes of ss. 395.0500-395.0509, including, but not  
27 limited to, reinstatement, promotion, lost wages and benefits,  
28 and compensatory and consequential damages resulting from the  
29 violations, together with an equal amount in liquidated  
30 damages. The court in such action shall, in addition to any  
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1 judgment awarded to the plaintiffs, award reasonable  
2 attorneys' fees and costs to be paid by the defendants.

3 (2) RIGHT TO PRIVATE ACTION NOT LIMITED.--The  
4 employee's right to institute a private action under this  
5 section is not limited by any other rights granted under ss.  
6 395.0500-395.0509.

7 Section 8. Section 395.0507, Florida Statutes, is  
8 created to read:

9 395.0507 Posting of notices; public disclosure.--

10 (1) POSTED NOTICES.--

11 (a) Each health care facility shall post in a  
12 conspicuous place readily accessible to the general public a  
13 notice prepared by the agency setting forth in summary form  
14 the mandatory provisions of ss. 395.0500-395.0509.

15 (b) Mandatory and actual nurse staffing levels in each  
16 nursing department or unit shall be posted daily in a  
17 conspicuous place readily accessible to the general public.

18 (2) INFORMATION TO BE DISCLOSED.--

19 (a) Upon request, the health care facility shall make  
20 copies of the staffing plan filed with the agency available to  
21 the public.

22 (b) Each nursing department or unit within a facility  
23 shall post or otherwise make readily available to the nursing  
24 staff, during each work shift, the following:

25 1. A copy of the current staffing plan for that  
26 department or unit.

27 2. Documentation of the number of direct care nursing  
28 staff required to be present during the shift, based on the  
29 approved adopted acuity system.

30 3. Documentation of the actual number of direct care  
31 nursing staff present during the shift.



1           Section 9. Section 395.0508, Florida Statutes, is  
2 created to read:

3           395.0508 Rulemaking authority.--

4           (1) The agency shall be responsible for ensuring  
5 general compliance with s. 395.0503, relating to staffing  
6 plans and standards, and is empowered to issue such rules as  
7 necessary or appropriate to carry out this function. At a  
8 minimum, such rules shall provide for:

9           (a) Unannounced, random site visits of licensed health  
10 care facilities.

11           (b) An accessible and confidential system by which the  
12 public and nursing staff may report a health care facility's  
13 failure to comply with the requirements of ss.  
14 395.0500-395.0509.

15           (c) A systematic means for investigating and  
16 correcting violations of ss. 395.0500-395.0509.

17           (d) Public access to information regarding reports of  
18 inspections, results, deficiencies, and corrections.

19           (e) A process for imposing the statutory penalties for  
20 violations of the staffing requirements of ss.  
21 395.0500-395.0509.

22           (2) The agency shall have jurisdiction to ensure  
23 compliance with ss. 395.0504 and 395.0505 and to implement  
24 such rules as necessary or appropriate to carry out this  
25 function.

26           Section 10. Section 395.0509, Florida Statutes, is  
27 created to read:

28           395.0509 Penalties.--

29           (1) REVOCATION OF LICENSE.--A determination that a  
30 health care facility has violated the provisions of ss.  
31

1 395.0500-395.0509 may result in the revocation of license  
2 under s. 395.003 or chapter 394.

3 (2) FINES.--

4 (a) A health care facility that violates any staffing  
5 requirements set forth in s. 395.0503 is subject to a fine of  
6 not less than \$15,000 per day, per violation, for each day  
7 that the violation occurs or continues.

8 (b) A health care facility that fails to post a notice  
9 required under ss. 395.0500-395.0509 is subject to a fine of  
10 \$1,000 per day for each day that the required notice is not  
11 posted.

12 (c) A health care facility that violates s. 395.0504  
13 or s. 395.0505 is subject to a fine of \$15,000 per violation.

14 (d) A person or health care facility that fails to  
15 report or falsifies, or coerces, threatens, intimidates, or  
16 otherwise influences another person to fail to report or to  
17 falsify, information required to be reported under ss.  
18 395.0500-395.0509 is subject to a fine of up to \$15,000 for  
19 each such incident.

20 (3) ORDERS OF CORRECTION; ACTIONS FOR FAILURE TO  
21 COMPLY.--

22 (a) Upon investigation, the agency shall notify the  
23 health care facility of all deficiencies in its compliance  
24 with ss. 395.0500-395.0509 and the rules adopted thereunder.  
25 Such notice may include an order to take corrective action  
26 within a time specific, including, but not limited to:

27 1. Revising the facility staffing plan.

28 2. Reducing the number of patients within a nursing  
29 department or unit.

30 3. Temporarily closing a nursing department or unit to  
31 any further patient admissions until corrections are made.

- 1           4. Temporarily transferring patients to another  
2 nursing department or unit within the facility until  
3 corrections are made.
- 4           (b) The agency is empowered to issue an order of  
5 correction:
- 6           1. On an emergency basis, without prior notice or  
7 opportunity for a hearing, if the investigation shows that  
8 patient care is being compromised in a manner that poses an  
9 immediate threat to the health or safety of patients.
- 10           2. In accordance with the provisions of s. 395.003.
- 11           (c) The order of correction shall be in writing and  
12 shall contain a statement of the reasons for the order.
- 13           (d) Upon the failure of a health care facility to  
14 comply with an order of correction in a timely manner, the  
15 agency may take such action as it deems appropriate,  
16 including, but not limited to:
- 17           1. Appointing an administrative overseer for the  
18 facility.
- 19           2. Closing the facility or unit to patient admissions.
- 20           3. Placing the facility's emergency room on bypass  
21 status.
- 22           4. Revoking the facility's license.
- 23           (4) CRIMINAL SANCTIONS.--Any person who willfully  
24 violates any provision of ss. 395.0500-395.0509 in a manner  
25 that evidences a pattern or practice of violations which is  
26 likely to have a serious and adverse impact on patient care or  
27 the potential for serious injury or death of patients or  
28 employees commits a misdemeanor of the first degree,  
29 punishable as provided in s. 775.082 or s. 775.083.
- 30           (5) LOSS OF MEDICAID REIMBURSEMENT.--  
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