

59A-4.150 Geriatric Outpatient Nurse Clinic.

(1) Definitions:

(a) Advanced Registered Nurse Practitioner – a person who holds a current active license to practice professional nursing and a current Advanced Registered Nurse Practitioner certificate issued by the Florida State Board of Nursing.

(b) Appropriate Resources – those service providers who provide most effectively and efficiently the specific services needed by the geriatric patient.

(c) Agency for Health Care Administration – AHCA.

(d) Geriatric Outpatient Nurse Clinic – a site in a nursing home treatment room for the provision of health care to geriatric patients on an outpatient basis which is staffed by a registered nurse or by a physician's assistant.

(e) Geriatric Patient – any patient who is 60 years of age or older.

(f) Nursing Facility – a facility licensed under Part I of Chapter 400, F.S.

(g) Physician's Assistant – a person who holds a current certificate issued by the Florida State Board of Medical Examiners of Florida State Board of Osteopathic Medical Examiners, to serve as a physician's assistant to function in the dependent relationship with the supervising physician. (Sections 458.135(2)(d); 459.151(2)(d), F.S.)

(h) Pre-established Protocols – a statement prepared by or with the responsible or attending physician defining the extent and limits of the medical services provided by the nurse. Such protocols are to be reviewed at periods not to exceed one year, to be dated and signed by the physician, and to be kept readily available.

(i) Professional Standards of Practice – those measurements or guides for practice developed and/or endorsed by the respective professional disciplines.

(j) Registered Dietitian – one who meets the standards and qualifications established by the Committee on Professional Registration of the American Dietetic Association and is currently registered with the American Dietetic Association.

(k) Registered Nurse – a person who holds a current active license to practice professional nursing issued by the Florida State Board of Nursing. (Section 464.071, F.S.)

(l) Responsible Physician – the licensed physician delegated by the supervising physician as responsible for the services rendered by the physician's assistant in the absence of the supervising physician.

(m) Routine Health Care – the provision of preventive care, detection of health problems, referral for medical care, and management of chronic illness within medical prescriptions.

(n) Substantive Change – when the patient's condition changes to such an extent that a change in treatment and/or medication orders is indicated or when pre-established protocols are not applicable.

(o) Supervising Physician – the licensed physician assuming responsibility and legal liability for the services rendered by the physician's assistant. (Sections 458.135(2)(e); 459.151(2), (3), F.S.)

(p) Treatment Room – the room or suite of rooms set aside for the examination and care of patients.

(2) Applications.

(a) A letter shall be sent through the local county Health unit to the AHCA by the operator of a currently licensed nursing home stating intent to establish a geriatric outpatient nurse clinic in compliance with Chapter 400, F.S., Chapter 77-401, Laws of Florida, and the rules pertaining to these chapters. A copy of said letter shall be sent to the Health Program Office of the Department of Health and Rehabilitative Services by the local county health unit. This letter shall be sent at least sixty (60) days prior to the anticipated date of establishment of the clinic. The Director, County Health Unit shall provide specific recommendations for operation of the clinic when transmitting the letter.

(b) The AHCA shall ascertain compliance with all applicable laws, rules, regulations, and codes and by letter notify the operator of compliance or non-compliance.

(c) Receipt of the letter of notification stating compliance shall constitute authority to operate a geriatric outpatient nurse clinic within the facility.

(d) Application for renewal of authority to operate a geriatric outpatient nurse clinic shall be submitted in the manner described above at the same time the application for the nursing home relicensure is submitted.

(e) Suspension or revocation of the nursing home license automatically suspends or revokes authority to operate the geriatric outpatient nurse clinic.

(f) A Certificate of Need issued by the AHCA required by Sections 381.493 through 381.497, F.S., is a pre-requisite to establish a geriatric outpatient nurse clinic.

(3) Treatment Rooms and Access Areas.

(a) Plant maintenance and housekeeping shall be in accordance with Rule 59A-4.049, F.A.C.

(b) Every facility conducting a geriatric outpatient nurse clinic shall:

1. Use an existing treatment room exclusively for the examination and treatment of patients.
2. Store supplies and equipment in such a manner that safeguards patients and staff from hazards.
3. Have a waiting area which does not interfere with regular in-patient functions.
4. Provide clinic patients with the most direct route to and from the treatment room.

(4) Administration.

(a) The business and administrative management of the geriatric outpatient nurse clinic shall be under the management control of the facility administrator. This shall include, but not be limited to maintenance of the following written records.

1. Clinic financial records which identify all income by source and describe all expenditures by category in such a manner as to be suitable by community recognized procedure.

2. An accident and incident record, containing a clear description of each accident and any other incident hazardous or deviant behavior of a patient or staff member with names of individuals involved, description of medical and other services provided, by whom such services were provided and the steps taken to prevent recurrence.

3. Personnel records for each clinic employee and/or contractual provider. These records will be kept updated and include current Florida license and certificate numbers. Original application for the position, references furnished and an annual performance evaluation shall be included.

4. A record of personnel policies, including statement of policies affecting personnel and a job description for each person providing clinic services.

5. Clinic Schedule.

6. Compliance with requirements of Title VI of the Civil Rights Act of 1964.

(b) The provision of health services through geriatric outpatient nurse clinics shall be under the direct management control of the registered nurse or physician's assistant providing those services. Management control of the provision of health services shall contain the following:

1. Assurance that all health services are provided according to legal, ethical and professional practice standards to protect the health, safety and well-being of the patients.

2. Maintenance and confidentiality of clinical records for each patient as required in this chapter.

3. Responsibility for development and periodic review of written policies and protocols governing patient care, including emergency procedures.

4. Responsibility for development and periodic review of patient referral system.

5. Responsibility for the administration and handling of drugs and biological as required in these rules.

6. Maintenance of an individual and cumulative clinic census record.

7. Coordination of patient care with the attending physician and other community health and social agencies and/or facilities.

8. Maintenance of a safe, sanitary clinic environment.

(5) Fiscal Management.

(a) There shall be a recognized system of accounting used to accurately reflect business details of the clinic operation and services kept separate from the facility fiscal records.

(b) A reasonable fee, based on cost of operation and services, may be charged for clinic services rendered.

(c) Personnel involved in operating and/or providing clinic services shall not:

1. Pay any commission, bonus, rebate or gratuity to any organization, agency, physician, employee or other person for referral of any patients to the clinic.

2. Request or accept any remuneration, rebate, gift, benefit, or advantage of any form from any vendor or other supplier because of the purchase, rental, or loan, of equipment, supplies or services for the client and/or patient.

(6) Personnel Policies.

(a) Staff in the geriatric outpatient nurse clinic will be governed by their Personnel Standards in rules and Regulations governing Nursing Homes and Related Health Care Facilities, Rule 59A-4.157, F.A.C.

(b) Staff in the geriatric outpatient nurse clinic shall be qualified and sufficient in numbers to perform the necessary services.

(c) Services of this clinic will in no way reduce the minimum staffing standards for in-patient care.

(d) Staff in the geriatric outpatient clinic may be regularly employed or serve on a contractual basis.

(7) Personnel Functions and Responsibilities.

(a) Registered Nurse (Sections 464.021(2)(a)1., 2., F.S.)

1. The nurse shall have the responsibility for eliciting and recording a health history, observation and assessment nursing diagnosis, counseling and health teaching of patients and the maintenance of health and prevention of illness. The nurse shall provide treatment for the medical aspects of care according to pre-established protocols or physician's orders.

2. The nurse shall note findings and activities on the clinical record.

3. The nurse shall provide progress reports to the attending physicians about patients under the physician's care when there is a substantive change in the patient's condition, there are deviations from the plan of care, or at least every sixty (60) days.

(b) The Advanced Registered Nurse Practitioner (Section 464.003(3)(c), F.S.)

1. The Advanced Registered Nurse Practitioner shall perform the functions outlined for the Registered Nurse, and in addition: Provide additional services dependent upon the certification authority of the Advanced Registered Nurse Practitioner by the Florida State Board of Nursing.

2. The Advanced Registered Nurse Practitioner shall note findings and activities on the clinical record.

(c) The Physician's Assistant (Sections 458.347(3); 459.022, F.S.)

1. The Physician's assistant shall perform health care tasks delegated by the supervising or responsible physician.

2. The Physician's Assistant shall note findings and activities on the clinical record.

(8) Patient Eligibility Criteria.

(a) Acceptance of patients and discharge policies shall include but not be limited to the following:

(b) Patients shall be accepted for clinic services on self-referral for nursing care, or upon a plan treatment established by the patient's attending physician.

(c) The patients with an attending physician will be held responsible for providing the clinic with a written medical plan of treatment reviewed and signed by their physician at least sixty (60) days.

(d) When services are to be terminated, the patient is to be notified of the date of termination and the reason for termination which shall be documented in the patient's clinical record. A plan shall be developed for a referral made for any continuing care indicated.

(9) Patient's Rights.

(a) The facility shall adopt and make public a statement of the rights and responsibilities of the clinic patients and shall treat such patients in accordance with the provisions of said statement. This statement shall be conspicuously posted and available to clinic patients in pamphlet form. The statement shall insure each patient the following:

(b) The right to have private communication with any person of his or her choice.

(c) The right to present grievances on behalf of himself, herself, or others to the facility's staff or administrator, to government officials, or to any person without fear of reprisal, and to join with other patients or individuals to work for improvements in patient care.

(d) The right to be fully informed in writing, prior to at the time of admission and during his or her attendance, of fees and services not covered under Title XVIII or Title XIX of the Social Security Act or other third party reimbursement agents.

(e) The right to be adequately informed of his or her medical condition and proposed treatment unless otherwise indicated in the written medical plan of treatment by the physician, and to participate in the planning of all medical treatment, including the right to refuse medication and treatment, unless otherwise indicated in the written medical plan of treatment by the physician, and to know the consequences of such actions.

(f) The right to receive adequate and appropriate health care consistent with established and recognized practice

standards within the community and with rules as promulgated by the AHCA.

(g) The right to have privacy in treatment and in caring for personal needs, confidentiality in the treatment of personal and medical records.

(h) The right to be treated courteously, fairly, and with the fullest measure of dignity and to receive a written statement of the services provided by the facility.

(i) The right to freedom of choice in selecting a nursing home.

1. Each nursing home shall post a copy of the statement required by subsection (1) so that it is clearly evident.

2. Any violation of the patient's rights set forth in this section shall constitute grounds for action by the AHCA under the provisions of Section 400.102, F.S.

(10) Scope of Services of the Geriatric Outpatient Nurse Clinic.

(a) Observation of signs and symptoms.

(b) Assessment of health status/progress.

(c) Nursing diagnosis and plan of care.

(d) Nursing care of patients and counseling to maintain health and prevent disease, including diet counseling.

(e) Health instruction to control progression of disease and/or disability and self care measures.

(f) Administration of medication and treatment as prescribed by a person licensed in this state to prescribe such medications and treatment.

(g) Provision of progress reports to the attending physician.

(h) Referral for additional services as needed.

(i) Follow-up on a regular basis by communication with the patient, the patient's physician, and other agencies or persons to which referrals were made.

(j) When staffed by an Advanced Registered Nurse Practitioner or Physician's Assistant, additional services may be provided dependent upon their respective certification authority. (Sections 458.347, 459.022, 464.003(3)(c), F.S.)

(11) Clinical Records.

(a) The clinic shall maintain a clinical record for every patient receiving health services that contain the following:

1. Identification data including name, address, telephone number, date of birth, sex, social security number, clinic case number if used, next of kin or guardian and telephone number, name and telephone number of patient's attending physician.

2. Assessment of problems.

3. Health Care Plan including diagnose, type, and frequency of services and when receiving medications and medical treatments, the medical treatment plan and dated signature of the health professional licensed in this state to prescribe such medications and treatments.

4. Clinical notes, signed and dated by staff providing service.

a. Progress notes with changes in the patient's condition.

b. Services rendered with progress reports.

c. Observations.

d. Instructions to the patient and family.

e. Referrals made.

f. Consultation reports.

g. Case conferences.

h. Reports to physicians.

i. Termination summary.

(I) Date of first and last visit.

(II) Total number of visits by discipline.

(III) Reason for termination of service.

(IV) Evaluation of achievements of previously established goals at time of termination.

(V) Condition of patient on discharge.

j. Clinical records shall be confidential. Information may be released by the nurse or physician's assistant responsible for clinical services only:

(I) When permission is granted in writing by the patient or guardian.

(II) To those persons or agencies with a legitimate professional need or regulatory authority pursuant to Section 455.241, F.S.

(III) When so ordered by the courts.

(12) Medications. The clinic shall have policies and procedures for the administration of medications by health care professionals acting within the scope of practice defined by laws and rules of the Department and the Department of Professional Regulation which shall include, for example, the following:

(a) All prescriptions for medications shall be noted on the patient record, and include the date, drug, dosage, frequency, method or site of administration, and the authorized health care professional's signature.

(b) All verbal orders for medication or medication changes shall be taken by the clinic registered nurse or physician's assistant. Such must be in writing and signed by the authorized health care professional within eight (8) days and added to the patient's record.

(c) The clinic registered nurse or physician's assistant shall record and sign for each medication administered, by drug, dosage, method, time and site on patient's record.

(d) An emergency plan for reversal of drug reaction to include the facility's PRN standing orders for medications available in the emergency medication kit.

(e) If there is not a separate emergency medication kit in the clinic, the facility's emergency medication kit shall be immediately accessible for use in the outpatient clinic.

(f) A drug storage system which includes:

1. Prescribed medications for individual outpatients may be retained in the clinic. These medications shall be stored separately from those of the nursing home in-patients for preventive measures and treatment of minor illnesses.

2. Multi-dose containers shall be limited to medications or biologicals commonly prescribed for preventive measures and treatment of minor illnesses.

3. A list shall be kept of patients receiving medication from multi-dose medication containers.

Specific Authority 381.493-381.497, 400.141(3), 400.23(2) FS. Law Implemented 400.33, 400.141, 400.333 FS. History--New 4-27-78, Formerly 10D-29.71, 10D-29.071, 59A-4.071, Amended 2-6-97.