

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** H 653 w/CS Nurse Registries

**SPONSOR(S):** Zapata & Others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1454

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder Affairs & Long Term Care (Sub)	8 Y, 1 N	Meyer	Liem
2) Future of Florida's Families	13 Y, 4 N w/CS	Meyer	Liem
3)			
4)			
5)			

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**SUMMARY ANALYSIS**

The bill removes the statutory requirement that a nurse registry make monthly visits to patients who are receiving care from a certified nursing assistant or home health aide. The bill requires that the patient, the patient's family, or person acting on behalf of the patient be notified at the time that they contract for nurse registry services that a registered nurse can make a monthly visit for an additional cost.

The bill also repeals the sunset provision of the section related to licensure of registered nurses by endorsement.

The bill takes effect upon becoming law.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0653b.fff.doc  
**DATE:** March 25, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |                             |   |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government?                | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Registered nurses will no longer make monthly supervisory visits to patients of nurse registries who are receiving care or services from a certified nursing assistant or home health aide. Nurse registries must advise patients that monthly nursing visits are available to them at an additional cost.

The bill deletes the sunset provision in section 464.009, F.S., related to licensure by endorsement for registered nurses.

#### Background

Florida law recognizes two licensed entities that may render home health care: home health agencies and nurse registries. Nurse registries were first defined and regulated by the state in 1947 under the "Private Employment Agency Regulatory Law" and were subject to the oversight of the Florida Industrial Commission. The statutes governing nurse registries were revised in 1957, 1974, 1990, and 1993. The 1993 law assigned regulatory responsibility to the Agency for Health Care Administration (AHCA). The changes that year also provided that nurse registries could refer CNAs and required monthly visits by a registered nurse. The function of a nurse registry is to refer independent contractors, who are not "employees" of the registry, to individuals seeking home care services.

#### Regulation of Registered Nurses

Part I, chapter 464, F.S., provides for the regulation of nursing practice by the Board of Nursing within the Department of Health. The part provides licensure requirements for licensed practical nurses and registered nurses, and certification requirements for advanced registered nurse practitioners. Section 464.018, F.S., provides grounds for denial of a nursing license and for disciplinary action. Applicants for licensure as a professional or practical nursing licensure must be graduates of an approved nursing program to be allowed to sit for the nursing licensure examination (Section 464.008, F.S.).

Section 464.009, F.S., requires DOH to issue a license to a nurse who has actively practiced nursing in another state or territory of the United States for 2 of the immediately preceding 3 years without having his or her license acted against by the licensing authority of any jurisdiction. Within six months after obtaining a license under this provision, a licensee must complete a board approved course on Florida laws and rules. An applicant for licensure by endorsement may be granted a temporary 180-day work permit pending results of the national criminal history check. Once the department has received the results of the criminal history check and determined that the applicant has no criminal history, the appropriate license is issued to the applicant. The authorization to obtain a license by endorsement expires on July 1, 2004.

## The Nursing Shortage

In Florida there is a statewide shortage of nurses that mirrors the nationwide nursing shortage. According to a November 2001 report by the Florida Hospital Association (FHA), during the week of February 18-24, 2001, there were 3,087 open registered nursing (RN) positions in the 61 hospitals responding to a survey, indicating a statewide RN vacancy rate of 15.6 percent. According to the United States Census Bureau the number of nurses practicing in the United States will be 20 percent below the projected need in the year 2020. In Florida, the demand for registered nurses will grow from 120,700 to 156,100 in the next decade. Efforts to improve patient safety and staffing levels to provide quality health care will continue to escalate the demand for qualified experienced registered nurses. Licensure by endorsement is a tool that helps recruit trained professional nurses to the state.

### C. SECTION DIRECTORY:

**Section 1.** This section amends section 400.506, F.S., related to the licensure and requirements that govern nurse registries, to remove the statutory requirement that registered nurses visit patients' homes monthly to assess the patient's condition and the quality of care being rendered by the certified nursing assistant or home health aide.

**Section 2.** This section amends section 464.009, F.S., related to nurse licensure by endorsement. The current statute has a sunset date of July 1, 2004. The bill removes the sunset provision.

**Section 3.** This act shall take effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Nurse registries will benefit from a reduction in costs associated with the (now) required monthly visits by a registered nurse. Consumers may experience some savings with the elimination of this cost for the registries.

Removing the sunset provision related to nurse licensure by endorsement may help to bring more nurses into practice in Florida and this may be a tool to aid in the recruitment of nurses and thereby in overcoming the shortage of registered nurses in the state.

D. FISCAL COMMENTS:

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

B. RULE-MAKING AUTHORITY:

No rule making authority is granted.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

The Future of Florida's Families Committee adopted a strike all amendment which:

- Requires that the patient, the patient's family, or person acting on behalf of the patient be notified at the time that they contract for nurse registry services that a registered nurse can make a monthly visit for an additional cost; and,
- Repeals the sunset provision on the licensure by endorsement provisions of section 464.009, F.S.