



667992

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2014	.	
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The Committee on Judiciary (Thrasher) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

400.506 Licensure of nurse registries; requirements;
penalties.—

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



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12 residences registered nurses and licensed practical nurses
13 registered and licensed under part I of chapter 464, certified
14 nursing assistants certified under part II of chapter 464, home
15 health aides who present documented proof of successful
16 completion of the training required by rule of the agency, and
17 companions or homemakers for the purposes of providing those
18 services authorized under s. 400.509(1). A licensed nurse
19 registry shall ensure that each certified nursing assistant
20 referred for contract by the nurse registry and each home health
21 aide referred for contract by the nurse registry has presented
22 credentials demonstrating that he or she is adequately trained
23 to perform the tasks of a home health aide in the home setting.
24 Each person referred by a nurse registry must provide current
25 documentation that he or she is free from communicable diseases.

26 (d) A registered nurse, licensed practical nurse, certified
27 nursing assistant, companion or homemaker, or home health aide
28 referred for contract under this chapter by a nurse registry
29 shall be deemed an independent contractor and not an employee of
30 the nurse registry regardless of the obligations imposed on a
31 nurse registry under this chapter or chapter 408.

32 (e) Upon referral of a registered nurse, licensed practical
33 nurse, certified nursing assistant, companion or homemaker, or
34 home health aide for contract in a private residence or
35 facility, the nurse registry shall advise the patient or the
36 patient's family, or any other person acting on behalf of the
37 patient that at the time of the contract for services that the
38 caregiver referred by the nurse registry is an independent
39 contractor and that it is not the obligation of a nurse registry
40 to monitor, supervise, manage, or train a caregiver referred for



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41 contract under this chapter.

42 (19) It is not the obligation of a nurse registry to
43 monitor, supervise, manage, or train a registered nurse,
44 licensed practical nurse, certified nursing assistant, companion
45 or homemaker, or home health aide referred for contract under
46 this chapter. In the event of a violation of this chapter or a
47 violation of any other law of this state by a referred
48 registered nurse, licensed practical nurse, certified nursing
49 assistant, companion or homemaker, or home health aide, or a
50 deficiency in credentials which comes to the attention of the
51 nurse registry, the nurse registry shall advise the patient to
52 terminate the referred person's contract, providing the reason
53 for the suggested termination; cease referring the individual to
54 other patients or facilities; and, if practice violations are
55 involved, notify the licensing board. This section does not
56 affect or negate any other obligations imposed on a nurse
57 registry under chapter 408.

58 (20) Records required under this chapter to be filed with
59 the nurse registry as a repository of records must be kept in
60 accordance with rules adopted by the agency, and the nurse
61 registry has no obligation to review and act upon such records
62 except as specified in subsection (19).

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

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete everything before the enacting clause
68 and insert:

69 A bill to be entitled



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70 An act relating to nurse registries; amending s.
71 400.506, F.S.; requiring a licensed nurse registry to
72 ensure that each certified nursing assistant and home
73 health aide referred by the registry present certain
74 credentials; providing that registered nurses,
75 licensed practical nurses, certified nursing
76 assistants, companions or homemakers, and home health
77 aides are independent contractors and not employees of
78 the nurse registries that referred them; requiring a
79 nurse registry to inform the patient, the patient's
80 family, or a person acting on behalf of the patient
81 that the a referred caregiver is an independent
82 contractor and that the nurse registry is not required
83 to monitor, supervise, manage, or train a registered
84 nurse, licensed practical nurse, certified nursing
85 assistant, companion or homemaker, or home health aide
86 referred by the nurse registry; providing the duties
87 of the nurse registry for a violation of certain laws
88 by an individual referred by the nurse registry;
89 requiring that certain records be kept in accordance
90 with rules set by the Agency for Health Care
91 Administration; providing that a nurse registry does
92 not have an obligation to review and act upon such
93 records except under certain circumstances; providing
94 an effective date.