

By the Committee on Health, Aging, and Long-Term Care; and
Senator Bennett

317-2634-04

1 A bill to be entitled
2 An act relating to health care; amending s.
3 400.487, F.S.; revising home health agency
4 service agreements and treatment orders;
5 amending s. 400.506, F.S.; requiring nurse
6 registries to advise patients, their families,
7 or persons acting on behalf of patients of the
8 availability of registered nurses to make
9 visits at an additional cost; removing the
10 requirement for registered nurses to make
11 monthly visits to patients under the care of
12 certified nursing assistants or home health
13 aides; revising requirements for private
14 residence plans of treatment; amending s.
15 464.009, F.S.; saving from repeal a requirement
16 for licensure; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Subsections (1) and (2) of section 400.487,
21 Florida Statutes, are amended to read:

22 400.487 Home health service agreements; physician's,
23 physician's assistant's, and advanced registered nurse
24 practitioner's treatment orders; patient assessment;
25 establishment and review of plan of care; provision of
26 services; orders not to resuscitate.--

27 (1) Services provided by a home health agency must be
28 covered by an agreement between the home health agency and the
29 patient or the patient's legal representative specifying the
30 home health services to be provided, the rates or charges for
31 services paid with private funds, and the sources ~~method~~ of

1 payment, which may include Medicare, Medicaid, private
2 insurance, personal funds, or a combination thereof. A home
3 health agency providing skilled care must make an assessment
4 of the patient's needs within 48 hours after the start of
5 services.

6 (2) When required by the provisions of chapter 464;
7 part I, part III, or part V of chapter 468; or chapter 486,
8 the attending physician, physician's assistant, or advanced
9 registered nurse practitioner, acting within his or her
10 respective scope of practice, shall ~~for a patient who is to~~
11 ~~receive skilled care must~~ establish treatment orders for a
12 patient who is to receive skilled care. The treatment orders
13 must be signed by the physician, physician's assistant, or
14 advanced registered nurse practitioner before a claim for
15 payment for the skilled services is submitted by the home
16 health agency. If the claim is submitted to a managed care
17 organization, the treatment orders must be signed in the time
18 allowed under the provider agreement. The treatment orders
19 shall ~~within 30 days after the start of care and must be~~
20 reviewed, as frequently as the patient's illness requires, by
21 the physician, physician's assistant, or advanced registered
22 nurse practitioner in consultation with the home health agency
23 ~~personnel that provide services to the patient.~~

24 Section 2. Paragraph (c) of subsection (10) and
25 paragraph (a) of subsection (17) of section 400.506, Florida
26 Statutes, are amended to read:

27 400.506 Licensure of nurse registries; requirements;
28 penalties.--

29 (10)

30 (c) A nurse registry shall, at the time of contracting
31 for services through the nurse registry, advise the patient,

1 the patient's family, or a person acting on behalf of the
2 patient of the availability of registered nurses to make
3 visits to the patient's home at an additional cost. A
4 ~~registered nurse shall make monthly visits to the patient's~~
5 ~~home to assess the patient's condition and quality of care~~
6 ~~being provided by the certified nursing assistant or home~~
7 ~~health aide. Any condition that ~~which~~ in the professional~~
8 judgment of the nurse requires further medical attention shall
9 be reported to the attending physician and the nurse registry.
10 The assessment shall become a part of the patient's file with
11 the nurse registry ~~and may be reviewed by the agency during~~
12 ~~their survey procedure.~~

13 (17) All persons referred for contract in private
14 residences by a nurse registry must comply with the following
15 requirements for a plan of treatment:

16 (a) When, in accordance with the privileges and
17 restrictions imposed upon a nurse under part I of chapter 464,
18 the delivery of care to a patient is under the direction or
19 supervision of a physician or when a physician is responsible
20 for the medical care of the patient, a medical plan of
21 treatment must be established for each patient receiving care
22 or treatment provided by a licensed nurse in the home. The
23 original medical plan of treatment must be timely signed by
24 the physician, physician's assistant, or advanced registered
25 nurse practitioner, acting within his or her respective scope
26 of practice, and reviewed ~~by him or her~~ in consultation with
27 the licensed nurse at least every 2 months. Any additional
28 order or change in orders must be obtained from the physician,
29 physician's assistant, or advanced registered nurse
30 practitioner and reduced to writing and timely signed by the
31 physician, physician's assistant, or advanced registered nurse

1 practitioner. The delivery of care under a medical plan of
2 treatment must be substantiated by the appropriate nursing
3 notes or documentation made by the nurse in compliance with
4 nursing practices established under part I of chapter 464.

5 Section 3. Subsection (1) of section 464.009, Florida
6 Statutes, is amended to read:

7 464.009 Licensure by endorsement.--

8 (1) The department shall issue the appropriate license
9 by endorsement to practice professional or practical nursing
10 to an applicant who, upon applying to the department and
11 remitting a fee set by the board not to exceed \$100,
12 demonstrates to the board that he or she:

13 (a) Holds a valid license to practice professional or
14 practical nursing in another state or territory of the United
15 States, provided that, when the applicant secured his or her
16 original license, the requirements for licensure were
17 substantially equivalent to or more stringent than those
18 existing in Florida at that time;

19 (b) Meets the qualifications for licensure in s.
20 464.008 and has successfully completed a state, regional, or
21 national examination which is substantially equivalent to or
22 more stringent than the examination given by the department;
23 or

24 (c) Has actively practiced nursing in another state,
25 jurisdiction, or territory of the United States for 2 of the
26 preceding 3 years without having his or her license acted
27 against by the licensing authority of any jurisdiction.
28 Applicants who become licensed pursuant to this paragraph must
29 complete within 6 months after licensure a Florida laws and
30 rules course that is approved by the board. Once the
31 department has received the results of the national criminal

1 history check and has determined that the applicant has no
2 criminal history, the appropriate license by endorsement shall
3 be issued to the applicant. ~~This paragraph is repealed July 1,~~
4 ~~2004, unless reenacted by the Legislature.~~

5 Section 4. This act shall take effect upon becoming a
6 law.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1454

11 The committee substitute makes the following changes to SB
12 1454:

13 Amends the home health agency and nurse registry statutes,
14 allowing advanced registered nurse practitioners and physician
assistants to give orders for skilled care as is permitted in
other health care settings.

15 Modifies the timeframe within which home health agency
16 treatment orders must be signed by a physician.

17 Specifies that the sources of payment for home health services
18 may include Medicaid, Medicare, private insurance, personal
funds, or a combination thereof.

19 Requires a nurse registry to advise each patient or person
20 representing the patient, at the time of contracting for
services, that registered nurses are available to make visits
to the patient's home at an additional cost.

21 Repeals a July 1, 2004, repeal of a provision that allows
22 applicants to become licensed to practice nursing in Florida
23 without completing an equivalent examination if the applicant
has actively practiced nursing in another state, jurisdiction,
or territory of the U.S. for 2 of the preceding 3 years
24 without having his or her license acted against.