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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2011	.	
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The Committee on Health Regulation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 1344 and 1345
insert:

Section 36. Subsection (15) of section 400.506, Florida Statutes, is amended, present subsection (17) of that section is renumbered as subsection (18), and a new subsection (17) is added to that section, to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(15) (a) The agency may deny, suspend, or revoke the license of a nurse registry and shall impose a fine of \$5,000 against a



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13 nurse registry that:

14 1. Provides services to residents in an assisted living
15 facility for which the nurse registry does not receive fair
16 market value remuneration.

17 2. Provides staffing to an assisted living facility for
18 which the nurse registry does not receive fair market value
19 remuneration.

20 3. Fails to provide the agency, upon request, with copies
21 of all contracts with assisted living facilities which were
22 executed within the last 5 years.

23 4. Gives remuneration to a case manager, discharge planner,
24 facility-based staff member, or third-party vendor who is
25 involved in the discharge planning process of a facility
26 licensed under chapter 395 or this chapter and from whom the
27 nurse registry receives referrals. A nurse registry is exempt
28 from this subparagraph if it does not bill the Florida Medicaid
29 program or the Medicare program or share a controlling interest
30 with any entity licensed, registered, or certified under part II
31 of chapter 408 that bills the Florida Medicaid program or the
32 Medicare program.

33 5. Gives remuneration to a physician, a member of the
34 physician's office staff, or an immediate family member of the
35 physician, and the nurse registry received a patient referral in
36 the last 12 months from that physician or the physician's office
37 staff. A nurse registry is exempt from this subparagraph if it
38 does not bill the ~~Florida Medicaid program or the~~ Medicare
39 program or share a controlling interest with any entity
40 licensed, registered, or certified under part II of chapter 408
41 that bills the ~~Florida Medicaid program or the~~ Medicare program.



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42 (b) The agency shall also impose an administrative fine of
43 \$15,000 if the nurse registry refers nurses, certified nursing
44 assistants, home health aides, or other staff without charge to
45 a facility licensed under chapter 429 in return for patient
46 referrals from the facility.

47 (c) The proceeds of all fines collected under this
48 subsection shall be deposited into the Health Care Trust Fund.

49 (17) An administrator may manage only one nurse registry.
50 However, an administrator may manage up to five nurse registries
51 if all five registries have identical controlling interests, as
52 defined in s. 408.803, and are located within one agency
53 geographic service area or within an immediately contiguous
54 county. An administrator shall designate, in writing, for each
55 licensed entity, a qualified alternate administrator to serve
56 during the administrator's absence.

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60
61 Delete line 108
62 and insert:

63
64 schedule of home health agency inspection violations;
65 amending s. 400.506, F.S.; providing that a nurse
66 registry is exempt from certain license penalties and
67 fines otherwise imposed by the Agency for Health Care
68 Administration on a nurse registry under certain
69 circumstances; authorizing an administrator to manage
70 up to five nurse registries under certain



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71 circumstances; requiring an administrator to
72 designate, in writing, for each licensed entity, a
73 qualified alternate administrator to serve during the
74 administrator's absence;