

By the Committee on Health Policy; and Senator Bean

588-02180-14

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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, companions or homemakers, and home health
6 aides are independent contractors and not employees of
7 the nurse registries that referred them; specifying
8 that a nurse registry is not responsible for
9 monitoring, supervising, managing, or training a
10 registered nurse, licensed practical nurse, certified
11 nursing assistant, companion or homemaker, or home
12 health aide referred by the nurse registry; requiring
13 that certain records be kept in accordance with rules
14 set by the Agency for Health Care Administration;
15 providing that a nurse registry does not have an
16 obligation to review and act upon such records except
17 under certain circumstances; providing the duties of
18 the nurse registry for a violation of certain laws by
19 an individual referred by the nurse registry;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

27 400.506 Licensure of nurse registries; requirements;
28 penalties.—

29 (6)

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

36 (19) It is not the obligation of a nurse registry to
37 monitor, supervise, manage, or train registered nurses, licensed
38 practical nurses, certified nursing assistants, companions or
39 homemakers, or home health aides referred for contract under
40 this chapter. In the event of a violation of this chapter, a
41 violation of any other law of this state, or misconduct by a
42 referred registered nurse, licensed practical nurse, certified
43 nursing assistant, companion or homemaker, or home health aide,
44 or a deficiency in credentials which comes to the attention of
45 the nurse registry, the nurse registry shall advise the patient
46 to terminate the referred person's contract, providing the
47 reason for the suggested termination; cease referring the
48 individual to other patients or facilities; and notify the
49 licensing board if practice violations are involved.

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

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