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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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11 and maintain a license.

12 (5) (a) On or before the first day services are provided to
13 a client, a licensee must inform the client and his or her
14 immediate family or representative, if appropriate, of the right
15 to report:

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

21 2. Abusive, neglectful, or exploitative practices. The
22 statewide toll-free telephone number for reporting complaints to
23 the agency ~~the central abuse hotline~~ must be provided to clients
24 in a manner that is clearly legible and must include the words:
25 "To report abuse, neglect, or exploitation, please call toll-
26 free (phone number)."

27 3. Medicaid fraud. An agency-written description of
28 Medicaid fraud and the statewide toll-free telephone number for
29 the central Medicaid fraud hotline must be provided to clients
30 in a manner that is clearly legible and must include the words:
31 "To report suspected Medicaid fraud, please call toll-free
32 (phone number)."

33
34 The agency shall publish a minimum of a 90-day advance notice of
35 a change in the toll-free telephone numbers.

36 (b) Each licensee shall establish appropriate policies and
37 procedures for providing such notice to clients.

38 (c) Each licensee shall enact a policy that requires all
39 employees, contractors, volunteers, and interns of the licensee



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40 who witness sexual misconduct, as defined in s. 394.4593(1),
41 involving a patient in the care of the licensee or who otherwise
42 know or have reasonable cause to suspect that a person has
43 engaged in sexual misconduct involving a patient in the care of
44 the licensee to immediately report the sexual misconduct to the
45 licensee, the statewide toll-free complaint telephone number of
46 the department, and the appropriate local law enforcement
47 agency. The policy shall require the employee, contractor,
48 volunteer, or intern to prepare, to the best of his or her
49 ability, an independent report that specifically describes the
50 nature of the sexual misconduct, the location and time of the
51 incident, and the persons involved in the incident. The
52 employee, contractor, volunteer, or intern who prepares such
53 report shall date and sign the report and provide it to the
54 licensee.

55 1. Failure of the licensee to enact or enforce the policy
56 required under this paragraph is a Class II violation as
57 established in s. 408.813.

58 2. Any person who is required to make a report under this
59 paragraph and who knowingly or willfully fails to do so, or who
60 knowingly or willfully prevents another person from doing so,
61 commits a misdemeanor of the first degree, punishable as
62 provided in s. 775.082 or s. 775.083.

63 3. Any person who knowingly or willfully submits
64 inaccurate, incomplete, or untruthful information with respect
65 to a report required under this paragraph commits a misdemeanor
66 of the first degree, punishable as provided in s. 775.082 or s.
67 775.083.

68 4. Any person who knowingly or willfully coerces or



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69 threatens any other person with the intent to alter testimony or
70 a written report regarding an incident of sexual misconduct
71 commits a felony of the third degree, punishable as provided in
72 s. 775.082, s. 775.083, or s. 775.084.

73 Section 2. This act shall take effect October 1, 2019.

74 ===== T I T L E A M E N D M E N T =====

75 And the title is amended as follows:

76 Delete everything before the enacting clause
77 and insert:

78 A bill to be entitled

79 An act relating to sexual misconduct reporting in
80 health care; amending s. 408.810, F.S.; requiring
81 specified health care facilities, as a condition of
82 maintaining licensure, to enact policies requiring
83 employees, contractors, volunteers, and interns of
84 such licensees to report actual or suspected sexual
85 misconduct involving a patient to the licensee, the
86 statewide toll-free complaint telephone number of the
87 Agency for Healthcare Administration, and the
88 appropriate local law enforcement agency; requiring
89 such persons to prepare an incident report that
90 includes specified information; providing that a
91 violation of the reporting requirements is a class II
92 violation, subject to an administrative fine;
93 providing criminal penalties; providing an effective
94 date.