

1 A bill to be entitled
 2 An act relating to licensure of nurse registries;
 3 amending s. 400.506, F.S.; revising provisions
 4 authorizing the Agency for Health Care Administration
 5 to impose penalties and fines for failure to cease
 6 operation of an unlicensed nurse registry; deleting
 7 provisions authorizing the agency to deny, suspend, or
 8 revoke a nurse registry license and impose fines for
 9 paying remuneration to certain entities in exchange
 10 for patient referrals; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) and paragraph (a) of subsection
 15 (15) of section 400.506, Florida Statutes, are amended to read:

16 400.506 Licensure of nurse registries; requirements;
 17 penalties.—

18 (5) (a) In addition to the requirements of s. 408.812, any
 19 person who owns, operates, or maintains an unlicensed nurse
 20 registry and who, ~~within 10 working days~~ after receiving
 21 notification from the agency, fails to cease operation and apply
 22 for a license under this part commits a misdemeanor of the
 23 second degree, punishable as provided in s. 775.082 or s.
 24 775.083. Each day of continued operation is a separate offense.

25 (b) If a nurse registry fails to cease operation after

26 | agency notification, the agency may impose a fine in accordance
 27 | with s. 408.812 ~~of \$500 for each day of noncompliance.~~

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

31 | 1. Provides services to residents in an assisted living
 32 | facility for which the nurse registry does not receive fair
 33 | market value remuneration.

34 | 2. Provides staffing to an assisted living facility for
 35 | which the nurse registry does not receive fair market value
 36 | remuneration.

37 | 3. Fails to provide the agency, upon request, with copies
 38 | of all contracts with assisted living facilities which were
 39 | executed within the last 5 years.

40 | ~~4. Gives remuneration to a case manager, discharge~~
 41 | ~~planner, facility-based staff member, or third-party vendor who~~
 42 | ~~is involved in the discharge planning process of a facility~~
 43 | ~~licensed under chapter 395 or this chapter and from whom the~~
 44 | ~~nurse registry receives referrals. A nurse registry is exempt~~
 45 | ~~from this subparagraph if it does not bill the Florida Medicaid~~
 46 | ~~program or the Medicare program or share a controlling interest~~
 47 | ~~with any entity licensed, registered, or certified under part II~~
 48 | ~~of chapter 408 that bills the Florida Medicaid program or the~~
 49 | ~~Medicare program.~~

50 | ~~5. Gives remuneration to a physician, a member of the~~

HB 213

2018

51 ~~physician's office staff, or an immediate family member of the~~
52 ~~physician, and the nurse registry received a patient referral in~~
53 ~~the last 12 months from that physician or the physician's office~~
54 ~~staff. A nurse registry is exempt from this subparagraph if it~~
55 ~~does not bill the Florida Medicaid program or the Medicare~~
56 ~~program or share a controlling interest with any entity~~
57 ~~licensed, registered, or certified under part II of chapter 408~~
58 ~~that bills the Florida Medicaid program or the Medicare program.~~

59 Section 2. This act shall take effect July 1, 2018.