

HOUSE MESSAGE SUMMARY

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BILL: CS/SB 484 2nd Eng.
SPONSOR: Senator Peadar
SUBJECT: Health Care/Nursing
PREPARED BY: Senate Committee on Health Care
DATE: May 5, 2005

I. Amendments Contained in Message:

House Amendment 1 – 410947 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 strikes everything after the enacting clause. The amendment differs from CS/SB 484, 2nd Eng., in the following ways:

- There is no requirement for nursing homes to permit residents to change the location of a bed in the room.
- The amendment establishes criminal penalties for operating a home health agency or nurse registry without a license after receiving notification from the Agency for Health Care Administration (AHCA). If the unlicensed home health agency or nurse registry does not cease operation and apply for a license within 10 working days after receiving notice from AHCA, it will be committing a second-degree misdemeanor punishable by up to 60 days imprisonment or a \$ 500 fine. In addition, the home health agency or nurse registry will be subject to an agency fine of \$500 for each day of noncompliance. The criminal penalties in this amendment are in addition to the criminal penalties already in statute for operating a home health agency without a license and the criminal penalty provided in the bill for operating a nurse registry without a license.
- The requirement that a home health agency have malpractice insurance and liability insurance is changed to a simple listing of the two kinds of insurance. The amendment still appears to require the two types of insurance, but the removal of the word “and” could make the requirement less clear.
- The amendment does not require a home health agency that ceases to remain in business to notify each patient of the fact that it is ceasing operation and give each patient 15 days to retrieve his or her clinical record.
- The amendment repeals the authorization for the Medicaid Fraud Control Unit to have access to confidential patient information. The Unit uses the authorization under this statute to investigate fraud. The Unit asked that this not be repealed when the bill was heard in the Health Care Committee, and the statutory authorization for the Medicaid Fraud Control Unit was restored in the Senate Bill.
- The amendment requires a certified nursing assistant or home health aide to report to a registered nurse or physician a condition in his or her “professional judgment” requires further medical attention. Current law requires a nurse to report such a condition to a physician. Under law, a certified nursing assistant or home health aide providing home health

care is prohibited from providing medical care that requires specialized training and that may be performed only by a licensed health care professional. Thus, in medical matters, the “professional judgment” of a certified nursing assistant or home health aide would not be such that their judgment could be substituted for that of a nurse, as would be required under this amendment.

The title is amended to give notice of the provisions in the strike-everything amendment.