

FLORIDA ADOPTS NEW DISCIPLINARY PENALTIES FOR NURSING HOME ADMINISTRATORS

On November 16th, 2021, the Florida Board of Nursing Home Administrators finalized the rules to update their disciplinary guidelines and penalties for any violation of Florida Statute Chapter 456, regulating health professions and occupations. The guidelines are based upon a single count violation of each provision. Some single count violations have increased to up to \$10,000.00 per violation. Multiple counts will be grounds for enhancement of penalties, including but not limited to, suspension and revocation. The breadth of these changes is significant and covers the following acts of prohibited conduct:

- Licensing:
 - Unlicensed practice by an applicant.
 - Giving false or forged evidence to obtain license.
 - Knowingly employing unlicensed persons.
 - Knowingly concealing violations of this act.
 - Attempting to procure license by bribery, fraudulent misrepresentation or fraud.
 - License disciplined by another jurisdiction.
- Practice:
 - Criminal conviction relating to practice or ability to practice nursing home administration.
 - Knowingly making or submitting false report.
 - Unauthorized discharge or transfer of a resident.
 - Fraud and deceit in the practice of nursing home administration.
 - Negligence or incompetence in the practice of nursing home administration.
 - Misconduct including but not limited to, trust fund violations, Medicaid/insurance fraud, exploitation of a patient, and undue influence.
 - Practice with inactive, delinquent, revoked or suspended license.
 - Practicing beyond the scope of license.
- Advertising:
 - Fraudulent, false, deceptive or misleading advertising.
 - Payment for solicitation or procurement of nursing home usage.
- Patient Rights:
 - Unauthorized disclosure of patient information.
 - Discrimination
 - Failure to comply with parental consent requirements.
- Quality :
 - Failure to implement quality assurance program.
- Payment:
 - Failing to remit sums owed to the state for overpayment for the Medicaid program.
 - Termination from Florida Medicaid program.

Although the guideline provides specific penalties for each violation, nursing home administrators should be aware that the Board has been given full authority and discretion to deviate from the guidelines under additional circumstances. Given the increased potential for liability, this is an ideal time for nursing home administrations to ensure that they have proper policies and protocols in place for meeting the requirements of Florida Statutes Chapter 456.

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Should you have any questions regarding the above, please contact our Florida office at 754.228.3853 or info@garfunkelwild.com.

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