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Aspen State Regulation Set: P 1.06 Health Care Services Pool

ST - P0000 - Initial Comments

Title Initial Comments

Type Memo Tag

Regulation Definition

Interpretive Guideline

These guidelines are meant solely to provide guidance to surveyors in the survey process.

ST - P0102 - Registration Changes

Title Registration Changes

Type Rule

400.980(2) FS; 59A-27.002(1) FAC

Regulation Definition

Interpretive Guideline

400.980(2)
(2) The requirements of part II of chapter 408 apply to the provision of services that require licensure or registration pursuant to this part and part II of chapter 408 and to entities registered by or applying for such registration from the agency pursuant to this part. Registration or a license issued by the agency is required for the operation of a health care services pool in this state. In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted using this part, part II of chapter 408, and applicable rules. The agency shall adopt rules and provide forms required for such registration and shall impose a registration fee in an amount sufficient to cover the cost of administering this part and part II of chapter 408. In addition to the requirements in part II of chapter 408, the registrant

A company may have more than one business location, but each one must be registered separately with the state.

The current location should be listed on the current license of the entity. If the surveyor determines the entity relocated without proper notification within the time frame, the surveyor should cite the entity under this tag (AHCA can take administrative action and levy a fine). See PZ806 & 812.

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must provide the agency with any change of information contained on the original registration application within 14 days prior to the change.

59A-27.002

(1) All health care services pools must register with AHCA using the Health Care Licensing Application, Health Care Services Pool, AHCA form 3110-1010, July 2014, <https://www.flrules.org/gateway/reference.asp?No=Ref-04487>, incorporated herein by reference, before providing health care personnel as temporary employees to any health care facility. The applicant must also submit the Health Care Licensing Application Addendum required in subsection 59A-35.060(1), F.A.C. The application form and addendum can be obtained at

<http://www.ahca.myflorida.com/HQALicensureforms>. The application form and addendum must be submitted with the registration fee of \$616. Applications are reviewed in accordance with the process set forth in Section 408.806, F.S.

(a) When a change of ownership, as defined in Section 408.803(5), F.S., is planned, the buyer or transferee must submit an application for a new registration according to the time frame in Section 408.806(2)(b), F.S. The application form, addendum and fee required in subsection (1) must be submitted with the registration fee of \$616 and a certificate of registration must be issued before the pool provides health care personnel as temporary employees to any health care facility.

(b) Screening for the managing employee and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 408.809, F.S. and Rule 59A-35.090, F.A.C.

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ST - P0104 - Operating Beyond Scope

Title Operating Beyond Scope

Type Rule

400.980(1), FS

Regulation Definition

(1) As used in this section, the term:

(a) "Agency" means the Agency for Health Care Administration.

(b) "Health care services pool" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing temporary employment in health care facilities, residential facilities, and agencies for licensed, certified, or trained health care personnel including, without limitation, nursing assistants, nurses' aides, and orderlies. However, the term does not include nursing registries, a facility licensed under this chapter or chapter 429, a health care services pool established within a health care facility to provide services only within the confines of such facility, or any individual contractor directly providing temporary services to a health care facility without use or benefit of a contracting agent.

Interpretive Guideline

If the surveyor finds evidence of home visits made by the employees or contracted workers of the entity, evidence of private duty contracts with individuals, or of the entity offering to provide personnel for that purpose, the surveyor should inform the managing employee their certification does not allow this and cite the entity using this tag.

The surveyor should notify the field office (FO). The FO should follow procedures for unlicensed activity and issue a notice of violation for unlicensed activity as a Nurse Registry. See PZ827 Unlicensed Activity.

ST - P0105 - Pool Administrator

Title Pool Administrator

Type Rule

59A-27.005(1), FAC

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Regulation Definition

(1) Each pool, at the time of initial registration and at each registration renewal, shall identify a managing employee who will be responsible for the day-to-day supervision and administration of the pool and shall designate this individual, on the biennial registration application form required in subsection 59A-27.002(1), F.A.C., as the pool's representative for purposes of any communications with AHCA Home Care Unit. The managing employee must be familiar with the work requirements and the prerequisites for licensure or certification in each of the health care disciplines and specialties for which the pool is providing referrals. Any time there is a change in this position, the pool shall give written notice to AHCA Home Care Unit of such change. Such notice shall be filed with AHCA Home Care Unit with the name of the replacement managing employee as required in paragraph 59A-35.110(1)(c), F.A.C.

Interpretive Guideline

Any changes in management or ownership from what was originally reported must be updated to the AHCA within 14 days of that change becoming effective. If the surveyor determines the managing employee, financial officer or ownership has changed without proper notification within the time frame, the surveyor should cite the entity under this tag (AHCA can take administrative action and levy a fine).

(hyperlink to 408.806 F.S)
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0408/Sections/0408.806.html

ST - P0121 - Personnel Information - Documentation

Title Personnel Information - Documentation

Type Standard

400.980(5), FS; 59A-27.006(2), FAC

Regulation Definition

400.980(5), FS
(5) A health care services pool shall verify and maintain documentation that each temporary employee or independent contractor provided, assigned, or referred to a health care facility has met the licensing, certification, training, or continuing education requirements, as established by the appropriate regulatory agency, for the position in which he or she will be working. The requirements of this subsection may not be delegated to another provider as defined in s. 408.803.

Interpretive Guideline

Random Personnel record review, to include:
-workers ' skills, --qualifications previous training in specialized areas.,-
professional licenses
-background screening results.

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59A-27.006(2), FAC

(2) Each health care services pool shall maintain a personnel file for each worker and such file shall be available for inspection by AHCA. Such file shall contain all information with respect to the skills and experience levels of personnel who are referred for work at health care facilities. In particular, the personnel file shall include the following:

- (a) Evidence of the worker's skills, qualifications and previous training. This shall include a skills inventory checklist, copies of current professional licenses and certificates, proof of education and training in specialized areas, copies of examinations given by the pool and individual examination scores, evidence of CPR or other certification and evidence of training and education regarding the treatment and prevention of human immunodeficiency virus and acquired immune deficiency syndrome;
- (b) Documentation of submission for background screening and background screening results;
- (c) Documentation of personnel information ensuring compliance with Section 400.980(6), F.S.;
- (d) Documentation of any complaints known to the pool involving any of its workers and any follow-up action taken with respect to such complaints;
- (e) Evidence that the pool has provided information pertaining to occupational exposure to bloodborne pathogens;
- (f) Copies of contracts, if any, between the pool and any client health care facility setting forth the terms and conditions under which the pool will provide medical staff to the health care facility. Such contracts shall specifically identify whether the workers to be provided by the pool are referred as employees of the pool or are referred as independent contractors;
- (g) Copies of all records required by the United States Internal Revenue Service to be prepared by the pools for their employees or independent contractors;

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- (h) The employment, health and medical history records of the worker as specified in Rule 59A-27.005, F.A.C.; and
- (i) Documentation to verify the worker's employment eligibility in compliance with the immigration laws of the United States.

ST - P0122 - Personnel Evaluations

Title Personnel Evaluations

Type Rule

59A-27.005(3), FAC

Regulation Definition

59A-27.005

(3) Each pool shall establish written procedures for conducting periodic written performance evaluations of all health care workers. Evaluations shall be conducted at least annually and the pools shall make reasonable attempts to obtain information from health care facilities where the worker has provided services during the last evaluation period. For example, in obtaining this information, it is sufficient for the pool to ask the health care facility's staff to complete a brief check-off sheet evaluating the worker or for the pool to contact one or more individuals at the health care facility who have been involved with supervising the worker and to obtain their evaluation of the worker's performance. Each worker's personnel file shall contain copies of all performance evaluations made by the pool regarding that worker.

Interpretive Guideline

The surveyor should check random personnel performance records for documentation of evaluations are being conducted on at least an annual basis.

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ST - P0123 - Personnel Complaints

Title Personnel Complaints

Type Rule

59A-27.005(4), FAC;

Regulation Definition

59A-27.005(4)

(4) Each pool shall establish and maintain a system for the recording and follow-up of all complaints involving the individuals they refer to health care facilities and all such records must be kept in the worker's personnel file.

Interpretive Guideline

The surveyor should examine the entity's complaint system including documenting, recording and follow up on complaints. The surveyor should cite this tag if there is no evidence of complaint system or follow-up exists.

ST - P0124 - Personnel Work Fitness-Qualifications

Title Personnel Work Fitness-Qualifications

Type Rule

59A-27.005(5)&(8-9)

Regulation Definition

59A-27.005 Pool Administration.

(5) Prior to the initial referral of each worker to a health care facility, each pool shall obtain at least two current professional references. Notwithstanding the above, if the pool makes documented efforts to obtain such references but is unable to do so, it may substitute a personal reference in place of one of the required professional references.

(8) A health care services pool must remain knowledgeable on the current regulations of each of the facility types and entities to which they send personnel to ensure compliance with Section 400.980(6), F.S., and only place personnel that meet

Interpretive Guideline

The surveyor is required to ensure the referred workers qualifications for facility /provider type. The surveyor shall confirm the evidence of two professional references or, at a minimum, one professional reference and one personal reference, in all worker files Personnel records, chosen at random, should include an inventory checklist of workers' skills, qualifications and previous training as well as copies of professional licenses and training in specialized areas. Documentation of background screening results.

If the surveyor sees evidence of workers being referred for duties beyond their ability, experience, or licensure, he/she should cite the entity under this tag.

The surveyor should notify the field office (FO). The FO should follow procedures for unlicensed activity and issue a notice of violation for unlicensed activity as a Nurse Registry. See PZ827 Unlicensed Activity.

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all the needs and requirements of the facility or entity to which they are being sent. Each pool shall maintain health records on all health care workers who have direct contact with patients and shall require evidence of a physical examination. The pool employee or independent contractor must submit a statement from a health care professional licensed under Chapters 458 or 459, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the employee or contractor is in good health sufficient to provide services to individuals with compromised health. It is the responsibility of the health care services pool to ensure that patients are not placed at risk by pool employees or contractors. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release the physical examination must be kept on file. If a person is found to have a communicable disease that could be casually transmitted, that person shall be removed from contact with patients until a physician's statement, indicating that the person no longer has a communicable disease that can be casually transmitted.

(9) Each pool shall refer workers only for services to which they are qualified by their licensure and experience. Failure to exercise due care in the placement of a health care professional or knowingly referring a worker to an assignment to which he or she is not qualified, shall be grounds for revocation of registration or civil penalties, or both.

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ST - P0125 - Personnel Orientation/Education

Title Personnel Orientation/Education

Type Rule

59A-27.005(6); 59A-27.006(2)(e), FAC

Regulation Definition

59A-27.005(6) Pool Administration

(6) Each pool shall prepare a written orientation program which defines the responsibilities of the persons employed or engaged by the pool and shall require all new health care personnel to participate in the program. The orientation program shall, at a minimum, include any information provided by the health care facilities where the workers will be referred and shall include dress codes, safety and emergency procedures, and infection control procedures.

Interpretive Guideline

The surveyor should verify an orientation and educational program on the occupational hazards of exposure to bloodborne pathogens.

Both programs are required.

ST - P0126 - Personnel on Probation

Title Personnel on Probation

Type Rule

59A-27.005(10), FAC

Regulation Definition

59A-27.005(10) Pool Administration.

(10) Each pool shall, upon receiving such information, inform the health care facility if the licensed or certified professional worker being referred to the facility is on probation with their professional licensing board or commission. The pool shall also advise the licensed or certified professional that their

Interpretive Guideline

Workers sent without first informing the contractor of the probationary status or disqualifying offenses of the prospective worker with their professional licensing board or commission. Such nondisclosure is a violation of rule.

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probationary status has been given to the health care facility.

ST - P0127 - Personnel Work Record

Title Personnel Work Record

Type Requirement

59A-27.006(1)(b), FAC

Regulation Definition

59A-27.006(1)

(1) Each health care services pool shall maintain the following business records and shall make these records available for inspection by the department upon request:

(b) Records documenting the work performed by personnel referred by the pool including: the date of initial referral of a worker by the pool, dates and location of each placement and the names and addresses of client health care facilities. Copies of personnel time records or invoices identifying the services provided are acceptable records for meeting this requirement; and,

Interpretive Guideline

A record of personnel's work history must be kept on file by the entity and that record made available to the surveyor. For the purposes of complying level 2 background screening.

ST - P0128 - Personnel Documentation Procedures

Title Personnel Documentation Procedures

Type Rule

400.980(6), FS; 59A-27.005(2) FAC

Regulation Definition

400.980, FS

(6) When referring persons for temporary employment in health care facilities, a health care services pool shall comply

Interpretive Guideline

If such records are incomplete or nonexistent, the entity should be cited under this tag.

There should be a written entity procedures t in order to comply with law and rule regarding selection of personnel

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with all pertinent state and federal laws, rules, and regulations relating to health, background screening, and other qualifications required of persons working in a facility of that type.

and verification of; identity, background screening, health status, professional licensing/ qualifications/ skills.

The written procedure should be available for the surveyor to review.

Evidence of the results of these procedures should be in the personnel's file.

59A-27.005, FAC

(2) Each pool shall establish written procedures for the selection, documentation, screening and verification of credentials for each licensed health care practitioner referred or employed by the pool. At a minimum, these procedures shall require that:

- (a) New personnel produce, for inspection by the pool, their current professional license or certification or a certified duplicate of the above, provided by the issuing department;
- (b) Prior to the initial referral of each worker to a health care facility, each pool shall confirm the new worker's licensure or certification with the issuing board or department. This confirmation shall be based upon either on-line verification through consulting the appropriate department web sites, or specific written requests or oral communications with the issuing authority. The worker's personnel file shall reflect when and how this confirmation was obtained. If obtained from the internet, a printout of the page with the licensure or certification information will suffice. If confirmation was obtained through letter or direct contact, the file shall identify the individual with the issuing authority who provided the confirmation and shall identify who made the inquiry on behalf of the pool; and,
- (c) Prior to the initial referral of each worker to a health care facility, the pool must confirm the identity of the worker, using the worker's current drivers license or other photo identification and his or her professional license or certificate. Each worker shall produce such records for review by the health care facility upon request.

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ST - P0129 - Personnel Work Fitness - Health

Title Personnel Work Fitness - Health

Type Rule

59A-27.005(8); 59A-27.006(2)(a)&(h), FAC

Regulation Definition

Administration.

(8) A health care services pool must remain knowledgeable on the current regulations of each of the facility types and entities to which they send personnel to ensure compliance with Section 400.980(6), F.S., and only place personnel that meet all the needs and requirements of the facility or entity to which they are being sent. Each pool shall maintain health records on all health care workers who have direct contact with patients and shall require evidence of a physical examination. The pool employee or independent contractor must submit a statement from a health care professional licensed under Chapters 458 or 459, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the employee or contractor is in good health sufficient to provide services to individuals with compromised health. It is the responsibility of the health care services pool to ensure that patients are not placed at risk by pool employees or contractors. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release the physical examination must be kept on file. If a person is found to have a communicable disease that could be casually transmitted, that person shall be removed from contact with patients until a physician's statement, indicating

Interpretive Guideline

The entity is required to ensure the health of the worker and absences of communicable diseases. The surveyor will review documentation of a physical examination, worker's medical history including current information regarding the worker's health status, and other information required. A written request from the worker to release confidential medical information to potential employers must be kept on file.

Each personnel record will contain evidence of the worker's education regarding the treatment and prevention of the human immunodeficiency virus and acquired immune deficiency syndrome.

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that the person no longer has a communicable disease that can be casually transmitted.

59A-27.006(2) Procedures and Records

(h) The employment, health and medical history records of the worker as specified in Rule 59A-27.005, Florida Administrative Code;

ST - P0130 - Business Records

Title Business Records

Type Rule

59A-27.006(1)(a)&(c) & (2)(f-g)&(i), FAC

Regulation Definition

59A-27.006(1) Procedures and Records

(1) Each health care services pool shall maintain the following business records and shall make these records available for inspection by the department upon request:

(a) Copies of corporate articles of incorporation and bylaws, if applicable;

(c) Copies of any written employment contracts or other agreements entered into between the pool and each health care worker. Such contracts shall specifically and clearly advise the worker as to whether he or she is an employee of the pool or is an independent contractor referred by the pool. Also, where the worker is retained as an independent contractor, the contract or agreement shall specifically state that the independent contractor is responsible for paying federal income taxes. Prior to placement at a health care facility, the pool shall provide a document to each temporary health care worker, for his or her signature, which states that the worker

Interpretive Guideline

The surveyor shall review the components of the employment record to ensure compliance with this tag.

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understands his or her relationship with the pool, either as employee or independent contractor. This signed document shall be filed in the worker's personnel file.

59A-27.006(2) Procedures and Records

(2) Each health care services pool shall maintain a personnel file for each worker and such file shall be available for inspection by AHCA. Such file shall contain all information with respect to the skills and experience levels of personnel who are referred for work at health care facilities. In particular, the personnel file shall include the following:

(f) Copies of contracts, if any, between the pool and any client health care facility setting forth the terms and conditions under which the pool will provide medical staff to the health care facility. Such contracts shall specifically identify whether the workers to be provided by the pool are referred as employees of the pool or are referred as independent contractors;

(g) Copies of all records required by the United States Internal Revenue Service to be prepared by the pools for their employees or independent contractors;

(i) Documentation to verify the worker ' s employment eligibility in compliance with the immigration laws of the United States.

ST - P0140 - Prohibited Recruiting

Title Prohibited Recruiting

Type Rule

400.980(4), FS

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Regulation Definition

400.980

(4) A health care services pool may not require an employee to recruit new employees from persons employed at a health care facility to which the health care services pool employee is assigned. Nor shall a health care facility to which employees of a health care services pool are assigned recruit new employees from the health care services pool.

Interpretive Guideline

If evidence of illegal recruiting presents itself, cite this tag.