

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Zapata offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause, and insert:

5 Section 1. Subsections (1) and (2) of section 400.487,

6 Florida Statutes, are amended to read:

7 400.487 Home health service agreements; physician's,

8 physician's assistant's, and advanced registered nurse

9 practitioner's treatment orders; patient assessment;

10 establishment and review of plan of care; provision of services;

11 orders not to resuscitate.--

12 (1) Services provided by a home health agency must be

13 covered by an agreement between the home health agency and the

14 patient or the patient's legal representative specifying the

15 home health services to be provided, the rates or charges for

16 services paid with private funds, and the sources ~~method~~ of

094817

Amendment No. (for drafter's use only)

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

21 (2) When required by the provisions of chapter 464; part
22 I, part III, or part V of chapter 468; or chapter 486, the
23 attending physician, physician's assistant, or advanced
24 registered nurse practitioner, acting within his or her
25 respective scope of practice, shall ~~for a patient who is to~~
26 ~~receive skilled care must~~ establish treatment orders for a
27 patient who is to receive skilled care. The treatment orders
28 must be signed by the physician, physician's assistant, or
29 advanced registered nurse practitioner before a claim for
30 payment for the skilled services is submitted by the home health
31 agency. If the claim is submitted to a managed care
32 organization, the treatment order must be signed in the time
33 allowed under the provider agreement. The treatment orders shall
34 ~~within 30 days after the start of care and must~~ be reviewed, as
35 frequently as the patient's illness requires, by the physician,
36 physician's assistant, or advanced registered nurse practitioner
37 in consultation with the home health agency ~~personnel that~~
38 ~~provide services to the patient.~~

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

42 400.506 Licensure of nurse registries; requirements;
43 penalties.--

44 (10)

094817

Amendment No. (for drafter's use only)

45 (c) A nurse registry shall advise the patient, the
46 patient's family, or a person acting on behalf of a patient at
47 the time of contracting for services through the nurse registry
48 of the availability of registered nurses to make visits to the
49 patient's home at an additional cost ~~A registered nurse shall~~
50 ~~make monthly visits to the patient's home to assess the~~
51 ~~patient's condition and quality of care being provided by the~~
52 ~~certified nursing assistant or home health aide.~~ Any condition
53 which in the professional judgment of the nurse requires further
54 medical attention shall be reported to the attending physician
55 and the nurse registry. The assessment shall become a part of
56 the patient's file with the nurse registry ~~and may be reviewed~~
57 ~~by the agency during their survey procedure.~~

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

61 (a) When, in accordance with the privileges and
62 restrictions imposed upon a nurse under part I of chapter 464,
63 the delivery of care to a patient is under the direction or
64 supervision of a physician or when a physician is responsible
65 for the medical care of the patient, a medical plan of treatment
66 must be established for each patient receiving care or treatment
67 provided by a licensed nurse in the home. The original medical
68 plan of treatment must be timely signed by the physician,
69 physician's assistant, or advanced registered nurse
70 practitioner, acting within his or her respective scope of
71 practice, and reviewed ~~by him or her~~ in consultation with the
72 licensed nurse at least every 2 months. Any additional order or

094817

HOUSE AMENDMENT

Bill No. HB 653 CS

Amendment No. (for drafter's use only)

73 | change in orders must be obtained from the physician,
74 | physician's assistant, or advanced registered nurse practitioner
75 | and reduced to writing and timely signed by the physician,
76 | physician's assistant, or advanced registered nurse
77 | practitioner. The delivery of care under a medical plan of
78 | treatment must be substantiated by the appropriate nursing notes
79 | or documentation made by the nurse in compliance with nursing
80 | practices established under part I of chapter 464.

81 | Section 3. Paragraph (c) of subsection (1) of section
82 | 464.009, Florida Statutes, is amended to read:

83 | 464.009 Licensure by endorsement.--

84 | (1) The department shall issue the appropriate license by
85 | endorsement to practice professional or practical nursing to an
86 | applicant who, upon applying to the department and remitting a
87 | fee set by the board not to exceed \$100, demonstrates to the
88 | board that he or she:

89 | (c) Has actively practiced nursing in another state,
90 | jurisdiction, or territory of the United States for 2 of the
91 | preceding 3 years without having his or her license acted
92 | against by the licensing authority of any jurisdiction.

93 | Applicants who become licensed pursuant to this paragraph must
94 | complete within 6 months after licensure a Florida laws and
95 | rules course that is approved by the board. Once the department
96 | has received the results of the national criminal history check
97 | and has determined that the applicant has no criminal history,
98 | the appropriate license by endorsement shall be issued to the
99 | applicant. ~~This paragraph is repealed July 1, 2004, unless~~
100 | ~~reenacted by the Legislature.~~

094817

Amendment No. (for drafter's use only)

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

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103 ===== T I T L E A M E N D M E N T =====

104 Remove the entire title, and insert:

105 A bill to be entitled

106 An act relating to health care; amending s. 400.487, F.S.;

107 revising home health agency service agreements and

108 treatment orders; amending s. 400.506, F.S.; requiring

109 nurse registries to advise patients, their families, or

110 persons action on behalf of patients of the availability

111 of registered nurses to make visits at an additional cost;

112 removing the requirement for registered nurses to make

113 monthly visits to patients under the care of certified

114 nursing assistants or home health aides; revising

115 requirements for private residence plans of treatment;

116 amending s. 464.009, F.S.; saving a certain requirement

117 for licensure by endorsement from repeal; providing an

118 effective date.