

Bill No. SB 1358

Barcode 654802

CHAMBER ACTION

Senate

House

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Comm: WD
04/25/2006 07:55 PM

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The Committee on Health Care (Rich) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 408.0625, Florida Statutes, is created to read:

408.0625 Patients' Right-to-Know Act.--

(1) LEGISLATIVE FINDINGS.--The Legislature finds that consumers in this state have a right to obtain access to information concerning the quality and safety of the health care provided in hospitals in this state in order to make better decisions about their choice of health care provider. The Legislature further finds that the lack of readily available information in the health care industry is directly related to unrelenting cost growth and uncertain quality outcomes. The Legislature also finds that many studies involving a large sample of hospitals with controls for differences in nursing acuity and patient risk have showed an

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1 association between the proportion of nursing hours provided
 2 by registered nurses or registered nurse hours per day and a
 3 wide range of patient outcomes in hospitals. Nursing staff
 4 play an integral role in quality improvement efforts and the
 5 nature of research in data collection in the state.

6 (2) DEFINITIONS.--As used in this section, the term:

7 (a) "Agency" means Agency for Health Care
 8 Administration.

9 (b) "Average daily census" means the average number of
 10 inpatients receiving services in any given 24-hour period,
 11 beginning at midnight, in each clinical service area of the
 12 hospital.

13 (c) "Agency nurse" means any direct care nurse who is
 14 not directly employed by the hospital, who provides care in
 15 the hospital, and who is working for purposes of providing
 16 supplemental staffing in a hospital.

17 (d) "Direct care nurse" means any registered nurse who
 18 has direct responsibility to oversee or carry out medical
 19 regimens or nursing care for one or more patients. A nurse
 20 administrator, nurse supervisor, nurse educator, charge nurse,
 21 or other registered nurse who does not have a specific patient
 22 assignment may not be included in calculating the staffing
 23 level.

24 (e) "Hospital" means an acute care hospital that is
 25 licensed under s. 395.003.

26 (f) "Nurse" means a registered nurse, a licensed
 27 practical nurse, or a certified nursing assistant.

28 (g) "Nursing care" means care that falls within the
 29 scope of practice set forth in chapter 464 and other laws and
 30 rules or care that is otherwise encompassed in recognized
 31 professional standards of nursing practice, including

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1 assessment, nursing diagnosis, planning, intervention,
2 evaluation, and patient advocacy.

3 (3) PUBLIC AVAILABILITY OF NURSING STAFFING LEVELS.--

4 (a) The agency shall develop rules in accordance with
5 chapter 120 regarding the methodology for data collection,
6 publicly reporting information relating to nurse staffing
7 levels and risk adjusting the information.

8 1. The data collection methodology may include the
9 reporting of direct care provided by registered professional
10 nurses, licensed practical nurses, agency nurses, and other
11 nursing personnel assigned to provide direct patient care.
12 Data reporting may include the assigned nursing personnel and
13 the average daily census for each patient care unit.

14 2. The public reporting methodology developed by the
15 agency shall consider the benefits of retaining historical
16 information; the creation of the most meaningful process and
17 timeframes for public reporting; and an implementation plan.
18 Consideration may be given to daily staffing levels; the
19 percentage of nursing hours completed by contract or agency
20 nurses by unit, number, and description of OSHA violations;
21 the number and description of complaints; the vacancy rate;
22 satisfaction surveys, and the turnover rate for each hospital.
23 The public reporting methodology developed by the agency shall
24 list each hospital's system affiliations if the hospital is
25 affiliated with a nonprofit, for-profit, or public health care
26 system or corporation. Such public data shall be updated
27 quarterly.

28 3. The risk adjusting methodology developed by the
29 agency shall include the use of a nationally recognized risk
30 adjustment method, case mix adjustment, or other appropriate
31 means of adjusting the data to accomplish a meaningful

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1 comparison from hospital to hospital.

2 (4) IMPLEMENTATION AND ENFORCEMENT.--

3 (a) In order to ensure compliance with this section,
4 the agency may inspect and audit books and records of
5 individual or corporate hospitals, including books and records
6 of related organizations with which a health care provider or
7 a hospital has had transactions. Upon presentation of a
8 written request for inspection to a health care provider or a
9 hospital by the agency or its staff, the health care provider
10 or the hospital shall make available to the agency or its
11 staff for inspection, copying, and review all books and
12 records relevant to the determination of whether the health
13 care provider or the hospital has complied with this section.

14 (b) Any hospital that refuses to file a report as
15 required by law or rule or which fails to provide documents or
16 records requested by the agency under this section shall be
17 punished by a fine not to exceed \$1,000 per day for each day
18 in violation, to be imposed and collected by the agency. Under
19 the rules adopted by the agency, the agency may, upon a good
20 cause showing, grant an extension of any deadline for a
21 hospital to timely file a report as required by this section.

22 Section 2. This act shall take effect upon becoming a
23 law.

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

27 And the title is amended as follows:

28 Delete everything before the enacting clause

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30 and insert:

31 A bill to be entitled

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1 An act relating to hospitals; creating s.
2 408.0625, F.S.; providing legislative findings;
3 providing definitions; providing that a method
4 for collecting, reporting, and risk adjusting
5 information concerning nursing care for
6 patients be developed by the Agency for Health
7 Care Administration through rulemaking;
8 providing criteria for consideration in the
9 rulemaking process; authorizing the agency to
10 inspect and audit certain books and records of
11 a hospital; providing a penalty for a
12 hospital's refusal to timely file a report;
13 authorizing the agency to grant an extension of
14 a deadline for a hospital to file a report;
15 providing an effective date.

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