

1 A bill to be entitled

2 An act relating to nurse registries; amending s.
3 400.506, F.S.; requiring a certified nursing assistant
4 or home health aide referred for contract to provide
5 certain credentials to the nurse registry; requiring a
6 nurse registry to provide certain information to a
7 patient or patient's representative regarding referral
8 of an independent contractor; providing that a person
9 referred for contract by a nurse registry is an
10 independent contractor; providing obligations of a
11 nurse registry regarding a violation of law by a
12 person referred for contract; exempting a nurse
13 registry from obligation to review or take action upon
14 records required to be maintained by the nurse
15 registry; providing an exception; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. Paragraph (a) of subsection (6) of section
21 400.506, Florida Statutes, is amended, paragraph (d) is added to
22 that subsection, and subsections (19) and (20) are added to that
23 section, to read:

24 400.506 Licensure of nurse registries; requirements;
25 penalties.—

26 (6) (a) A nurse registry may refer for contract in private

27 residences registered nurses and licensed practical nurses
28 registered and licensed under part I of chapter 464, certified
29 nursing assistants certified under part II of chapter 464, home
30 health aides who present documented proof of successful
31 completion of the training required by rule of the agency, and
32 companions or homemakers for the purposes of providing those
33 services authorized under s. 400.509(1). A licensed nurse
34 registry shall ensure that each certified nursing assistant
35 referred for contract by the nurse registry and each home health
36 aide referred for contract by the nurse registry has presented
37 credentials which demonstrate adequate training ~~is adequately~~
38 ~~trained~~ to perform the tasks of a home health aide in the home
39 setting. Each person referred by a nurse registry must provide
40 current documentation that he or she is free from communicable
41 diseases.

42 (d) When a person is referred for contract to a patient's
43 home by a nurse registry, the nurse registry shall advise the
44 patient, the patient's family, or any other person acting on
45 behalf of the patient at the time the contract for services is
46 made that the person referred for contract is an independent
47 contractor and that the nurse registry has no obligation to
48 monitor, supervise, manage, or train a person referred for
49 contract.

50 (19) A person referred for contract by a nurse registry is
51 an independent contractor and not an employee of the nurse
52 registry. A nurse registry is not required to monitor,

53 supervise, manage, or train persons referred for contract by the
54 nurse registry. If a nurse registry has knowledge of a violation
55 of law by a person referred for contract, the nurse registry
56 shall advise the patient to terminate the referred person's
57 contract, provide the reason for the suggested termination,
58 cease referring the person, and notify the licensing board of
59 any practice violations. This subsection does not affect or
60 negate any other obligation imposed on a nurse registry under
61 chapter 408.

62 (20) A nurse registry is not obligated to review or take
63 action upon records that are required to be maintained by the
64 nurse registry under this section except as required under
65 subsection (19).

66 Section 2. This act shall take effect July 1, 2014.