

By the Committee on Health Care and Senator Forman

317-2193-98

1                                   A bill to be entitled  
2           An act relating to certified nursing  
3           assistants; creating part XV of chapter 468,  
4           F.S.; providing a short title; providing  
5           definitions; providing duties and powers of the  
6           Department of Health in regulating the practice  
7           of certified nursing assistants; providing  
8           requirements for a state registry of certified  
9           nursing assistants; providing requirements for  
10          obtaining certification as a certified nursing  
11          assistant; authorizing the department to deny,  
12          suspend, or revoke a person's certification  
13          upon certain findings or reports of abuse,  
14          neglect, or exploitation; authorizing the  
15          department to exempt an applicant or  
16          certificateholder from disqualification of  
17          certification; specifying certain acts that  
18          constitute grounds for disciplinary sanctions;  
19          providing penalties; requiring that the  
20          department maintain a registry of certified  
21          nursing assistants; providing requirements for  
22          records and meetings held for disciplinary  
23          actions; providing for renewal of  
24          certification; exempting an employer from  
25          liability for terminating a certified nursing  
26          assistant under certain circumstances;  
27          authorizing the department to contract for  
28          examination services; providing penalties;  
29          providing rulemaking authority; amending s.  
30          400.211, F.S.; deleting obsolete provisions  
31          with respect to the regulation of certified

1 nursing assistants by the Department of  
2 Business and Professional Regulation; providing  
3 for certain federal requirements to apply to  
4 specified nursing home facilities under certain  
5 circumstances; amending ss. 20.43, 400.4255,  
6 400.462, 400.506, 455.667, F.S., relating to  
7 the Department of Health, the use of licensed  
8 personnel in assisted living facilities, the  
9 regulation of home health agencies, nurse  
10 registries, and the ownership and control of  
11 patient records; conforming cross-references to  
12 changes made by the act; providing for the  
13 continued validity of certifications issued  
14 before the effective date of the act;  
15 authorizing certain positions for the Florida  
16 Department of Law Enforcement in excess of  
17 those otherwise authorized; providing funding;  
18 amending s. 455.624, F.S.; specifying health  
19 care professionals for whom failure to wear  
20 certain identification while offering services  
21 to the public is grounds for disciplinary  
22 action; authorizing the Department of Health to  
23 have access to a background screening registry  
24 for nursing home employees; providing an  
25 effective date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Part XV of chapter 468, Florida Statutes,  
30 consisting of sections 468.820, 468.821, 468.822, 468.823,  
31

1 468.824, 468.825, 468.8245, 468.826, and 468.827, Florida  
2 Statutes, is created to read:  
3 468.820 Short title.--This part may be cited as the  
4 "Certified Nursing Assistant Act."  
5 468.821 Definitions.--As used in this part, the term:  
6 (1) "Approved training program" means a course of  
7 training conducted by a public or private educational center  
8 licensed by the Department of Education to implement the basic  
9 curriculum for certified nursing assistants which is approved  
10 by the Department of Education.  
11 (2) "Certified nursing assistant" means a person who  
12 meets the qualifications specified in this part and who is  
13 certified by the department as a certified nursing assistant.  
14 (3) "Department" means the Department of Health.  
15 (4) "Registry" means the listing of certified nursing  
16 assistants maintained by the department.  
17 468.822 Duties and powers of the department.--The  
18 department shall regulate the practice of certified nursing  
19 assistants in this state. The department shall maintain, or  
20 contract with or approve another entity to maintain, a state  
21 registry of certified nursing assistants. The registry must  
22 consist of a database including the name of each certified  
23 nursing assistant in this state, other identifying  
24 information, certification status, the effective date of  
25 certification and any other information required by state or  
26 federal law, information regarding any abuse, neglect, or  
27 exploitation as provided under chapter 435, and an indication  
28 whether the certified nursing assistant was reimbursed for the  
29 cost of training and testing. The registry shall be accessible  
30 to individuals, employers, and other state agencies. The  
31 department shall establish testing procedures for use in

1 certifying nursing assistants and shall adopt rules regulating  
2 the practice of certified nursing assistants to enforce this  
3 part. The department may contract with or approve another  
4 entity or organization to provide the examination services  
5 required under 468.823, including development and  
6 administration of examinations. The provider shall pay all  
7 reasonable costs and expenses incurred by the department in  
8 evaluating the provider's application and the provider's  
9 performance during the delivery of services, including  
10 examination services and procedures for maintaining the  
11 certified nursing assistant registry registry.

12 468.823 Certified nursing assistants; certification  
13 requirement.--

14 (1) Except as provided in subsection (2), a person may  
15 not practice as a certified nursing assistant unless the  
16 person is certified by the department under this part. A  
17 person who is certified under this part may use the title  
18 "Certified Nursing Assistant" and the abbreviation "C.N.A."

19 (2) A registered nurse or a practical nurse licensed  
20 under chapter 464, or an applicant for licensure as a  
21 registered nurse or a practical nurse who is permitted to  
22 practice nursing in accordance with rules adopted by the Board  
23 of Nursing, may practice as a certified nursing assistant and  
24 use the title "Certified Nursing Assistant" and the  
25 abbreviation "C.N.A."

26 (3) The department shall issue a certificate to  
27 practice as a certified nursing assistant to any person who  
28 demonstrates a minimum competency in the English language and  
29 the ability to read and write and meets the requirements of  
30 level 1 screening as provided in s. 435.03, including a search  
31 for any report of abuse, neglect, or exploitation of an adult.

1 A person who has not maintained continuous residency within  
2 the state for the 5 years immediately preceding the date of  
3 application must comply with the requirements for level 2  
4 screening as provided in s. 435.04 and may be granted  
5 provisional certification for up to 180 days pending the  
6 receipt of written findings evidencing completion of level 2  
7 screening. Level 2 screening is not required if an applicant  
8 attests in writing, under penalty of perjury, that he or she  
9 meets the residency requirement. In order to complete the  
10 requirements for Level 2 screening, if applicable, the  
11 applicant must furnish to the department a full set of  
12 fingerprints to enable a criminal background investigation to  
13 be conducted. The department shall submit the completed  
14 fingerprint card to the Florida Department of Law Enforcement,  
15 which may submit the fingerprints to the Federal Bureau of  
16 Investigation for a national criminal history records check.  
17 The results of the criminal history records check shall be  
18 returned to the department as a part of level 2 screening  
19 pursuant to s. 435.04. An applicant must supply any missing  
20 criminal history information or other necessary information to  
21 the department within 30 days after the department requests  
22 the information or be subject to automatic disqualification of  
23 eligibility for certification. Evidence of compliance with the  
24 requirements of chapter 435, F.S., within the last two years,  
25 may satisfy the background screening requirements of this  
26 subsection if there has not been a break in employment for a  
27 period greater than 180 days since the completion of the  
28 screening. In addition, an applicant must meet one of the  
29 following requirements:  
30 (a) Has successfully completed an approved training  
31 program and achieved a minimum score, established by rule of

1 the department, on the Florida Nursing Assistant Competency  
2 Evaluation, which consists of a written portion and skills  
3 demonstration portion approved by the department and  
4 administered at a site and by personnel approved by the  
5 department.

6 (b) Has achieved a minimum score, established by rule  
7 of the department, on the Florida Nursing Assistant Competency  
8 Evaluation, which consists of a written portion and skills  
9 demonstration portion, approved by the department and  
10 administered at a site and by personnel approved by the  
11 department and:

- 12 1. Has a high school diploma, or its equivalent; or  
13 2. Is at least 18 years of age.

14 (c) Is currently certified in another state; is listed  
15 on that state's certified nursing assistant registry; has not  
16 been found to have committed abuse, neglect, or exploitation  
17 in that state; and has successfully completed a national  
18 nursing assistant evaluation in order to receive certification  
19 in that state.

20 (4) If an applicant fails to pass the Florida Nursing  
21 Assistant Competency Evaluation in three attempts, the  
22 applicant is not eligible for reexamination unless the  
23 applicant completes an approved training program.

24 (5) An oral examination shall be administered as a  
25 substitute for the written portion of the examination upon  
26 request.

27 468.824 Denial, suspension, or revocation of  
28 certification; certified nursing assistant registry.--

29 (1) The department may deny, suspend, or revoke the  
30 certification of any certified nursing assistant, based upon  
31 written notification from a court of competent jurisdiction,

1 law enforcement agency, or administrative agency of any  
2 finding of guilt of, regardless of adjudication, or a plea of  
3 nolo contendere or guilty to, any offense set forth in the  
4 level 1 or level 2, if appropriate screening standards of  
5 chapter 435 or any confirmed report of abuse, neglect, or  
6 exploitation. However, the department may, upon the request of  
7 an applicant or a certificateholder, exempt the applicant or  
8 certificateholder from disqualification of certification under  
9 this subsection and issue a letter of exemption.

10 (2) The following acts constitute grounds for which  
11 the department may impose disciplinary sanctions as specified  
12 in subsection (3):

13 (a) Making misleading, deceptive, or fraudulent  
14 representations on an application for certification.

15 (b) Obtaining or renewing, or attempting to obtain or  
16 renew, a certificate by bribery, by fraudulent  
17 misrepresentation, or through an error of the department.

18 (c) Intentionally violating any rule of the  
19 department.

20 (d) Failing to report to the department any person  
21 whom the certificateholder knows to be in violation of this  
22 part or failing to report a violation involving abuse to the  
23 Department of Children and Family Services.

24 (e) Making or filing a report that the  
25 certificateholder knows to be false.

26 (f) Exercising influence on the patient or client in  
27 such a manner as to exploit the patient or client for the  
28 financial gain of the certificateholder or a third party.

29 (g) Improperly interfering with an investigation or  
30 inspection authorized by law or with any disciplinary  
31 proceeding.

1           (3) When the department finds any person guilty of any  
2 of the grounds set forth in subsection (2), it may enter an  
3 order imposing one or more of the following penalties:

4           (a) Denial, suspension, or revocation of  
5 certification.

6           (b) Imposition of an administrative fine not to exceed  
7 \$150 for each count or separate offense.

8           (4) The department shall, by rule, designate approved  
9 treatment programs for impaired practitioners as provided in  
10 s. 455.707(1).

11           (5) A certified nursing assistant shall notify the  
12 department in writing of any change in name or address within  
13 30 days after the change.

14           468.8245 Availability of disciplinary records and  
15 proceedings.--Notwithstanding s. 455.621, any complaint or  
16 record maintained by the Department of Health pursuant to the  
17 discipline of a certified nursing assistant and any proceeding  
18 held by the department to discipline a certified nursing  
19 assistant shall remain open and available to the public.

20           468.825 Renewal of certification.--

21           (1) A certified nursing assistant is eligible for  
22 renewal of certification if the applicant has:

23           (a) Worked a minimum of 8 hours for monetary  
24 compensation as a certified nursing assistant in a  
25 nursing-related occupation during the 24 months immediately  
26 preceding application for recertification, as provided in an  
27 attestation submitted by the applicant; or

28           (b) Successfully completed the written portion and  
29 skills demonstration portion of the Florida Nursing Assistant  
30 Competency Evaluation.

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1           (2) Based upon written notification of a court of  
2 competent jurisdiction, law enforcement agency, or  
3 administrative agency, any person who has been found guilty  
4 of, regardless of adjudication, or pled nolo contendere or  
5 guilty to, any offense set forth in the level 1, or level 2,  
6 if appropriate screening standards of chapter 435, or who is a  
7 confirmed perpetrator of any incident of abuse, neglect, or  
8 exploitation, may not be recertified under this section unless  
9 the person receives an exemption from the department under s.  
10 468.824(1).

11           (3) The department may charge a fee determined by  
12 rule, but which may not exceed \$35, for issuing a duplicate  
13 certificate at the request of a certified nursing assistant.

14           468.826 Exemption from liability.--If an employer  
15 terminates a certified nursing assistant whose name appears on  
16 the central abuse registry and tracking system of the  
17 Department of Children and Family Services or on a criminal  
18 screening report of the Department of Law Enforcement, the  
19 employer is not civilly liable for such termination and a  
20 cause of action may not be brought against the employer for  
21 damages, regardless of whether the employee has filed for an  
22 exemption from the department under s. 468.824(1). There may  
23 not be any monetary liability on the part of, and a cause of  
24 action for damages may not arise against, any licensed  
25 facility, its governing board or members thereof, medical  
26 staff, disciplinary board, agents, investigators, witnesses,  
27 employees, or any other person for any action taken in good  
28 faith without intentional fraud in carrying out this section.

29           468.827 Penalties; rulemaking authority.--

30           (1) It is a misdemeanor of the first degree,  
31 punishable as provided under s. 775.082 or s. 775.083, for any

1 person, knowingly or intentionally, to fail to disclose, by  
2 false statement, misrepresentation, impersonation, or other  
3 fraudulent means, in any application for voluntary or paid  
4 employment or licensure regulated under this part, a material  
5 fact used in making a determination as to such person's  
6 qualifications to be an employee or licensee.

7 (2) It is a felony of the third degree, punishable as  
8 provided under s. 775.082, s. 775.083, or s. 775.084, for a  
9 person to falsely make, alter, forge, or counterfeit a  
10 certified nursing assistant certificate or letter of exemption  
11 authorized under s. 468.824(1). The department may deny,  
12 suspend, or revoke the certification of any nursing assistant  
13 found to possess a false, altered, forged, or counterfeit  
14 certificate or who attempts to use such a certificate in an  
15 attempt to gain employment.

16 (3) The department shall adopt rules to provide for  
17 the initial certification and biennial renewal of  
18 certification of certified nursing assistants. An application  
19 for certification or renewal must be accompanied by a fee set  
20 by the department, which may not exceed \$35 plus the cost of  
21 applicable background screening. The department may  
22 periodically audit the records of a certified nursing  
23 assistant in accordance with department rules.

24 Section 2. Paragraph (g) of subsection (3) of section  
25 20.43, Florida Statutes, is amended to read:

26 20.43 Department of Health.--There is created a  
27 Department of Health.

28 (3) The following divisions of the Department of  
29 Health are established:

30  
31

1 (g) Division of Medical Quality Assurance, which is  
2 responsible for the following boards and professions  
3 established within the division:

4 1. Nursing assistants, as provided under part XV of  
5 chapter 468 ~~s. 400.211~~.

6 2. Health care services pools, as provided under s.  
7 402.48.

8 3. The Board of Acupuncture, created under chapter  
9 457.

10 4. The Board of Medicine, created under chapter 458.

11 5. The Board of Osteopathic Medicine, created under  
12 chapter 459.

13 6. The Board of Chiropractic, created under chapter  
14 460.

15 7. The Board of Podiatric Medicine, created under  
16 chapter 461.

17 8. Naturopathy, as provided under chapter 462.

18 9. The Board of Optometry, created under chapter 463.

19 10. The Board of Nursing, created under chapter 464.

20 11. The Board of Pharmacy, created under chapter 465.

21 12. The Board of Dentistry, created under chapter 466.

22 13. Midwifery, as provided under chapter 467.

23 14. The Board of Speech-Language Pathology and  
24 Audiology, created under part I of chapter 468.

25 15. The Board of Nursing Home Administrators, created  
26 under part II of chapter 468.

27 16. Occupational therapy, as provided under part III  
28 of chapter 468.

29 17. Respiratory therapy, as provided under part V of  
30 chapter 468.

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- 1           18. Dietetics and nutrition practice, as provided  
2 under part X of chapter 468.
- 3           19. Athletic trainers, as provided under part XIV of  
4 chapter 468.
- 5           20. Electrolysis, as provided under chapter 478.
- 6           21. The Board of Massage Therapy, created under  
7 chapter 480.
- 8           22. The Board of Clinical Laboratory Personnel,  
9 created under part III of chapter 483.
- 10          23. Medical physicists, as provided under part IV of  
11 chapter 483.
- 12          24. The Board of Opticianry, created under part I of  
13 chapter 484.
- 14          25. The Board of Hearing Aid Specialists, created  
15 under part II of chapter 484.
- 16          26. The Board of Physical Therapy Practice, created  
17 under chapter 486.
- 18          27. The Board of Psychology, created under chapter  
19 490.
- 20          28. The Board of Clinical Social Work, Marriage and  
21 Family Therapy, and Mental Health Counseling, created under  
22 chapter 491.
- 23
- 24 The department may contract with the Agency for Health Care  
25 Administration who shall provide consumer complaint,  
26 investigative, and prosecutorial services required by the  
27 Division of Medical Quality Assurance, councils, or boards, as  
28 appropriate.
- 29          Section 3. Section 400.211, Florida Statutes, is  
30 amended to read:  
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1           400.211 Persons employed as nursing assistants in a  
2 nursing home facility; ~~certification requirement.~~--

3           ~~(1) A person must be certified pursuant to this~~  
4 ~~section, except a registered nurse or practical nurse licensed~~  
5 ~~in accordance with the provisions of chapter 464 or an~~  
6 ~~applicant for such licensure who is permitted to practice~~  
7 ~~nursing in accordance with rules promulgated by the Board of~~  
8 ~~Nursing pursuant to chapter 464, to serve as a nursing~~  
9 ~~assistant in any nursing home. The Department of Business and~~  
10 ~~Professional Regulation shall issue a certificate to any~~  
11 ~~person who:~~

12           ~~(a) Has successfully completed a nursing assistant~~  
13 ~~program in a state-approved school and has achieved a minimum~~  
14 ~~score of 75 percent on the written portion of the Florida~~  
15 ~~Nursing Assistant Certification Test approved by the~~  
16 ~~Department of Business and Professional Regulation and~~  
17 ~~administered by state-approved test site personnel;~~

18           ~~(b) Has achieved a minimum score of 75 percent on the~~  
19 ~~written and performance portions of the Florida Nursing~~  
20 ~~Assistant Certification Test approved by the Department of~~  
21 ~~Business and Professional Regulation and administered by~~  
22 ~~state-approved test site personnel; or~~

23           ~~(c) Is currently certified in another state, is on~~  
24 ~~that state's registry, has no findings of abuse, and has~~  
25 ~~achieved a minimum score of 75 percent on the written portion~~  
26 ~~of the Florida Nursing Assistant Certification Test approved~~  
27 ~~by the Department of Business and Professional Regulation and~~  
28 ~~administered by state-approved test site personnel.~~

29  
30 ~~An oral examination shall be administered upon request.~~  
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1           ~~(2) The agency may deny, suspend, or revoke the~~  
2 ~~certification of any person to serve as a nursing assistant,~~  
3 ~~based upon written notification from a court of competent~~  
4 ~~jurisdiction, law enforcement agency, or administrative agency~~  
5 ~~of any finding of guilt of, regardless of adjudication, or a~~  
6 ~~plea of nolo contendere or guilty to, any offense set forth in~~  
7 ~~the level 1 screening standards of chapter 435 or any~~  
8 ~~confirmed report of abuse of a vulnerable adult.~~

9           (1)~~(3)~~ The following categories of persons who are not  
10 certified as nursing assistants under part XV of chapter 468  
11 ~~this part~~ may be employed by a nursing facility for a period  
12 of 4 months:

13           (a) Persons who are enrolled in a state-approved  
14 nursing assistant program; or

15           (b) Persons who have been positively verified by a  
16 department ~~state-approved test site~~ as certified and on the  
17 registry in another state with no findings of abuse, but who  
18 have not completed the written examination required under s.  
19 468.823 ~~this section.~~

20  
21 The certification requirement must be met within 4 months  
22 after ~~of~~ initial employment as a nursing assistant in a  
23 licensed nursing facility.

24           ~~(4) A person certified under this section on or after~~  
25 ~~September 30, 1990, who has not worked for pay as a nursing~~  
26 ~~assistant in a nursing-related occupation for a period of time~~  
27 ~~during a consecutive 24-month period must be recertified under~~  
28 ~~this section to be eligible to work in a nursing facility.~~

29           ~~(5) Every certified nursing assistant hired by a~~  
30 ~~nursing home facility on or after October 1, 1993, must,~~  
31 ~~within 5 working days after starting employment at a nursing~~

1 ~~home facility, submit to the facility a complete set of~~  
2 ~~information necessary to conduct a records check through the~~  
3 ~~central abuse registry under chapter 415 and a statewide~~  
4 ~~criminal records correspondence check through the Department~~  
5 ~~of Law Enforcement. The facility shall submit the information~~  
6 ~~provided by the employee, within 48 hours, to the Department~~  
7 ~~of Health and Rehabilitative Services' central abuse registry~~  
8 ~~and to the Department of Law Enforcement, which shall conduct~~  
9 ~~a screening according to the provisions of s. 400.497(2).~~

10       ~~(2)(6)~~ Nursing homes shall require persons seeking  
11 employment as a certified nursing assistant to submit an  
12 employment history to the facility. The facility shall verify  
13 the employment history unless, through diligent efforts, such  
14 verification is not possible. There shall be no monetary  
15 liability on the part of, and no cause of action for damages  
16 shall arise against, a former employer who reasonably and in  
17 good faith communicates his or her honest opinion about a  
18 former employee's job performance.

19       ~~(3)(7)~~ If the requirements pursuant to the Omnibus  
20 Budget Reconciliation Act of 1987, as amended, for the  
21 certification of nursing assistants are in conflict with part  
22 XV of chapter 468 ~~this section~~, the federal requirements shall  
23 prevail for those nursing home facilities certified to provide  
24 care under Title XVIII (Medicare) or Title XIX (Medicaid) of  
25 the Social Security Act.

26       ~~(8) The Department of Business and Professional~~  
27 ~~Regulation may adopt such rules as are necessary to carry out~~  
28 ~~this section.~~

29       Section 4. Paragraph (a) of subsection (1) and  
30 subsection (2) of section 400.4255, Florida Statutes, are  
31 amended to read:

1           400.4255 Use of licensed personnel.--

2           (1)(a) Persons under contract to the facility,  
3 facility staff, or volunteers, who are licensed according to  
4 chapter 464, or those persons exempt under s. 464.022(1), and  
5 others as defined by rule, may administer medications to  
6 residents, take residents' vital signs, manage individual  
7 weekly pill organizers for residents who self-administer  
8 medication, give prepackaged enemas ordered by a physician,  
9 observe residents, document observations on the appropriate  
10 resident's record, report observations to the resident's  
11 physician, and contract or allow residents or a resident's  
12 representative, designee, surrogate, guardian, or attorney in  
13 fact to contract with a third party, provided residents meet  
14 the criteria for appropriate placement as defined in s.  
15 400.426. Nursing assistants certified pursuant to part XV of  
16 chapter 468 s. 400.211 may take residents' vital signs as  
17 directed by a licensed nurse or physician.

18           (2) In facilities licensed to provide extended  
19 congregate care, persons under contract to the facility,  
20 facility staff, or volunteers, who are licensed according to  
21 chapter 464, or those persons exempt under s. 464.022(1), or  
22 those persons certified as nursing assistants pursuant to part  
23 XV of chapter 468 s. 400.211, may also perform all duties  
24 within the scope of their license or certification, as  
25 approved by the facility administrator and pursuant to this  
26 part.

27           Section 5. Subsection (1) of section 400.462, Florida  
28 Statutes, is amended to read:

29           400.462 Definitions.--As used in this part, the term:  
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1           (1) "Certified nursing assistant" means any person who  
2 has been issued a certificate after fulfilling the  
3 requirements of part XV of chapter 468 ~~s. 400.211~~.

4           Section 6. Paragraph (a) of subsection (9) of section  
5 400.506, Florida Statutes, is amended to read:

6           400.506 Licensure of nurse registries; requirements;  
7 penalties.--

8           (9)(a) A nurse registry may refer for contract in  
9 private residences registered nurses and licensed practical  
10 nurses registered and licensed under chapter 464, certified  
11 nursing assistants certified under part XV of chapter 468 ~~s.~~  
12 ~~400.211~~, and sitters, companions, or homemakers for the  
13 purposes of providing those services authorized under s.  
14 400.509(1).

15           Section 7. Paragraph (a) of subsection (2) of section  
16 455.667, Florida Statutes, is amended to read:

17           455.667 Ownership and control of patient records;  
18 report or copies of records to be furnished.--

19           (2) As used in this section, the terms "records  
20 owner," "health care practitioner," and "health care  
21 practitioner's employer" do not include any of the following  
22 persons or entities; furthermore, the following persons or  
23 entities are not authorized to acquire or own medical records,  
24 but are authorized to maintain those documents required by the  
25 part or chapter under which they are licensed or regulated:

26           (a) Certified nursing assistants regulated under part  
27 XV of chapter 468 ~~s. 400.211~~.

28           Section 8. A certified nursing assistant who holds a  
29 valid certification issued under section 400.211, Florida  
30 Statutes, before October 1, 1998, is in compliance with this  
31

1 act and is not subject to renewal of such certification until  
2 October 1, 2000.

3       Section 9. Pursuant to section 216.262, Florida  
4 Statutes, the Florida Department of Law Enforcement is granted  
5 authority to establish positions in excess of the total  
6 authorized positions upon submission of a proper request to  
7 the Administration Commission. These positions shall be  
8 established with funding from the department's Law Enforcement  
9 Operating Trust Fund and shall be used to process the  
10 increased workload of conducting the criminal history records  
11 checks authorized under this section. These positions will be  
12 earmarked by the department, and, at such time as they are no  
13 longer needed, may be placed in a reserve status for future  
14 use.

15       Section 10. Paragraph (t) is added to subsection (1)  
16 of section 455.624, Florida Statutes, to read:

17       455.624 Grounds for discipline; penalties;  
18 enforcement.--

19       (1) The following acts shall constitute grounds for  
20 which the disciplinary actions specified in subsection (2) may  
21 be taken:

22       (t) Failing to wear identification, which shall be  
23 conspicuously displayed and legible, indicating the  
24 practitioner's name and professional title authorized pursuant  
25 to part XV, chapter 468, regulating certified nursing  
26 assistants, while practicing as an employee of a hospital,  
27 clinic, nursing home, or group practice, or at a commercial  
28 establishment, offering health care services to the public.  
29 Disciplinary actions for violation of this paragraph shall be  
30 restricted to a notice of noncompliance pursuant to subsection  
31 (3).

1           Section 11. The Department of Health is authorized to  
2 have access to the background screening registry for nursing  
3 home employees maintained by the Agency for Health Care  
4 Administration, if created by SB 208, 1998 Regular Session, or  
5 similar legislation.

6           Section 12. This act shall take effect October 1,  
7 1998.

8  
9                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10                           COMMITTEE SUBSTITUTE FOR  
11                           Senate Bill 1986

12 The committee substitute provides that a certified nursing  
13 assistant is subject to discipline for failure to wear legible  
14 and conspicuously displayed identification, indicating the  
15 practitioner's name and professional title, while practicing  
16 as an employee of a hospital, clinic, nursing home, or group  
17 practice, or at a commercial establishment, offering health  
18 care services to the public.

19 The committee substitute gives the Department of Health access  
20 to the background screening registry for nursing home  
21 employees maintained by the Agency for Health Care  
22 Administration, if created by the 1998 Legislature and grants  
23 the Florida Department of Law Enforcement authority to  
24 establish positions to process the increased workload of  
25 conducting criminal history records checks for nursing  
26 assistants that are in excess of the total authorized  
27 positions after submitting a request to the Administration  
28 Commission and the positions shall be funded from the  
29 department's Law Enforcement Operating Trust Fund.

30 The committee substitute no longer authorizes the Department  
31 of Health to charge a fee to cover its costs of including the  
name of the certified nursing assistant on the registry of  
certified nursing assistants.