



Health Care Regulation Policy Committee

Tuesday, March 9, 2010
9:00 AM - 12:00 PM
Morris Hall (17 HOB)

ACTION PACKET

Larry Cretul
Speaker

Nick Thompson
Chair

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Health Care Regulation Policy Committee

Tuesday March 09, 2010 09:00 am

| | | | |
|-----------|-------------------------------------|----------|---------|
| CS/HB 325 | Favorable | Yeas: 14 | Nays: 0 |
| HB 491 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |
| HB 1063 | Temporarily Deferred | | |
| HB 1143 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

| | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|------------------------------|----------------|---------------|----------------|
| Nicholas Thompson (Chair) | X | | |
| James Bush III | X | | |
| Clay Ford | X | | |
| Erik Fresen | X | | |
| Mike Horner | X | | |
| Matt Hudson | X | | |
| Dorothy Hukill | X | | |
| Peter Nehr | X | | |
| Ari Porth | X | | |
| William Proctor | X | | |
| Michelle Rehwinkel Vasilinda | X | | |
| Ronald Renuart | X | | |
| Yolly Roberson | X | | |
| Charles Van Zant | X | | |
| Totals: | 14 | 0 | 0 |

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 325 : Uniform Traffic Control

Favorable

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| James Bush III | X | | | | |
| Clay Ford | X | | | | |
| Erik Fresen | X | | | | |
| Mike Horner | X | | | | |
| Matt Hudson | X | | | | |
| Dorothy Hukill | X | | | | |
| Peter Nehr | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Michelle Rehwinkel Vasilinda | X | | | | |
| Ronald Renuart | X | | | | |
| Yolly Roberson | X | | | | |
| Charles Van Zant | X | | | | |
| Nicholas Thompson (Chair) | X | | | | |
| Total Yeas: 14 | | Total Nays: 0 | | | |

Appearances:

Uniform Traffic Control
 Jan Gorrie (Lobbyist) - Proponent
 Safety Net Hospital Alliance of Florida
 401 E. Jackson Suite 2500
 Tampa FL 33602
 Phone: 813-334-5288

Uniform Traffic Control
 Michael Fewless, Captain - Proponent
 Orange County Sheriff's Office
 2500 W. Colonial Drive
 Orlando FL 32804
 Phone: 407-254-7026

Uniform Traffic Control
 Melissa Wandall - Proponent
 STOP! Red Light Running Coalition
 6711 63rd Terrace E.
 Bradenton FL 34203
 Phone: 941-545-3359

Uniform Traffic Control
 Keri Rayborn (Lobbyist) - Proponent
 Florida Sheriff's Association
 P.O. Box 1565
 Tallahassee FL 32302
 Phone: 850-524-2394

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

Uniform Traffic Control

Doug Baker, Chief - Proponent

Florida Police Chief's Association

Fort Myers FL

Phone: 850-219-3631

Uniform Traffic Control

C. Scott Dudley (Lobbyist) - Proponent

Florida League of Cities

301 S. Bronough Street Suite 300

Tallahassee FL 32301

Phone: 850-222-9684

Uniform Traffic Control

Sarrah Carroll, Legislative Advocate (Lobbyist) - Proponent

Florida Association of Counties

P.O. Box 549

Tallahassee FL 32302

Phone: 850-922-4300

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

HB 491 : Teaching Nursing Homes

Favorable With Committee Substitute

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|------------------------------|----------------------|------------|----------------|-------------------------|-------------------------|
| James Bush III | X | | | | |
| Clay Ford | X | | | | |
| Erik Fresen | X | | | | |
| Mike Horner | X | | | | |
| Matt Hudson | X | | | | |
| Dorothy Hukill | X | | | | |
| Peter Nehr | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Michelle Rehwinkel Vasilinda | X | | | | |
| Ronald Renuart | X | | | | |
| Yolly Roberson | X | | | | |
| Charles Van Zant | X | | | | |
| Nicholas Thompson (Chair) | X | | | | |
| Total Yeas: 14 | Total Nays: 0 | | | | |

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)
HB 1063 : Infants Born Alive

Temporarily Deferred

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COMMITTEE MEETING REPORT
Health Care Regulation Policy Committee

3/9/2010 9:00:00AM

Location: Morris Hall (17 HOB)

HB 1143 : Reduction and Simplification of Health Care Provider Regulation

Favorable With Committee Substitute

| | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee Yea</i> | <i>Absentee Nay</i> |
|------------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| James Bush III | X | | | | |
| Clay Ford | X | | | | |
| Erik Fresen | X | | | | |
| Mike Horner | X | | | | |
| Matt Hudson | X | | | | |
| Dorothy Hukill | X | | | | |
| Peter Nehr | X | | | | |
| Ari Porth | X | | | | |
| William Proctor | X | | | | |
| Michelle Rehwinkel Vasilinda | X | | | | |
| Ronald Renuart | X | | | | |
| Yolly Roberson | X | | | | |
| Charles Van Zant | X | | | | |
| Nicholas Thompson (Chair) | X | | | | |
| Total Yeas: 14 | | Total Nays: 0 | | | |

Appearances:

Reduction and Simplification of Health Care Provider Regulation
Peggy Rigsby, Director of Governmental Services (Lobbyist) - Proponent
Florida Health Care Association
307 W. Park Avenue
Tallahassee FL 32301
Phone: 850-224-3907

Committee meeting was reported out: Tuesday, March 09, 2010 11:02:44AM

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 325 (2010)

Amendment No.1

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | <input type="checkbox"/> | (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> | (Y/N) |
| ADOPTED W/O OBJECTION | <input type="checkbox"/> | (Y/N) |
| FAILED TO ADOPT | <input checked="" type="checkbox"/> | (Y/N) |
| WITHDRAWN | <input type="checkbox"/> | (Y/N) |
| OTHER | <input type="checkbox"/> | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Reagan offered the following:
4

Amendment

6 Remove lines 248-257 and insert:

7 (2) Of the fine imposed and collected pursuant to paragraph (1) (a)
8 or paragraph (1) (g), \$75 shall be retained by the county or
9 municipality enforcing the ordinance enacted pursuant to this
10 section and the balance shall be remitted by the county or
11 municipality to the Department of Revenue for deposit into the
12 General Revenue Fund.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 325 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | <input type="checkbox"/> | (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> | (Y/N) |
| ADOPTED W/O OBJECTION | <input type="checkbox"/> | (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> | (Y/N) |
| WITHDRAWN | <input checked="" type="checkbox"/> | (Y/N) |
| OTHER | <input type="checkbox"/> | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative(s) Reagan offered the following:
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5 **Amendment**

6 Remove lines 315-324 and insert:

7 (3) Of the fine imposed and collected pursuant to s. 315
8 316.0083(1)(a) or (g), \$75 shall be retained by the county or
9 municipality enforcing the ordinance enacted pursuant to this
10 section and the balance shall be remitted by the county or
11 municipality to the Department of Revenue for deposit into the
12 General Revenue Fund.

COUNCIL/COMMITTEE AMENDMENT
Bill No. CS/HB 325 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Reagan offered the following:

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5 **Amendment (with directory amendment)**

6 Remove lines 364-494
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11 **D I R E C T O R Y A M E N D M E N T**

12 Remove lines 55-58
13 purposes;

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 491 (2010)

Amendment No.1

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | <input checked="" type="checkbox"/> | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | — | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Bogdanoff offered the following:

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5 **Amendment**
6 Remove line 18 and insert:
7 which contains a minimum of 170 ~~400~~ licensed nursing home beds;

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | <input type="checkbox"/> | (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> | (Y/N) |
| ADOPTED W/O OBJECTION | <input checked="" type="checkbox"/> | (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> | (Y/N) |
| WITHDRAWN | <input type="checkbox"/> | (Y/N) |
| OTHER | <input type="checkbox"/> | |

1 Council/Committee hearing bill: Health Regulation

2 Representative(s) Hudson offered the following:

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4 **Amendment (with directory and title amendments)**

5 Between lines 779 and 780, insert:

6 (f) Be allowed and encouraged by the agency to provide
7 other needed services under certain conditions. If the facility
8 has a standard licensure status, ~~and has had no class I or class~~
9 ~~II deficiencies during the past 2 years~~ or has been awarded a
10 Gold Seal under the program established in s. 400.235, it may be
11 ~~encouraged by the agency to provide services, including, but not~~
12 limited to, respite and adult day services, which enable
13 individuals to move in and out of the facility. A facility is
14 not subject to any additional licensure requirements for
15 providing these services.

16 1. Respite care may be offered to persons in need of
17 short-term or temporary nursing home services. ~~Respite care must~~
18 ~~be provided in accordance with this part and rules adopted by~~
19 ~~the agency. However, the agency shall, by rule, adopt modified~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 1

20 ~~requirements for resident assessment, resident care plans,~~
21 ~~resident contracts, physician orders, and other provisions, as~~
22 ~~appropriate, for short-term or temporary nursing home~~
23 ~~services.~~ For each person admitted under the respite care
24 program, the facility licensee must:

25 a. Have a written abbreviated plan of care that, at a
26 minimum, includes nutritional requirements, medication orders,
27 physician orders, nursing assessments, and dietary preferences.
28 The nursing or physician assessments may take the place of all
29 other assessments required for full time residents.

30 b. Have a contract which, at a minimum, includes the
31 services to be provided to the respite resident including:
32 charges for services, activities, equipment, emergency medical
33 services, and the administration of medications. If multiple
34 respite admissions for a single person are anticipated, the
35 original contract may be good for one year from the date of
36 execution.

37 c. Ensure that each resident is released to his or her
38 caregiver or an individual designated in writing by the
39 caregiver.

40 2. Persons admitted under the respite care program are:

41 a. Exempt from requirements in rule related to discharge
42 planning.

43 b. Covered by the resident's rights in section 400.022,
44 other than (1)(p), (q), (u) and (v). Funds or property of the
45 respite resident shall not be considered trust funds subject to
46 the requirements of section 400.022(1)(h), until the resident
47 has been in the facility for more than 14 consecutive days.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 1

48 c. Allowed to use their personal medications for the
49 respite stay if permitted by facility policy. The facility must
50 obtain physician's orders for the medications. The caregiver may
51 provide information regarding the medications as part of the
52 nursing assessment, which must agree with the physician's
53 orders. Medications should be released with the resident upon
54 discharge in accordance with current orders.

55 3. A person receiving respite care shall be entitled to a
56 total of 60 days in the facility within a contract year or a
57 calendar year if the contract is for less than 12 months.
58 However, each single stay shall not exceed 14 days. If a stay
59 exceeds 14 consecutive days, the facility must comply with all
60 assessment and care planning requirements applicable to nursing
61 home residents.

62 4. Persons receiving respite care shall reside in a
63 licensed nursing home bed.

64 5. A prospective respite resident must provide medical
65 information from a physician, a physician assistant, or nurse
66 practitioner and other information from the primary caregiver as
67 may be required by the facility, prior to or at the time of
68 admission to receive respite care. The medical information must
69 include a physician's order for respite care and proof of a
70 physical examination by a licensed physician, physician
71 assistant, or nurse practitioner. The physician's order and
72 physical examination may be used to provide intermittent respite
73 care for up to 12 months from the date the order is written.

74 6. The facility must assume the duties of the primary care
75 giver. To ensure continuity of care and services, the respite

Amendment No. 1

76 resident shall be entitled to retain his or her personal
77 physician and must have access to medically necessary services
78 such as physical therapy, occupational therapy or speech therapy
79 as needed. The facility must arrange for transportation to these
80 services if necessary.

81 7. The agency shall allow for shared programming and
82 staff in a facility which meets minimum standards and offers
83 services pursuant to this paragraph, but, if the facility is
84 cited for deficiencies in patient care, may require additional
85 staff and programs appropriate to the needs of service
86 recipients. A person who receives respite care may not be
87 counted as a resident of the facility for purposes of the
88 facility's licensed capacity unless that person receives 24-hour
89 respite care. A person receiving either respite care for 24
90 hours or longer or adult day services must be included when
91 calculating minimum staffing for the facility. Any costs and
92 revenues generated by a nursing home facility from
93 nonresidential programs or services shall be excluded from the
94 calculations of Medicaid per diems for nursing home
95 institutional care reimbursement.

Amendment No. 1

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D I R E C T O R Y A M E N D M E N T

Remove lines 772-775 and insert:

Section 25. Paragraphs (o) through (w) of subsection (1) of section 400.141, Florida Statutes, are redesignated as paragraphs (n) through (u), respectively, and present paragraphs (f), (g), (j), (n), and (o) of that subsection are amended, to read:

T I T L E A M E N D M E N T

Remove line 59 and insert:

400.141, F.S.; providing criteria for the provision of respite services by nursing homes; requiring a written plan of care; requiring a contract for services; requiring resident release to caregivers so designated in writing; providing an exemption to the application of discharge planning rules; providing for residents' rights; providing for use of personal mediations; providing terms of respite stay; providing for communication of patient information; requiring a physician order; providing for services for respite patients; conforming a reference; requiring

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative(s) Hudson offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 308-318 and insert:

7 accredited by the Commission on Accreditation of Rehabilitation
8 Facilities~~CARF the Rehabilitation Accreditation Commission.~~

9 (b) Any mental health facility licensed by the agency or
10 any substance abuse component licensed by the department that is
11 accredited by The Joint Commission ~~on Accreditation of~~
12 ~~Healthcare Organizations~~, the Commission on Accreditation of
13 Rehabilitation Facilities~~CARF the Rehabilitation Accreditation~~
14 ~~Commission~~, or the Council on Accreditation ~~of Children and~~
15 ~~Family Services.~~

16 (c) Any network of providers from which the department or
17 the agency purchases behavioral health care services accredited
18 by The Joint Commission ~~on Accreditation of Healthcare~~

Amendment No. 2

19 Organizations, the Commission on Accreditation of Rehabilitation
20 Facilities~~CARF-the Rehabilitation Accreditation Commission,~~

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T I T L E A M E N D M E N T

25

Remove line 42 and insert:

26

Accreditation of Healthcare Organizations, CARF-the

27

Rehabilitation Accreditation Commission and the Council

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | <input type="checkbox"/> | (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> | (Y/N) |
| ADOPTED W/O OBJECTION | <input checked="" type="checkbox"/> | (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> | (Y/N) |
| WITHDRAWN | <input type="checkbox"/> | (Y/N) |
| OTHER | <input type="checkbox"/> | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Hudson offered the following:
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5 **Amendment (with directory and title amendments)**

6 Between lines 372 and 373, insert:

7 (2)

8 (b) The agency shall, at the request of a licensee that is
9 a teaching hospital as defined in s. 408.07(45), issue a single
10 license to a licensee for facilities that have been previously
11 licensed as separate premises, provided such separately licensed
12 facilities, taken together, constitute the same premises as
13 defined in s. 395.002(22)~~395.002(23)~~. Such license for the
14 single premises shall include all of the beds, services, and
15 programs that were previously included on the licenses for the
16 separate premises. The granting of a single license under this
17 paragraph shall not in any manner reduce the number of beds,
18 services, or programs operated by the licensee.
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Amendment No. 3

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D I R E C T O R Y A M E N D M E N T

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Remove line 366 and insert:

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Section 7. Paragraph (c) of subsection (1) and paragraph (b) of

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subsection (2) of section

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27

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T I T L E A M E N D M E N T

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Remove line 13 and insert:

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395.003, F.S.; deleting an obsolete provision; conforming a

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cross-reference; amending s.

Amendment No. 4

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|---|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | ✓ | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | — | |

1 Council/Committee hearing bill: Health Care Regulation Policy
 2 Committee

3 Representative(s) Hudson offered the following:

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Amendment (with directory and title amendments)

Between lines 870 and 871, insert:

~~(r) Report to the agency any filing for bankruptcy protection by the facility or its parent corporation, divestiture or spin-off of its assets, or corporate reorganization within 30 days after the completion of such activity.~~

DIRECTORY AMENDMENT

Remove line 775 and insert:

(g), (j), (n), ~~and (o)~~, and (r) of that subsection are amended,

Amendment No. 4

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T I T L E A M E N D M E N T

Remove line 63 and insert:

related to management companies to the agency; deleting
requirement for facilities to notify the agency of certain
bankruptcy filings to conform to changes made by the act;
amending s.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 5

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|---|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | ✓ | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | — | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee
3 Representative(s) Hudson offered the following:

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5 **Amendment**

6 Remove line 1730 and insert:

7 III, or class IV violation. Unless otherwise specified in law,
8 the amount of the fine shall not

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1143 (2010)

Amendment No. 6

COUNCIL/COMMITTEE ACTION

| | | |
|-----------------------|-------------------------------------|-------|
| ADOPTED | <input type="checkbox"/> | (Y/N) |
| ADOPTED AS AMENDED | <input checked="" type="checkbox"/> | (Y/N) |
| ADOPTED W/O OBJECTION | <input checked="" type="checkbox"/> | (Y)N |
| FAILED TO ADOPT | <input type="checkbox"/> | (Y/N) |
| WITHDRAWN | <input type="checkbox"/> | (Y/N) |
| OTHER | <input type="checkbox"/> | |

1 Council/Committee hearing bill: Health Care Regulation Policy
2 Committee

3 Representative(s) Hudson offered the following:

4

5 **Amendment**

6 Remove line 1745 and insert:

7 a period of up to 30 days for the sole purpose of allowing the

