

By Senator Bean

4-01213-14

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1 A bill to be entitled
2 An act relating to nurse registries; amending s.
3 400.506, F.S.; providing that registered nurses,
4 licensed practical nurses, certified nursing
5 assistants, and home health aides are independent
6 contractors and not employees of the nurse registries
7 that referred them; specifying that a nurse registry
8 is not responsible for monitoring, supervising,
9 managing, or training a registered nurse, licensed
10 practical nurse, certified nursing assistant, or home
11 health aide referred by the nurse registry; requiring
12 that certain records be kept in accordance with rules
13 set by the Agency for Health Care Administration;
14 providing that a nurse registry does not have an
15 obligation to review and act upon such records except
16 under certain circumstances; providing an effective
17 date.

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

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

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

26 (6)

27 (d) A registered nurse, licensed practical nurse, certified
28 nursing assistant, or home health aide referred for contract
29 under this chapter by a nurse registry shall be deemed an

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30 independent contractor and not an employee of the nurse registry
31 regardless of the obligations imposed on a nurse registry under
32 this chapter.

33 (19) It is not the obligation of a nurse registry to
34 monitor, supervise, manage, or train registered nurses, licensed
35 practical nurses, certified nursing assistants, or home health
36 aides referred for contract under this chapter. In the event of
37 a violation of this chapter, a violation of any other law of
38 this state, or misconduct by a referred registered nurse,
39 licensed practical nurse, certified nursing assistant, or home
40 health aide, or a deficiency in credentials which comes to the
41 attention of the nurse registry, the nurse registry's sole
42 obligation shall be to advise the patient to terminate the
43 referred person's contract.

44 (20) Records required to be filed with the nurse registry
45 under this chapter must be kept in accordance with rules adopted
46 by the agency solely as a repository of records, and the nurse
47 registry has no obligation to review and act upon such records
48 except as specified in subsection (19).

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