

1 A bill to be entitled
2 An act relating to nurse registries; amending s.
3 400.462, F.S.; defining the term "satellite office";
4 amending s. 400.506, F.S.; providing for the licensure
5 of more than one nurse registry operational site
6 within the same geographic service area; authorizing a
7 licensed nurse registry to operate a satellite office;
8 requiring a nurse registry operational site to keep
9 all original records; requiring a nurse registry to
10 provide notice and certain evidence before it
11 relocates an operational site or opens a satellite
12 office; revising an exemption from a penalty imposed
13 for a nurse registry that provides remuneration to
14 certain persons; reenacting s. 400.497, F.S., relating
15 to rules establishing minimum standards, to
16 incorporate the amendment made to s. 400.506, F.S., in
17 a reference thereto; reenacting s. 400.506(3), F.S.,
18 relating to a nurse registry license application fee,
19 to incorporate the amendment made to s. 400.506, F.S.,
20 in a reference thereto; reenacting s. 817.505(3)(h),
21 F.S., relating to an exception from prohibition
22 against patient brokering, to incorporate the
23 amendment made to s. 400.506, F.S., in a reference
24 thereto; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsections (28) and (29) of section 400.462,
29 Florida Statutes, are renumbered as subsections (29) and (30),
30 respectively, and a new subsection (28) is added to that section
31 to read:

32 400.462 Definitions.—As used in this part, the term:
33 (28) "Satellite office" means a secondary office of a
34 nurse registry established pursuant to s. 400.506(1) in the same
35 geographic service area as a licensed nurse registry operational
36 site.

37 Section 2. Subsection (1) and paragraph (a) of subsection
38 (15) of section 400.506, Florida Statutes, are amended to read:

39 400.506 Licensure of nurse registries; requirements;
40 penalties.—

41 (1) (a) A nurse registry is exempt from the licensing
42 requirements of a home health agency but must be licensed as a
43 nurse registry. The requirements of part II of chapter 408 apply
44 to the provision of services that require licensure pursuant to
45 ss. 400.506-400.518 and part II of chapter 408 and to entities
46 licensed by or applying for such license from the Agency for
47 Health Care Administration pursuant to ss. 400.506-400.518. A
48 license issued by the agency is required for the operation of a
49 nurse registry. Each operational site of the nurse registry must
50 be licensed, unless there is more than one site within the
51 geographic service area for which a license is issued. In such
52 case, a county. If there is more than one site within a county,

53 ~~only one license per county is required.~~ each operational site
54 within the geographic service area must be listed on the
55 license.

56 (b) A licensed nurse registry may operate a satellite
57 office as defined in s. 400.462. The nurse registry operational
58 site must administer all satellite offices. A satellite office
59 may store supplies and records, register and process
60 contractors, and conduct business by telephone as is done at
61 other operational sites. Nurse registries may use signs and
62 advertisements to notify the public of the location of a
63 satellite office. All original records must be kept at the
64 operational site.

65 (c) A nurse registry must provide notice, in writing, to
66 the agency at the state and area office levels, as required by
67 agency rule, of a proposed change of address for an operational
68 site or the opening of a satellite office. Before relocating an
69 operational site or opening a satellite office, the nurse
70 registry must submit evidence of its legal right to use the
71 proposed property, as well as a certificate of occupancy, a
72 certificate of use, or other evidence that the property is zoned
73 for nurse registry use.

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

77 1. Provides services to residents in an assisted living
78 facility for which the nurse registry does not receive fair

79 market value remuneration.

80 2. Provides staffing to an assisted living facility for
81 which the nurse registry does not receive fair market value
82 remuneration.

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

86 4. Gives remuneration to a case manager, discharge
87 planner, facility-based staff member, or third-party vendor who
88 is involved in the discharge planning process of a facility
89 licensed under chapter 395 or this chapter and from whom the
90 nurse registry receives referrals. A nurse registry is exempt
91 from this subparagraph if it does not bill ~~the Florida Medicaid~~
92 ~~program~~ or the Medicare program or share a controlling interest
93 with any entity licensed, registered, or certified under part II
94 of chapter 408 that bills ~~the Florida Medicaid program~~ or the
95 Medicare program.

96 5. Gives remuneration to a physician, a member of the
97 physician's office staff, or an immediate family member of the
98 physician, and the nurse registry received a patient referral in
99 the last 12 months from that physician or the physician's office
100 staff. A nurse registry is exempt from this subparagraph if it
101 does not bill ~~the Florida Medicaid program~~ or the Medicare
102 program or share a controlling interest with any entity
103 licensed, registered, or certified under part II of chapter 408
104 that bills ~~the Florida Medicaid program~~ or the Medicare program.

105 Section 3. For the purpose of incorporating the amendment
106 made by this act to section 400.506, Florida Statutes, in a
107 reference thereto, section 400.497, Florida Statutes, is
108 reenacted to read:

109 400.497 Rules establishing minimum standards.—The agency
110 shall adopt, publish, and enforce rules to implement part II of
111 chapter 408 and this part, including, as applicable, ss. 400.506
112 and 400.509, which must provide reasonable and fair minimum
113 standards relating to:

114 (1) The home health aide competency test and home health
115 aide training. The agency shall create the home health aide
116 competency test and establish the curriculum and instructor
117 qualifications for home health aide training. Licensed home
118 health agencies may provide this training and shall furnish
119 documentation of such training to other licensed home health
120 agencies upon request. Successful passage of the competency test
121 by home health aides may be substituted for the training
122 required under this section and any rule adopted pursuant
123 thereto.

124 (2) Shared staffing. The agency shall allow shared
125 staffing if the home health agency is part of a retirement
126 community that provides multiple levels of care, is located on
127 one campus, is licensed under this chapter or chapter 429, and
128 otherwise meets the requirements of law and rule.

129 (3) The criteria for the frequency of onsite licensure
130 surveys.

- 131 (4) Licensure application and renewal.
- 132 (5) Oversight by the director of nursing. The agency shall
 133 develop rules related to:
- 134 (a) Standards that address oversight responsibilities by
 135 the director of nursing of skilled nursing and personal care
 136 services provided by the home health agency's staff;
- 137 (b) Requirements for a director of nursing to provide to
 138 the agency, upon request, a certified daily report of the home
 139 health services provided by a specified direct employee or
 140 contracted staff member on behalf of the home health agency. The
 141 agency may request a certified daily report only for a period
 142 not to exceed 2 years prior to the date of the request; and
- 143 (c) A quality assurance program for home health services
 144 provided by the home health agency.
- 145 (6) Conditions for using a recent unannounced licensure
 146 inspection for the inspection required in s. 408.806 related to
 147 a licensure application associated with a change in ownership of
 148 a licensed home health agency.
- 149 (7) The requirements for onsite and electronic
 150 accessibility of supervisory personnel of home health agencies.
- 151 (8) Information to be included in patients' records.
- 152 (9) Geographic service areas.
- 153 (10) Preparation of a comprehensive emergency management
 154 plan pursuant to s. 400.492.
- 155 (a) The Agency for Health Care Administration shall adopt
 156 rules establishing minimum criteria for the plan and plan

157 updates, with the concurrence of the Department of Health and in
158 consultation with the Division of Emergency Management.

159 (b) The rules must address the requirements in s. 400.492.
160 In addition, the rules shall provide for the maintenance of
161 patient-specific medication lists that can accompany patients
162 who are transported from their homes.

163 (c) The plan is subject to review and approval by the
164 county health department. During its review, the county health
165 department shall contact state and local health and medical
166 stakeholders when necessary. The county health department shall
167 complete its review to ensure that the plan is in accordance
168 with the criteria in the Agency for Health Care Administration
169 rules within 90 days after receipt of the plan and shall approve
170 the plan or advise the home health agency of necessary
171 revisions. If the home health agency fails to submit a plan or
172 fails to submit the requested information or revisions to the
173 county health department within 30 days after written
174 notification from the county health department, the county
175 health department shall notify the Agency for Health Care
176 Administration. The agency shall notify the home health agency
177 that its failure constitutes a deficiency, subject to a fine of
178 \$5,000 per occurrence. If the plan is not submitted, information
179 is not provided, or revisions are not made as requested, the
180 agency may impose the fine.

181 (d) For any home health agency that operates in more than
182 one county, the Department of Health shall review the plan,

183 after consulting with state and local health and medical
184 stakeholders when necessary. The department shall complete its
185 review within 90 days after receipt of the plan and shall
186 approve the plan or advise the home health agency of necessary
187 revisions. The department shall make every effort to avoid
188 imposing differing requirements on a home health agency that
189 operates in more than one county as a result of differing or
190 conflicting comprehensive plan requirements of the counties in
191 which the home health agency operates.

192 (e) The requirements in this subsection do not apply to:

193 1. A facility that is certified under chapter 651 and has
194 a licensed home health agency used exclusively by residents of
195 the facility; or

196 2. A retirement community that consists of residential
197 units for independent living and either a licensed nursing home
198 or an assisted living facility, and has a licensed home health
199 agency used exclusively by the residents of the retirement
200 community, provided the comprehensive emergency management plan
201 for the facility or retirement community provides for continuous
202 care of all residents with special needs during an emergency.

203 Section 4. For the purpose of incorporating the amendment
204 made by this act to section 400.506, Florida Statutes, in a
205 reference thereto, subsection (3) of section 400.506, Florida
206 Statutes, is reenacted to read:

207 400.506 Licensure of nurse registries; requirements;
208 penalties.—

209 (3) In accordance with s. 408.805, an applicant or
210 licensee shall pay a fee for each license application submitted
211 under ss. 400.506-400.518, part II of chapter 408, and
212 applicable rules. The amount of the fee shall be established by
213 rule and may not exceed \$2,000 per biennium.

214 Section 5. For the purpose of incorporating the amendment
215 made by this act to section 400.506, Florida Statutes, in a
216 reference thereto, paragraph (h) of subsection (3) of section
217 817.505, Florida Statutes, is reenacted to read:

218 817.505 Patient brokering prohibited; exceptions;
219 penalties.—

220 (3) This section shall not apply to:

221 (h) Commissions or fees paid to a nurse registry licensed
222 under s. 400.506 for referring persons providing health care
223 services to clients of the nurse registry.

224 Section 6. This act shall take effect July 1, 2015.