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CHAMBER ACTION

Senate

House

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Floor: 2/AD/3R
4/23/2008 12:16 PM

1 Senator Jones moved the following amendment:

3 Senate Amendment (with title amendment)

4 Delete line(s) 725-854

5 and insert:

7 (c) A home health agency that is not Medicare or Medicaid
8 certified and does not provide skilled care or provides only
9 physical, occupational, or speech therapy is not required to have
10 a director of nursing and is exempt from paragraph (b).

11 (3) TRAINING.--A home health agency shall ensure that each
12 certified nursing assistant employed by or under contract with
13 the home health agency and each home health aide employed by or
14 under contract with the home health agency is adequately trained
15 to perform the tasks of a home health aide in the home setting.

16 (4) STAFFING.--Staffing services may be provided anywhere
17 within the state.

Bill No. CS/CS/CS/SB 1374, 1st Eng.



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18 Section 6. Section 400.484, Florida Statutes, is amended to
19 read:

20 400.484 Right of inspection; deficiencies; fines.--

21 (1) In addition to the requirements of s. 408.811, the
22 agency may make such inspections and investigations as are
23 necessary in order to determine the state of compliance with this
24 part, part II of chapter 408, and applicable rules.

25 (2) The agency shall impose fines for various classes of
26 deficiencies in accordance with the following schedule:

27 (a) A class I deficiency is any act, omission, or practice
28 that results in a patient's death, disablement, or permanent
29 injury, or places a patient at imminent risk of death,
30 disablement, or permanent injury. Upon finding a class I
31 deficiency, the agency shall ~~may~~ impose an administrative fine in
32 the amount of \$15,000 ~~\$5,000~~ for each occurrence and each day
33 that the deficiency exists.

34 (b) A class II deficiency is any act, omission, or practice
35 that has a direct adverse effect on the health, safety, or
36 security of a patient. Upon finding a class II deficiency, the
37 agency shall ~~may~~ impose an administrative fine in the amount of
38 \$5,000 ~~\$1,000~~ for each occurrence and each day that the
39 deficiency exists.

40 (c) A class III deficiency is any act, omission, or
41 practice that has an indirect, adverse effect on the health,
42 safety, or security of a patient. Upon finding an uncorrected or
43 repeated class III deficiency, the agency shall ~~may~~ impose an
44 administrative fine not to exceed \$1,000 ~~\$500~~ for each occurrence
45 and each day that the uncorrected or repeated deficiency exists.

46 (d) A class IV deficiency is any act, omission, or practice
47 related to required reports, forms, or documents which does not



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48 | have the potential of negatively affecting patients. These
 49 | violations are of a type that the agency determines do not
 50 | threaten the health, safety, or security of patients. Upon
 51 | finding an uncorrected or repeated class IV deficiency, the
 52 | agency shall ~~may~~ impose an administrative fine not to exceed \$500
 53 | ~~\$200~~ for each occurrence and each day that the uncorrected or
 54 | repeated deficiency exists.

55 | (3) In addition to any other penalties imposed pursuant to
 56 | this section or part, the agency may assess costs related to an
 57 | investigation that results in a successful prosecution, excluding
 58 | costs associated with an attorney's time.

59 |

60 | ===== T I T L E A M E N D M E N T =====

61 | And the title is amended as follows:

62 | Delete line(s) 54-69

63 | and insert:

64 | staffing requirements for a director of nursing; providing
 65 | for fines; exempting a home health agency that is not
 66 | Medicare or Medicaid certified and does not provide
 67 | skilled care or provides only physical, occupational, or
 68 | speech therapy from requirements related to a director of
 69 | nursing; providing training requirements for certified
 70 | nursing assistants and home health aides; amending s.
 71 | 400.484, F.S.; requiring the agency to impose
 72 | administrative fines for certain deficiencies; increasing
 73 | the administrative fines imposed for certain deficiencies;
 74 | amending s. 400.491,