

HB 1605

2006

1 A bill to be entitled

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

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. (1) SHORT TITLE.--This section may be cited as

29 the "Patients' Right to Know Act."

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

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

36 (a) "Agency" means Agency for Health Care Administration.

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

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

45 (d) "Direct-care nurse" means any registered nurse who has  
46 direct responsibility to oversee or carry out medical regimens  
47 or nursing care for one or more patients. A nurse administrator,  
48 nurse supervisor, nurse educator, charge nurse, or other  
49 registered nurse who does not have a specific patient assignment  
50 may not be included in calculating the staffing level.

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

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

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

57 within recognized professional standards of nursing practice,  
58 including assessment, nursing diagnosis, planning, intervention,  
59 evaluation, and patient advocacy.

60 (h) "Retaliate" means to discipline, discharge, suspend,  
61 demote, harass, deny employment or promotion, lay off, or take  
62 any other adverse action against a direct-care nurse as a result  
63 of that nurse's taking any action described in this section.

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

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

68 (4) PUBLIC AVAILABILITY OF STAFFING LEVELS AND  
69 SCHEDULES.--

70 (a) The number of registered professional nurses, licensed  
71 practical nurses, and other nursing personnel assigned to each  
72 patient-care unit shall be consistent with the types of nursing  
73 care needed by the patients and the capabilities of the staff.  
74 Patients on each unit shall be evaluated near the end of each  
75 change of shift by criteria developed by the hospital. There  
76 shall be staffing schedules reflecting the actual nursing  
77 personnel required for the hospital and for each patient unit.  
78 Staffing patterns must reflect consideration of nursing goals,  
79 standards of nursing practice, and the needs of the patients.

80 (b) The current staffing level and anticipated staffing  
81 schedule shall be available upon request for each patient-care  
82 unit for the effective date of that schedule. Each schedule must  
83 list the assigned nursing personnel and the average daily census  
84 for each patient-care unit. The hospital shall retain and make

HB 1605

2006

85 available to the public the historic staffing level and  
86 schedules for the prior 5 years.

87 (c) All records required under this section, including  
88 anticipated staffing schedules and the methods to determine and  
89 adjust staffing levels, shall be made available to the public  
90 upon request.

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

93 (5) HOSPITAL REPORTS.--Each hospital shall prepare a  
94 quarterly report that includes the average daily staffing levels  
95 by unit, the percentage of nursing hours that are completed by  
96 agency nurses by unit, the number and description of OSHA  
97 violations, the nurse vacancy rate, the nurse turnover rate, and  
98 the number and description of complaints made to the Joint  
99 Commission on Accreditation of Healthcare Organizations or to  
100 the agency.

101 (6) AVAILABILITY ONLINE.--The agency shall make available  
102 on its Internet website no later than October 1, 2006, and in a  
103 hard-copy format upon request, the average daily staffing levels  
104 by unit; the percentage of nursing hours that are completed by  
105 contract or agency nurses by unit, number, and description of  
106 OSHA violations; the number and description of complaints; the  
107 vacancy rate; and the turnover rate for each hospital. The  
108 website shall also list each hospital's system affiliations if  
109 the hospital is affiliated with a nonprofit, for-profit, or  
110 public health care system or corporation. Such public data shall  
111 be updated quarterly.

112 (7) EMPLOYEE RIGHTS.--

HB 1605

2006

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

117 (b) A hospital may not penalize, discriminate against, or  
118 retaliate in any manner against an employee with respect to  
119 compensation for, or terms, conditions, or privileges of,  
120 employment if such an employee in good faith, individually or in  
121 conjunction with another person or persons:

122 1. Reports a violation or suspected violation of this  
123 section to a regulatory agency, a private accreditation body, or  
124 management personnel of the hospital;

125 2. Initiates, cooperates in, or otherwise participates in  
126 an investigation or proceeding brought by a regulatory agency or  
127 private accreditation body concerning matters covered by this  
128 section;

129 3. Informs or discusses violations or suspected violations  
130 of this section with other employees, with any representative of  
131 the employees, with a patient or patient representative, or with  
132 the public; or

133 4. Otherwise avails himself or herself of the rights set  
134 forth in this section.

135  
136 For purposes of this paragraph, an employee is acting in good  
137 faith if the employee reasonably believes that the information  
138 reported or disclosed is true and that a violation has occurred  
139 or may occur.

140 (8) IMPLEMENTATION AND ENFORCEMENT.--

141       (a) In order to ensure compliance with this section, the  
142 agency may inspect and audit books and records of individual or  
143 corporate hospitals, including books and records of related  
144 organizations with which a health care provider or a hospital  
145 had transactions. Upon presentation of a written request for  
146 inspection to a health care provider or a hospital by the agency  
147 or its staff, the health care provider or the hospital shall  
148 make available to the agency or its staff for inspection,  
149 copying, and review all books and records relevant to the  
150 determination of whether the health care provider or the  
151 hospital has complied with this section.

152       (b) Any hospital that refuses to file a report, fails to  
153 timely file a report, files a false report, or files an  
154 incomplete report and, upon notification, fails to timely file a  
155 complete report required under this section, or rule adopted  
156 thereunder, or that fails to provide documents or records  
157 requested by the agency under this section shall be punished by  
158 a fine not exceeding \$1,000 per day for each day in violation,  
159 to be imposed and collected by the agency. Pursuant to rules  
160 adopted by the agency, it may, upon a showing of good cause,  
161 grant a one-time extension of any deadline for a hospital to  
162 timely file a report as required by this section. The agency  
163 shall adopt rules to implement the provisions of this paragraph.

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