

Bill No. SB 1358

Barcode 780636

CHAMBER ACTION

Senate

House

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

Senate Amendment (with title amendment)

On page 4, line 17, through
page 6, line 17, delete those lines

and insert:

(6) HOSPITAL DATA.--

(a) Each hospital shall submit to the agency, in a format designated by the agency and in accordance with the timetable specified by the agency, a statistical profile of registered nurses and other nurses employed by the hospital in patient care, including the nurse-vacancy rate and nurse-turnover rate. The agency shall make each hospital's statistical profile available on its website by October 1, 2008, and in hard-copy format upon request. The agency shall update the data made available pursuant to this paragraph annually.

(b) Using available data or data voluntarily submitted by hospitals and used as indicators by the Joint Commission on

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1 Accreditation of Healthcare Organizations, the agency shall
2 make available for each hospital, on its website by July 1,
3 2007, and in a hard-copy format upon request, the average
4 daily staffing levels by unit; the percentage of nursing hours
5 that are completed by contract or agency nurses by unit,
6 number, and a description of OSHA violations; and the number
7 and a description of complaints. The website must also list
8 each hospital's system affiliations if the hospital is
9 affiliated with a nonprofit, for-profit, or public health care
10 system or corporation. The agency shall update the data made
11 available pursuant to this paragraph annually.

12 (c) The agency shall use available national standards
13 when designating the reporting format for the statistical
14 profile required by paragraph (a) and when making available
15 the average daily staffing levels by unit as required by
16 paragraph (b). The agency shall consult with the Comprehensive
17 Health Information System Advisory Council regarding the
18 reporting format. The agency shall calculate and make
19 available the average daily staffing levels by unit in a
20 manner that health care research has shown to have a
21 significant effect on the quality of patient care and patient
22 outcomes.

23 (d) The agency shall ensure that the nurse staffing
24 data made available pursuant to paragraph (b) is risk-adjusted
25 for patient acuity using the risk-adjustment methodology
26 described in s. 408.061(1)(a), Florida Statutes, or an
27 equivalent methodology consistent with national standards
28 employed by the Agency for Healthcare Research and Quality.
29 The agency shall consult with the Comprehensive Health
30 Information System Advisory Council regarding the methodology
31 for risk-adjusting the patient acuity used to comply with this

1 paragraph.

2 (7) EMPLOYEE RIGHTS.--

3 (a) A hospital may not penalize, discriminate against,
4 or retaliate in any manner against a direct-care nurse for
5 refusing an assignment that would violate requirements set
6 forth in this section.

7 (b) A hospital may not penalize, discriminate against,
8 or retaliate in any manner against an employee with respect to
9 compensation for, or terms, conditions, or privileges of,
10 employment if such an employee in good faith, individually or
11 in conjunction with another persons or persons:

12 1. Reports a violation or suspected violation of this
13 section to a regulatory agency, a private accreditation body,
14 or management personnel of the hospital;

15 2. Initiates, cooperates in, or otherwise participates
16 in an investigation or proceeding brought by a regulatory
17 agency or private accreditation body concerning matters
18 covered by this section;

19 3. Informs or discusses violations or suspected
20 violations of this section with other employees, with any
21 representative of the employees, with a patient or patient
22 representative, or with the public; or

23 4. Otherwise avails himself or herself of the rights
24 set forth in this section.

25
26 For purposes of this paragraph, an employee is acting in good
27 faith if the employee reasonably believes that the information
28 reported or disclosed is true and that a violation has
29 occurred or may occur.

30 (8) IMPLEMENTATION AND ENFORCEMENT.--

31 (a) In order to ensure compliance with this section,

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

11 (b) Any hospital that refuses to file a report, fails
12 to timely file a report, files a false report, or files an
13 incomplete report and, upon notification, fails to timely file
14 a complete report required under this section or a rule
15 adopted thereunder, or that fails to provide documents or
16 records requested by the agency under this section, shall be
17 punished by a fine not exceeding \$1,000 per day for each day
18 in violation, to be imposed and collected by the agency.
19 Pursuant to rules adopted by the agency, the agency may, upon
20 a showing of good cause, grant a one-time extension of any
21 deadline for a hospital to timely file a report as required by
22 this section.

23 Section 2. The sum of \$250,000 is appropriated from
24 the General Revenue Fund to the Agency for Health Care
25 Administration for the purpose of administering the provisions
26 of this act requiring the agency to collect, from hospitals or
27 other sources, information regarding the staffing or operation
28 of hospitals and to make such information available on its
29 website or upon request.

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31 (Redesignate subsequent sections.)

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

2 And the title is amended as follows:

3 On page 1, lines 14-27, delete those lines

4

5 and insert:

6 to provide quarterly reports; requiring

7 hospitals to provide the Agency for Health Care

8 Administration with certain information

9 regarding nursing personnel; requiring the

10 agency to make certain information regarding

11 hospital staff and operations available to the

12 public on its Internet website and upon

13 request; providing criteria governing the

14 provision of such information; providing rights

15 for hospital employees; authorizing the agency

16 to inspect and audit certain books and records

17 of a hospital; providing a penalty for a

18 hospital's refusal to file a report, timely

19 file a report, file a false report, file an

20 incomplete report, or produce certain requested

21 documents or records to the agency; authorizing

22 the agency to grant an extension of a deadline

23 for a hospital to file a report; providing an

24 appropriation; providing an

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