

ENROLLED

CS/CS/HB 1179

2014 Legislature

1
2 An act relating to home health care; amending s.
3 400.471, F.S.; exempting certain home health agencies
4 from specified licensure application requirements;
5 amending s. 400.506, F.S.; requiring a licensed nurse
6 registry to ensure that each certified nursing
7 assistant and home health aide referred by the
8 registry present certain credentials; providing that
9 registered nurses, licensed practical nurses,
10 certified nursing assistants, companions or
11 homemakers, and home health aides are independent
12 contractors and not employees of the nurse registries
13 that referred them; requiring a nurse registry to
14 inform the patient, the patient's family, or a person
15 acting on behalf of the patient that the referred
16 caregiver is an independent contractor and that the
17 nurse registry is not required to monitor, supervise,
18 manage, or train the referred caregiver; providing the
19 duties of the nurse registry for a violation of
20 certain laws by an individual referred by the nurse
21 registry; requiring that certain records be kept in
22 accordance with rules set by the Agency for Health
23 Care Administration; providing that a nurse registry
24 does not have an obligation to review or act upon such
25 records except under certain circumstances; providing
26 an effective date.

ENROLLED

CS/CS/HB 1179

2014 Legislature

27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

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

Section 1. Paragraph (h) of subsection (2) of section 400.471, Florida Statutes, is amended to read:

400.471 Application for license; fee.—

(2) In addition to the requirements of part II of chapter 408, the initial applicant must file with the application satisfactory proof that the home health agency is in compliance with this part and applicable rules, including:

(h) In the case of an application for initial licensure, documentation of accreditation, or an application for accreditation, from an accrediting organization that is recognized by the agency as having standards comparable to those required by this part and part II of chapter 408. A home health agency that is not Medicare or Medicaid certified and does not provide skilled care is exempt from this paragraph.

Notwithstanding s. 408.806, an applicant that has applied for accreditation must provide proof of accreditation that is not conditional or provisional within 120 days after the date of the agency's receipt of the application for licensure or the application shall be withdrawn from further consideration. Such accreditation must be maintained by the home health agency to maintain licensure. The agency shall accept, in lieu of its own periodic licensure survey, the submission of the survey of an

ENROLLED

CS/CS/HB 1179

2014 Legislature

53 accrediting organization that is recognized by the agency if the
54 accreditation of the licensed home health agency is not
55 provisional and if the licensed home health agency authorizes
56 releases of, and the agency receives the report of, the
57 accrediting organization.

58 Section 2. Paragraph (a) of subsection (6) of section
59 400.506, Florida Statutes, is amended, paragraphs (d) and (e)
60 are added to that subsection, and subsections (19) and (20) are
61 added to that section, to read:

62 400.506 Licensure of nurse registries; requirements;
63 penalties.—

64 (6) (a) A nurse registry may refer for contract in private
65 residences registered nurses and licensed practical nurses
66 registered and licensed under part I of chapter 464, certified
67 nursing assistants certified under part II of chapter 464, home
68 health aides who present documented proof of successful
69 completion of the training required by rule of the agency, and
70 companions or homemakers for the purposes of providing those
71 services authorized under s. 400.509(1). A licensed nurse
72 registry shall ensure that each certified nursing assistant
73 referred for contract by the nurse registry and each home health
74 aide referred for contract by the nurse registry has presented
75 credentials demonstrating that he or she is adequately trained
76 to perform the tasks of a home health aide in the home setting.
77 Each person referred by a nurse registry must provide current
78 documentation that he or she is free from communicable diseases.

ENROLLED

CS/CS/HB 1179

2014 Legislature

79 (d) A registered nurse, licensed practical nurse,
 80 certified nursing assistant, companion or homemaker, or home
 81 health aide referred for contract under this chapter by a nurse
 82 registry is deemed an independent contractor and not an employee
 83 of the nurse registry regardless of the obligations imposed on a
 84 nurse registry under this chapter or chapter 408.

85 (e) Upon referral of a registered nurse, licensed
 86 practical nurse, certified nursing assistant, companion or
 87 homemaker, or home health aide for contract in a private
 88 residence or facility, the nurse registry shall advise the
 89 patient, the patient's family, or any other person acting on
 90 behalf of the patient, at the time of the contract for services,
 91 that the caregiver referred by the nurse registry is an
 92 independent contractor and that it is not the obligation of a
 93 nurse registry to monitor, supervise, manage, or train a
 94 caregiver referred for contract under this chapter.

95 (19) It is not the obligation of a nurse registry to
 96 monitor, supervise, manage, or train a registered nurse,
 97 licensed practical nurse, certified nursing assistant, companion
 98 or homemaker, or home health aide referred for contract under
 99 this chapter. In the event of a violation of this chapter or a
 100 violation of any other law of this state by a referred
 101 registered nurse, licensed practical nurse, certified nursing
 102 assistant, companion or homemaker, or home health aide, or a
 103 deficiency in credentials which comes to the attention of the
 104 nurse registry, the nurse registry shall advise the patient to

ENROLLED

CS/CS/HB 1179

2014 Legislature

105 terminate the referred person's contract, providing the reason
106 for the suggested termination; cease referring the person to
107 other patients or facilities; and, if practice violations are
108 involved, notify the licensing board. This section does not
109 affect or negate any other obligations imposed on a nurse
110 registry under chapter 408.

111 (20) Records required to be filed under this chapter with
112 the nurse registry as a repository of records must be kept in
113 accordance with rules adopted by the agency. The nurse registry
114 has no obligation to review or act upon such records except as
115 specified in subsection (19).

116 Section 3. This act shall take effect July 1, 2014.