

By Senator Rich

34-682-06

1 A bill to be entitled
2 An act relating to hospitals; providing
3 legislative findings; providing definitions;
4 providing that information concerning nursing
5 care for patients be made available to the
6 public; providing for staffing schedules and
7 patterns; providing criteria for staffing
8 schedules of nursing personnel and a daily
9 census for patient-care units; requiring each
10 hospital to make staffing levels and schedules
11 available to the public for a certain period of
12 time; requiring that records be made available
13 to the public upon request; requiring hospitals
14 to provide quarterly reports; requiring the
15 Agency for Health Care Administration to make
16 certain information regarding nursing personnel
17 available to the public on its Internet
18 website; providing rights for hospital
19 employees; authorizing the agency to inspect
20 and audit certain books and records of a
21 hospital; providing a penalty for a hospital's
22 refusal to file a report, timely file a report,
23 file a false report, file an incomplete report,
24 or produce certain requested documents or
25 records to the agency; authorizing the agency
26 to grant an extension of a deadline for a
27 hospital to file a report; providing an
28 effective date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. (1) SHORT TITLE.--This section may be
2 cited as the "Patients' Right-to-Know Act."

3 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
4 consumers in this state have a right to obtain access to
5 information concerning the quality and safety of the health
6 care provided in Florida hospitals in order to make better
7 decisions about their choice of health care provider.

8 (3) DEFINITIONS.--As used in this section, the term:

9 (a) "Agency" means Agency for Health Care
10 Administration.

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

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

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

26 (e) "Hospital" means an acute care hospital that is
27 licensed under s. 395.003, Florida Statutes.

28 (f) "Nurse" means a registered nurse.

29 (g) "Nursing care" means care that falls within the
30 scope of practice set forth in chapter 464, Florida Statutes,
31 and other laws and rules or care that is otherwise encompassed

1 within recognized professional standards of nursing practice,
2 including assessment, nursing diagnosis, planning,
3 intervention, evaluation, and patient advocacy.

4 (h) "Retaliate" means to discipline, discharge,
5 suspend, demote, harass, deny employment or promotion, lay
6 off, or take any other adverse action against a direct-care
7 nurse as a result of that nurse taking any action described in
8 this section.

9 (i) "Staffing level" means the actual numerical
10 registered nurse-to-patient ratio within a nursing department
11 or unit.

12 (j) "Unit" means a functional division or area of a
13 hospital in which nursing care is provided.

14 (4) PUBLIC AVAILABILITY OF STAFFING LEVELS AND
15 SCHEDULES.--

16 (a) The number of registered professional nurses,
17 licensed practical nurses, and other nursing personnel
18 assigned to each patient-care unit shall be consistent with
19 the types of nursing care needed by the patients and the
20 capabilities of the staff. Patients on each unit shall be
21 evaluated near the end of each change of shift by criteria
22 developed by the hospital. There shall be staffing schedules
23 reflecting the actual nursing personnel required for the
24 hospital and for each patient unit. Staffing patterns must
25 reflect consideration of nursing goals, standards of nursing
26 practice, and the needs of the patients.

27 (b) The current staffing level and anticipated
28 staffing schedule shall be available upon request for each
29 patient-care unit for the effective date of that schedule.
30 Each schedule must list the assigned nursing personnel and the
31 average daily census for each patient-care unit. The hospital

1 shall retain and make available to the public the historic
2 staffing level and schedules for the prior 5 years.

3 (c) All records required under this section, including
4 anticipated staffing schedules and the methods to determine
5 and adjust staffing levels, shall be made available to the
6 public upon request.

7 (d) All records required under this section shall be
8 maintained by the facility for at least 5 years.

9 (5) HOSPITAL REPORTS.--Each hospital shall prepare a
10 quarterly report that includes the average daily staffing
11 levels by unit, the percentage of nursing hours that are
12 completed by agency nurses by unit, the number and description
13 of OSHA violations, the nurse vacancy rate, the nurse turnover
14 rate, and the number and description of complaints made to the
15 Joint Commission on Accreditation of Healthcare Organizations
16 or to the agency.

17 (6) AVAILABILITY ONLINE.--The agency shall make
18 available on its Internet website no later than October 1,
19 2006, and in a hard-copy format upon request, the average
20 daily staffing levels by unit; the percentage of nursing hours
21 that are completed by contract or agency nurses by unit,
22 number, and description of OSHA violations; the number and
23 description of complaints; the vacancy rate; and the turnover
24 rate for each hospital. The website shall also list each
25 hospital's system affiliations if the hospital is affiliated
26 with a nonprofit, for-profit, or public health care system or
27 corporation. Such public data shall be updated quarterly.

28 (7) EMPLOYEE RIGHTS.--

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

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

8 1. Reports a violation or suspected violation of this
9 section to a regulatory agency, a private accreditation body,
10 or management personnel of the hospital;

11 2. Initiates, cooperates in, or otherwise participates
12 in an investigation or proceeding brought by a regulatory
13 agency or private accreditation body concerning matters
14 covered by this section;

15 3. Informs or discusses violations or suspected
16 violations of this section with other employees, with any
17 representative of the employees, with a patient or patient
18 representative, or with the public; or

19 4. Otherwise avails himself or herself of the rights
20 set forth in this section.

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

26 (8) IMPLEMENTATION AND ENFORCEMENT.--

27 (a) In order to ensure compliance with this section,
28 the agency may inspect and audit books and records of
29 individual or corporate hospitals, including books and records
30 of related organizations with which a health care provider or
31 a hospital had transactions. Upon presentation of a written

1 request for inspection to a health care provider or a hospital
2 by the agency or its staff, the health care provider or the
3 hospital shall make available to the agency or its staff for
4 inspection, copying, and review all books and records relevant
5 to the determination of whether the health care provider or
6 the hospital has complied with this section.

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

18 Section 2. This act shall take effect upon becoming a
19 law.

SENATE SUMMARY

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3 Requires that information concerning nursing care for
4 patients be made available to the public. Provides
5 staffing schedules and patterns. Provides criteria for
6 staffing schedules for nursing personnel and a daily
7 census for patient-care units. Requires each hospital to
8 make staffing levels and schedules available to the
9 public for a certain period of time. Provides that
10 records are available to the public upon request.
11 Requires hospitals to provide quarterly reports. Requires
12 that the Agency for Health Care Administration make
13 certain information regarding nursing personnel available
14 to the public on its Internet website. Provides rights
15 for hospital employees. Authorizes the agency to inspect
16 and audit certain books and records of a hospital.
17 Provides a penalty for a hospital's refusal to file a
18 report, to timely file a report, to file a false report,
19 to file an incomplete report, or to produce certain
20 requested documents or records to the agency. Authorizes
21 the agency to grant an extension of a deadline for a
22 hospital to file a report.
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