



1 for a hospital to file a report; providing an  
2 appropriation; providing an effective date.  
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4 Be It Enacted by the Legislature of the State of Florida:  
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6 Section 1. (1) SHORT TITLE.--This section may be  
7 cited as the "Patients' Right-to-Know Act."

8 (2) LEGISLATIVE FINDINGS.--The Legislature finds that  
9 consumers in this state have a right to obtain access to  
10 information concerning the quality and safety of the health  
11 care provided in hospitals in this state in order to make  
12 better decisions about their choice of health care provider.

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

14 (a) "Agency" means Agency for Health Care  
15 Administration.

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

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

24 (d) "Direct-care nurse" means any registered nurse who  
25 has direct responsibility to oversee or carry out medical  
26 regimens or nursing care for one or more patients. A nurse  
27 administrator, nurse supervisor, nurse educator, charge nurse,  
28 or other registered nurse who does not have a specific patient  
29 assignment may not be included in calculating the staffing  
30 level.  
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1       (e) "Hospital" means an acute care hospital that is  
2 licensed under s. 395.003, Florida Statutes.

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

4       (g) "Nursing care" means care that falls within the  
5 scope of practice set forth in chapter 464, Florida Statutes,  
6 and other laws and rules or care that is otherwise encompassed  
7 within recognized professional standards of nursing practice,  
8 including assessment, nursing diagnosis, planning,  
9 intervention, evaluation, and patient advocacy.

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

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

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

20       (4) PUBLIC AVAILABILITY OF STAFFING LEVELS AND  
21 SCHEDULES.--

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

3 (b) The current staffing level and anticipated  
4 staffing schedule shall be available upon request for each  
5 patient-care unit for the effective date of that schedule.  
6 Each schedule must list the assigned nursing personnel and the  
7 average daily census for each patient-care unit. The hospital  
8 shall retain and make available to the public the historic  
9 staffing level and schedules for the prior 5 years.

10 (c) All records required under this section, including  
11 anticipated staffing schedules and the methods to determine  
12 and adjust staffing levels, shall be made available to the  
13 public upon request.

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

16 (5) HOSPITAL REPORTS.--Each hospital shall prepare a  
17 quarterly report that includes the average daily staffing  
18 levels by unit, the percentage of nursing hours that are  
19 completed by agency nurses by unit, the number and description  
20 of OSHA violations, the nurse vacancy rate, the nurse turnover  
21 rate, and the number and description of complaints made to the  
22 Joint Commission on Accreditation of Healthcare Organizations  
23 or to the agency.

24 (6) HOSPITAL DATA.--

25 (a) Each hospital shall submit to the agency, in a  
26 format designated by the agency and in accordance with the  
27 timetable specified by the agency, a statistical profile of  
28 registered nurses and other nurses employed by the hospital in  
29 patient care, including the nurse-vacancy rate and  
30 nurse-turnover rate. The agency shall make each hospital's  
31 statistical profile available on its website by July 1, 2008,

1 and in hard-copy format upon request. The agency shall update  
2 the data made available pursuant to this paragraph annually.

3 (b) Using available data or data voluntarily submitted  
4 by hospitals and used as indicators by the Joint Commission on  
5 Accreditation of Healthcare Organizations, the agency shall  
6 make available for each hospital, on its website by October 1,  
7 2008, and in a hard-copy format upon request, the average  
8 daily staffing levels by unit; the percentage of nursing hours  
9 that are completed by contract or agency nurses by unit,  
10 number, and a description of OSHA violations; and the number  
11 and a description of complaints. The website must also list  
12 each hospital's system affiliations if the hospital is  
13 affiliated with a nonprofit, for-profit, or public health care  
14 system or corporation. The agency shall update the data made  
15 available pursuant to this paragraph annually.

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

27 (d) The agency shall ensure that the nurse staffing  
28 data made available pursuant to paragraph (b) is risk-adjusted  
29 for patient acuity using the risk-adjustment methodology  
30 described in s. 408.061(1)(a), Florida Statutes, or an  
31 equivalent methodology consistent with national standards

1 employed by the Agency for Healthcare Research and Quality.  
2 The agency shall consult with the Comprehensive Health  
3 Information System Advisory Council regarding the methodology  
4 for risk-adjusting the patient acuity used to comply with this  
5 paragraph.

6 (7) EMPLOYEE RIGHTS.--

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

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

16 1. Reports a violation or suspected violation of this  
17 section to a regulatory agency, a private accreditation body,  
18 or management personnel of the hospital;

19 2. Initiates, cooperates in, or otherwise participates  
20 in an investigation or proceeding brought by a regulatory  
21 agency or private accreditation body concerning matters  
22 covered by this section;

23 3. Informs or discusses violations or suspected  
24 violations of this section with other employees, with any  
25 representative of the employees, with a patient or patient  
26 representative, or with the public; or

27 4. Otherwise avails himself or herself of the rights  
28 set forth in this section.

29  
30 For purposes of this paragraph, an employee is acting in good  
31 faith if the employee reasonably believes that the information

1 reported or disclosed is true and that a violation has  
2 occurred or may occur.

3 (8) IMPLEMENTATION AND ENFORCEMENT.--

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

15 (b) Any hospital that refuses to file a report, fails  
16 to timely file a report, files a false report, or files an  
17 incomplete report and, upon notification, fails to timely file  
18 a complete report required under this section or a rule  
19 adopted thereunder, or that fails to provide documents or  
20 records requested by the agency under this section, shall be  
21 punished by a fine not exceeding \$1,000 per day for each day  
22 in violation, to be imposed and collected by the agency.

23 Pursuant to rules adopted by the agency, the agency may, upon  
24 a showing of good cause, grant a one-time extension of any  
25 deadline for a hospital to timely file a report as required by  
26 this section.

27 Section 2. The sum of \$250,000 is appropriated from  
28 the General Revenue Fund to the Agency for Health Care  
29 Administration for the purpose of administering the provisions  
30 of this act requiring the agency to collect, from hospitals or  
31 other sources, information regarding the staffing or operation

1 of hospitals and to make such information available on its  
2 website or upon request.

3 Section 3. This act shall take effect upon becoming a  
4 law.

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7 SENATE SUMMARY

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