

1 A bill to be entitled

2 An act relating to sexual misconduct reporting in
3 health care; amending s. 408.810, F.S.; requiring
4 specified health care facilities, as a condition of
5 obtaining or maintaining licensure, to enact policies
6 requiring employees, contractors, volunteers, and
7 interns of such licensees to report actual or
8 suspected sexual misconduct involving a patient to the
9 licensee, the Department of Children and Families, and
10 to the appropriate local law enforcement agency;
11 requiring such persons to prepare an incident report
12 that includes specified information; providing that a
13 violation of the reporting requirements is a class II
14 violation, subject to an administrative fine;
15 providing criminal penalties; providing an effective
16 date.

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

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20 Section 1. Subsection (5) of section 408.810, Florida
21 Statutes, is amended to read:

22 408.810 Minimum licensure requirements.—In addition to the
23 licensure requirements specified in this part, authorizing
24 statutes, and applicable rules, each applicant and licensee must
25 comply with the requirements of this section in order to obtain

26 | and maintain a license.

27 | (5) (a) On or before the first day services are provided to
28 | a client, a licensee must inform the client and his or her
29 | immediate family or representative, if appropriate, of the right
30 | to report:

31 | 1. Complaints. The statewide toll-free telephone number
32 | for reporting complaints to the agency must be provided to
33 | clients in a manner that is clearly legible and must include the
34 | words: "To report a complaint regarding the services you
35 | receive, please call toll-free (phone number)."

36 | 2. Abusive, neglectful, or exploitative practices. The
37 | statewide toll-free telephone number for the central abuse
38 | hotline must be provided to clients in a manner that is clearly
39 | legible and must include the words: "To report abuse, neglect,
40 | or exploitation, please call toll-free (phone number)."

41 | 3. Medicaid fraud. An agency-written description of
42 | Medicaid fraud and the statewide toll-free telephone number for
43 | the central Medicaid fraud hotline must be provided to clients
44 | in a manner that is clearly legible and must include the words:
45 | "To report suspected Medicaid fraud, please call toll-free
46 | (phone number)."

47 |
48 | The agency shall publish a minimum of a 90-day advance notice of
49 | a change in the toll-free telephone numbers.

50 | (b) Each licensee shall establish appropriate policies and

51 | procedures for providing such notice to clients.

52 | (c) Each licensee shall enact a policy that requires all
53 | employees, contractors, volunteers, and interns of the licensee
54 | who witness sexual misconduct, as defined in s. 394.4593(1), or
55 | who otherwise know or have reasonable cause to suspect that a
56 | person has engaged in sexual misconduct to immediately report
57 | the sexual misconduct to the licensee, the Department of
58 | Children and Families' central abuse hotline, and the
59 | appropriate local law enforcement agency. The employee,
60 | contractor, volunteer, or intern also must prepare, date, sign,
61 | and provide to the licensee an independent report that
62 | specifically describes the nature of the sexual misconduct, the
63 | location and time of the incident, and the persons involved in
64 | the incident.

65 | 1. Failure of the licensee to enact or enforce the policy
66 | required under this paragraph is a Class II violation as
67 | established in s. 408.813.

68 | 2. Any person who is required to make a report under this
69 | paragraph and who knowingly or willfully fails to do so, or who
70 | knowingly or willfully prevents another person from doing so,
71 | commits a misdemeanor of the first degree, punishable as
72 | provided in s. 775.082 or s. 775.083.

73 | 3. Any person who knowingly or willfully submits
74 | inaccurate, incomplete, or untruthful information with respect
75 | to a report required under this paragraph commits a misdemeanor

76 | of the first degree, punishable as provided in s. 775.082 or s.
77 | 775.083.

78 | 4. Any person who knowingly or willfully coerces or
79 | threatens any other person with the intent to alter testimony or
80 | a written report regarding an incident of sexual misconduct
81 | commits a felony of the third degree, punishable as provided in
82 | s. 775.082, s. 775.083, or s. 775.084.

83 | Section 2. This act shall take effect July 1, 2019.