

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

15

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

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

20 400.487 Home health service agreements; physician's,
 21 physician's assistant's, and advanced registered nurse
 22 practitioner's treatment orders; patient assessment;
 23 establishment and review of plan of care; provision of services;
 24 orders not to resuscitate.--

25 (1) Services provided by a home health agency must be
 26 covered by an agreement between the home health agency and the
 27 patient or the patient's legal representative specifying the
 28 home health services to be provided, the rates or charges for

29 | services paid with private funds, and the sources ~~method~~ of
 30 | payment, which may include Medicare, Medicaid, private
 31 | insurance, personal funds, or a combination thereof. A home
 32 | health agency providing skilled care must make an assessment of
 33 | the patient's needs within 48 hours after the start of services.

34 | (2) When required by the provisions of chapter 464; part
 35 | I, part III, or part V of chapter 468; or chapter 486, the
 36 | attending physician, physician's assistant, or advanced
 37 | registered nurse practitioner, acting within his or her
 38 | respective scope of practice, shall ~~for a patient who is to~~
 39 | ~~receive skilled care must~~ establish treatment orders for a
 40 | patient who is to receive skilled care. The treatment orders
 41 | must be signed by the physician, physician's assistant, or
 42 | advanced registered nurse practitioner before a claim for
 43 | payment for the skilled services is submitted by the home health
 44 | agency. If the claim is submitted to a managed care
 45 | organization, the treatment order must be signed in the time
 46 | allowed under the provider agreement. The treatment orders shall
 47 | ~~within 30 days after the start of care and must~~ be reviewed, as
 48 | frequently as the patient's illness requires, by the physician,
 49 | physician's assistant, or advanced registered nurse practitioner
 50 | in consultation with the home health agency ~~personnel that~~
 51 | ~~provide services to the patient~~.

52 | Section 2. Paragraph (c) of subsection (10) and paragraph
 53 | (a) of subsection (17) of section 400.506, Florida Statutes, are
 54 | amended to read:

55 | 400.506 Licensure of nurse registries; requirements;
 56 | penalties.--

57 (10)
 58 (c) A nurse registry shall advise the patient, the
 59 patient's family, or a person acting on behalf of a patient at
 60 the time of contracting for services through the nurse registry
 61 of the availability of registered nurses to make visits to the
 62 patient's home at an additional cost ~~A registered nurse shall~~
 63 ~~make monthly visits to the patient's home to assess the~~
 64 ~~patient's condition and quality of care being provided by the~~
 65 ~~certified nursing assistant or home health aide.~~ Any condition
 66 which in the professional judgment of the nurse requires further
 67 medical attention shall be reported to the attending physician
 68 and the nurse registry. The assessment shall become a part of
 69 the patient's file with the nurse registry ~~and may be reviewed~~
 70 ~~by the agency during their survey procedure.~~

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

74 (a) When, in accordance with the privileges and
 75 restrictions imposed upon a nurse under part I of chapter 464,
 76 the delivery of care to a patient is under the direction or
 77 supervision of a physician or when a physician is responsible
 78 for the medical care of the patient, a medical plan of treatment
 79 must be established for each patient receiving care or treatment
 80 provided by a licensed nurse in the home. The original medical
 81 plan of treatment must be timely signed by the physician,
 82 physician's assistant, or advanced registered nurse
 83 practitioner, acting within his or her respective scope of
 84 practice, and reviewed ~~by him or her~~ in consultation with the

85 | licensed nurse at least every 2 months. Any additional order or
 86 | change in orders must be obtained from the physician,
 87 | physician's assistant, or advanced registered nurse practitioner
 88 | and reduced to writing and timely signed by the physician,
 89 | physician's assistant, or advanced registered nurse
 90 | practitioner. The delivery of care under a medical plan of
 91 | treatment must be substantiated by the appropriate nursing notes
 92 | or documentation made by the nurse in compliance with nursing
 93 | practices established under part I of chapter 464.

94 | Section 3. Paragraph (c) of subsection (1) of section
 95 | 464.009, Florida Statutes, is amended to read:

96 | 464.009 Licensure by endorsement.--

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

102 | (c) Has actively practiced nursing in another state,
 103 | jurisdiction, or territory of the United States for 2 of the
 104 | preceding 3 years without having his or her license acted
 105 | against by the licensing authority of any jurisdiction.
 106 | Applicants who become licensed pursuant to this paragraph must
 107 | complete within 6 months after licensure a Florida laws and
 108 | rules course that is approved by the board. Once the department
 109 | has received the results of the national criminal history check
 110 | and has determined that the applicant has no criminal history,
 111 | the appropriate license by endorsement shall be issued to the

112 | applicant. ~~This paragraph is repealed July 1, 2004, unless~~
113 | ~~reenacted by the Legislature.~~

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