

Bill No. HB 4439, 1st Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Forman moved the following amendment to amendment		
12	(902392):		
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14	Senate Amendment (with title amendment)		
15	On page 106, between lines 9 and 10,		
16			
17	insert:		
18	Section 59. Effective October 1, 1998, part XV of		
19	chapter 468, Florida Statutes, consisting of sections 468.820,		
20	468.821, 468.822, 468.823, 468.824, 468.825, 468.8245,		
21	468.826, and 468.827, Florida Statutes, is created to read:		
22	<u>468.820 Short title.--This part may be cited as the</u>		
23	<u>"Certified Nursing Assistant Act."</u>		
24	<u>468.821 Definitions.--As used in this part, the term:</u>		
25	<u>(1) "Approved training program" means a course of</u>		
26	<u>training conducted by a public or private educational center</u>		
27	<u>licensed by the Department of Education to implement the basic</u>		
28	<u>curriculum for certified nursing assistants which is approved</u>		
29	<u>by the Department of Education.</u>		
30	<u>(2) "Certified nursing assistant" means a person who</u>		
31	<u>meets the qualifications specified in this part and who is</u>		

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1 certified by the department as a certified nursing assistant.

2 (3) "Department" means the Department of Health.

3 (4) "Registry" means the listing of certified nursing
4 assistants maintained by the department.

5 468.822 Duties and powers of the department.--The
6 department shall regulate the practice of certified nursing
7 assistants in this state. The department shall maintain, or
8 contract with or approve another entity to maintain, a state
9 registry of certified nursing assistants. The registry must
10 consist of a database including the name of each certified
11 nursing assistant in this state, other identifying
12 information, certification status, the effective date of
13 certification and any other information required by state or
14 federal law, information regarding any abuse, neglect, or
15 exploitation as provided under chapter 435, and an indication
16 whether the certified nursing assistant was reimbursed for the
17 cost of training and testing. The registry shall be accessible
18 to individuals, employers, and other state agencies. The
19 department shall establish testing procedures for use in
20 certifying nursing assistants and shall adopt rules regulating
21 the practice of certified nursing assistants to enforce this
22 part. The department may contract with or approve another
23 entity or organization to provide the examination services
24 required under 468.823, including development and
25 administration of examinations. The provider shall pay all
26 reasonable costs and expenses incurred by the department in
27 evaluating the provider's application and the provider's
28 performance during the delivery of services, including
29 examination services and procedures for maintaining the
30 certified nursing assistant registry.

31 468.823 Certified nursing assistants; certification

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1 requirement.--

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

7 (2) A registered nurse or a practical nurse licensed
8 under chapter 464, or an applicant for licensure as a
9 registered nurse or a practical nurse who is permitted to
10 practice nursing in accordance with rules adopted by the Board
11 of Nursing, may practice as a certified nursing assistant and
12 use the title "Certified Nursing Assistant" and the
13 abbreviation "C.N.A."

14 (3) The department shall issue a certificate to
15 practice as a certified nursing assistant to any person who
16 demonstrates the ability to read and write and meets the
17 requirements of level 1 screening as provided in s. 435.03,
18 including a search for any report of abuse, neglect, or
19 exploitation of an adult. A person who has not maintained
20 continuous residency within the state for the 5 years
21 immediately preceding the date of application must comply with
22 the requirements for level 2 screening as provided in s.
23 435.04 and may be granted provisional certification for up to
24 180 days pending the receipt of written findings evidencing
25 completion of level 2 screening. Level 2 screening is not
26 required if an applicant attests in writing, under penalty of
27 perjury, that he or she meets the residency requirement. In
28 order to complete the requirements for level 2 screening, if
29 applicable, the applicant must furnish to the department a
30 full set of fingerprints to enable a criminal background
31 investigation to be conducted. The department shall submit the

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1 completed fingerprint card to the Florida Department of Law
2 Enforcement, which may submit the fingerprints to the Federal
3 Bureau of Investigation for a national criminal history
4 records check. The results of the criminal history records
5 check shall be returned to the department as a part of level 2
6 screening pursuant to s. 435.04. An applicant must supply any
7 missing criminal history information or other necessary
8 information to the department within 30 days after the
9 department requests the information or be subject to automatic
10 disqualification of eligibility for certification. Evidence of
11 compliance with the requirements of chapter 435, F.S., within
12 the last 2 years, may satisfy the background screening
13 requirements of this subsection if there has not been a break
14 in employment for a period greater than 180 days since the
15 completion of the screening. In addition, an applicant must
16 meet one of the following requirements:

17 (a) Has successfully completed an approved training
18 program and achieved a minimum score, established by rule of
19 the department, on the Florida Nursing Assistant Competency
20 Evaluation, which consists of a written portion and skills
21 demonstration portion approved by the department and
22 administered at a site and by personnel approved by the
23 department.

24 (b) Has achieved a minimum score, established by rule
25 of the department, on the Florida Nursing Assistant Competency
26 Evaluation, which consists of a written portion and skills
27 demonstration portion, approved by the department and
28 administered at a site and by personnel approved by the
29 department and:

- 30 1. Has a high school diploma, or its equivalent; or
31 2. Is at least 16 years of age.

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1 (c) Is currently certified in another state; is listed
2 on that state's certified nursing assistant registry; has not
3 been found to have committed abuse, neglect, or exploitation
4 in that state; and has successfully completed a national
5 nursing assistant evaluation in order to receive certification
6 in that state.

7 (4) If an applicant fails to pass the Florida Nursing
8 Assistant Competency Evaluation in three attempts, the
9 applicant is not eligible for reexamination unless the
10 applicant completes an approved training program.

11 (5) An oral examination shall be administered as a
12 substitute for the written portion of the examination upon
13 request.

14 468.824 Denial, suspension, or revocation of
15 certification; certified nursing assistant registry.--

16 (1) The department may deny, suspend, or revoke the
17 certification of any certified nursing assistant, based upon
18 written notification from a court of competent jurisdiction,
19 law enforcement agency, or administrative agency of any
20 finding of guilt of, regardless of adjudication, or a plea of
21 nolo contendere or guilty to, any offense set forth in the
22 level 1 or level 2, if appropriate screening standards of
23 chapter 435 or any confirmed report of abuse, neglect, or
24 exploitation. However, the department may, upon the request of
25 an applicant or a certificateholder, exempt the applicant or
26 certificateholder from disqualification of certification under
27 this subsection and issue a letter of exemption.

28 (2) The following acts constitute grounds for which
29 the department may impose disciplinary sanctions as specified
30 in subsection (3):

31 (a) Making misleading, deceptive, or fraudulent

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1 representations on an application for certification.

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

5 (c) Intentionally violating any rule of the
6 department.

7 (d) Failing to report to the department any person
8 whom the certificateholder knows to be in violation of this
9 part or failing to report a violation involving abuse to the
10 Department of Children and Family Services.

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

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

16 (g) Improperly interfering with an investigation or
17 inspection authorized by law or with any disciplinary
18 proceeding.

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

22 (a) Denial, suspension, or revocation of
23 certification.

24 (b) Imposition of an administrative fine not to exceed
25 \$150 for each count or separate offense.

26 (4) The department shall, by rule, designate approved
27 treatment programs for impaired practitioners as provided in
28 s. 455.707(1).

29 (5) A certified nursing assistant shall notify the
30 department in writing of any change in name or address within
31 30 days after the change.

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1 468.8245 Availability of disciplinary records and
 2 proceedings.--Notwithstanding s. 455.621, any complaint or
 3 record maintained by the Department of Health pursuant to the
 4 discipline of a certified nursing assistant and any proceeding
 5 held by the department to discipline a certified nursing
 6 assistant shall remain open and available to the public.

7 468.825 Renewal of certification.--

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

10 (a) Worked a minimum of 40 hours for monetary
 11 compensation as a certified nursing assistant in a
 12 nursing-related occupation during the 24 months immediately
 13 preceding application for recertification, as provided in an
 14 attestation submitted by the applicant; or

15 (b) Successfully completed the written portion and
 16 skills demonstration portion of the Florida Nursing Assistant
 17 Competency Evaluation.

18 (2) Based upon written notification of a court of
 19 competent jurisdiction, law enforcement agency, or
 20 administrative agency, any person who has been found guilty
 21 of, regardless of adjudication, or pled nolo contendere or
 22 guilty to, any offense set forth in the level 1, or level 2,
 23 if appropriate screening standards of chapter 435, or who is a
 24 confirmed perpetrator of any incident of abuse, neglect, or
 25 exploitation, may not be recertified under this section unless
 26 the person receives an exemption from the department under s.
 27 468.824(1).

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

31 468.826 Exemption from liability.--If an employer

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1 terminates a certified nursing assistant whose name appears on
2 the central abuse registry and tracking system of the
3 Department of Children and Family Services or on a criminal
4 screening report of the Department of Law Enforcement, the
5 employer is not civilly liable for such termination and a
6 cause of action may not be brought against the employer for
7 damages, regardless of whether the employee has filed for an
8 exemption from the department under s. 468.824(1). There may
9 not be any monetary liability on the part of, and a cause of
10 action for damages may not arise against, any licensed
11 facility, its governing board or members thereof, medical
12 staff, disciplinary board, agents, investigators, witnesses,
13 employees, or any other person for any action taken in good
14 faith without intentional fraud in carrying out this section.

15 468.827 Penalties; rulemaking authority.--

16 (1) It is a misdemeanor of the first degree,
17 punishable as provided under s. 775.082 or s. 775.083, for any
18 person, knowingly or intentionally, to fail to disclose, by
19 false statement, misrepresentation, impersonation, or other
20 fraudulent means, in any application for voluntary or paid
21 employment or licensure regulated under this part, a material
22 fact used in making a determination as to such person's
23 qualifications to be an employee or licensee.

24 (2) It is a felony of the third degree, punishable as
25 provided under s. 775.082, s. 775.083, or s. 775.084, for a
26 person to falsely make, alter, forge, or counterfeit a
27 certified nursing assistant certificate or letter of exemption
28 authorized under s. 468.824(1). The department may deny,
29 suspend, or revoke the certification of any nursing assistant
30 found to possess a false, altered, forged, or counterfeit
31 certificate or who attempts to use such a certificate in an

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1 attempt to gain employment.

2 (3) The department shall adopt rules to provide for
3 the initial certification and biennial renewal of
4 certification of certified nursing assistants. An application
5 for certification or renewal must be accompanied by a fee set
6 by the department, which may not exceed \$35 plus the cost of
7 applicable background screening. The department may
8 periodically audit the records of a certified nursing
9 assistant in accordance with department rules.

10 Section 60. Effective October 1, 1998, paragraph (g)
11 of subsection (3) of section 20.43, Florida Statutes, is
12 amended to read:

13 20.43 Department of Health.--There is created a
14 Department of Health.

15 (3) The following divisions of the Department of
16 Health are established:

17 (g) Division of Medical Quality Assurance, which is
18 responsible for the following boards and professions
19 established within the division:

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

22 2. Health care services pools, as provided under s.
23 402.48.

24 3. The Board of Acupuncture, created under chapter
25 457.

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

27 5. The Board of Osteopathic Medicine, created under
28 chapter 459.

29 6. The Board of Chiropractic, created under chapter
30 460.

31 7. The Board of Podiatric Medicine, created under

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- 1 chapter 461.
- 2 8. Naturopathy, as provided under chapter 462.
- 3 9. The Board of Optometry, created under chapter 463.
- 4 10. The Board of Nursing, created under chapter 464.
- 5 11. The Board of Pharmacy, created under chapter 465.
- 6 12. The Board of Dentistry, created under chapter 466.
- 7 13. Midwifery, as provided under chapter 467.
- 8 14. The Board of Speech-Language Pathology and
- 9 Audiology, created under part I of chapter 468.
- 10 15. The Board of Nursing Home Administrators, created
- 11 under part II of chapter 468.
- 12 16. Occupational therapy, as provided under part III
- 13 of chapter 468.
- 14 17. Respiratory therapy, as provided under part V of
- 15 chapter 468.
- 16 18. Dietetics and nutrition practice, as provided
- 17 under part X of chapter 468.
- 18 19. Athletic trainers, as provided under part XIV of
- 19 chapter 468.
- 20 20. Electrolysis, as provided under chapter 478.
- 21 21. The Board of Massage Therapy, created under
- 22 chapter 480.
- 23 22. The Board of Clinical Laboratory Personnel,
- 24 created under part III of chapter 483.
- 25 23. Medical physicists, as provided under part IV of
- 26 chapter 483.
- 27 24. The Board of Opticianry, created under part I of
- 28 chapter 484.
- 29 25. The Board of Hearing Aid Specialists, created
- 30 under part II of chapter 484.
- 31 26. The Board of Physical Therapy Practice, created

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1 under chapter 486.

2 27. The Board of Psychology, created under chapter
3 490.

4 28. The Board of Clinical Social Work, Marriage and
5 Family Therapy, and Mental Health Counseling, created under
6 chapter 491.

7
8 The department may contract with the Agency for Health Care
9 Administration who shall provide consumer complaint,
10 investigative, and prosecutorial services required by the
11 Division of Medical Quality Assurance, councils, or boards, as
12 appropriate.

13 Section 61. Effective October 1, 1998, section
14 400.211, Florida Statutes, is amended to read:

15 400.211 Persons employed as nursing assistants in a
16 nursing home facility; ~~certification requirement.~~--

17 ~~(1) A person must be certified pursuant to this~~
18 ~~section, except a registered nurse or practical nurse licensed~~
19 ~~in accordance with the provisions of chapter 464 or an~~
20 ~~applicant for such licensure who is permitted to practice~~
21 ~~nursing in accordance with rules promulgated by the Board of~~
22 ~~Nursing pursuant to chapter 464, to serve as a nursing~~
23 ~~assistant in any nursing home. The Department of Business and~~
24 ~~Professional Regulation shall issue a certificate to any~~
25 ~~person who:~~

26 ~~(a) Has successfully completed a nursing assistant~~
27 ~~program in a state-approved school and has achieved a minimum~~
28 ~~score of 75 percent on the written portion of the Florida~~
29 ~~Nursing Assistant Certification Test approved by the~~
30 ~~Department of Business and Professional Regulation and~~
31 ~~administered by state-approved test site personnel;~~

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1 ~~(b) Has achieved a minimum score of 75 percent on the~~
 2 ~~written and performance portions of the Florida Nursing~~
 3 ~~Assistant Certification Test approved by the Department of~~
 4 ~~Business and Professional Regulation and administered by~~
 5 ~~state-approved test site personnel; or~~

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

12
 13 ~~An oral examination shall be administered upon request.~~

14 ~~(2) The agency may deny, suspend, or revoke the~~
 15 ~~certification of any person to serve as a nursing assistant,~~
 16 ~~based upon written notification from a court of competent~~
 17 ~~jurisdiction, law enforcement agency, or administrative agency~~
 18 ~~of any finding of guilt of, regardless of adjudication, or a~~
 19 ~~plea of nolo contendere or guilty to, any offense set forth in~~
 20 ~~the level 1 screening standards of chapter 435 or any~~
 21 ~~confirmed report of abuse of a vulnerable adult.~~

22 ~~(1)(3)~~ The following categories of persons who are not
 23 certified as nursing assistants under part XV of chapter 468
 24 ~~this part~~ may be employed by a nursing facility for a period
 25 of 4 months:

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

28 (b) Persons who have been positively verified by a
 29 department ~~state-approved test site~~ as certified and on the
 30 registry in another state with no findings of abuse, but who
 31 have not completed the written examination required under s.

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1 468.823 ~~this section.~~

2

3 The certification requirement must be met within 4 months
4 after ~~of~~ initial employment as a nursing assistant in a
5 licensed nursing facility.

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

11 ~~(5) Every certified nursing assistant hired by a~~
12 ~~nursing home facility on or after October 1, 1993, must,~~
13 ~~within 5 working days after starting employment at a nursing~~
14 ~~home facility, submit to the facility a complete set of~~
15 ~~information necessary to conduct a records check through the~~
16 ~~central abuse registry under chapter 415 and a statewide~~
17 ~~criminal records correspondence check through the Department~~
18 ~~of Law Enforcement. The facility shall submit the information~~
19 ~~provided by the employee, within 48 hours, to the Department~~
20 ~~of Health and Rehabilitative Services' central abuse registry~~
21 ~~and to the Department of Law Enforcement, which shall conduct~~
22 ~~a screening according to the provisions of s. 400.497(2).~~

23 (2)~~(6)~~ Nursing homes shall require persons seeking
24 employment as a certified nursing assistant to submit an
25 employment history to the facility. The facility shall verify
26 the employment history unless, through diligent efforts, such
27 verification is not possible. There shall be no monetary
28 liability on the part of, and no cause of action for damages
29 shall arise against, a former employer who reasonably and in
30 good faith communicates his or her honest opinion about a
31 former employee's job performance.

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1 ~~(3)(7)~~ If the requirements pursuant to the Omnibus
2 Budget Reconciliation Act of 1987, as amended, for the
3 certification of nursing assistants are in conflict with part
4 XV of chapter 468 ~~this section~~, the federal requirements shall
5 prevail for those nursing home facilities certified to provide
6 care under Title XVIII (Medicare) or Title XIX (Medicaid) of
7 the Social Security Act.

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

11 Section 62. Effective October 1, 1998, paragraph (a)
12 of subsection (1) and subsection (2) of section 400.4255,
13 Florida Statutes, are amended to read:

14 400.4255 Use of licensed personnel.--

15 (1)(a) Persons under contract to the facility,
16 facility staff, or volunteers, who are licensed according to
17 chapter 464, or those persons exempt under s. 464.022(1), and
18 others as defined by rule, may administer medications to
19 residents, take residents' vital signs, manage individual
20 weekly pill organizers for residents who self-administer
21 medication, give prepackaged enemas ordered by a physician,
22 observe residents, document observations on the appropriate
23 resident's record, report observations to the resident's
24 physician, and contract or allow residents or a resident's
25 representative, designee, surrogate, guardian, or attorney in
26 fact to contract with a third party, provided residents meet
27 the criteria for appropriate placement as defined in s.
28 400.426. Nursing assistants certified pursuant to part XV of
29 chapter 468 ~~s. 400.211~~ may take residents' vital signs as
30 directed by a licensed nurse or physician.

31 (2) In facilities licensed to provide extended

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1 congregate care, persons under contract to the facility,
2 facility staff, or volunteers, who are licensed according to
3 chapter 464, or those persons exempt under s. 464.022(1), or
4 those persons certified as nursing assistants pursuant to part
5 XV of chapter 468 s. ~~400.211~~, may also perform all duties
6 within the scope of their license or certification, as
7 approved by the facility administrator and pursuant to this
8 part.

9 Section 63. Effective October 1, 1998, subsection (1)
10 of section 400.462, Florida Statutes, is amended to read:

11 400.462 Definitions.--As used in this part, the term:

12 (1) "Certified nursing assistant" means any person who
13 has been issued a certificate after fulfilling the
14 requirements of part XV of chapter 468 s. ~~400.211~~.

15 Section 64. Effective October 1, 1998, paragraph (a)
16 of subsection (9) of section 400.506, Florida Statutes, is
17 amended to read:

18 400.506 Licensure of nurse registries; requirements;
19 penalties.--

20 (9)(a) A nurse registry may refer for contract in
21 private residences registered nurses and licensed practical
22 nurses registered and licensed under chapter 464, certified
23 nursing assistants certified under part XV of chapter 468 s.
24 ~~400.211~~, and sitters, companions, or homemakers for the
25 purposes of providing those services authorized under s.
26 400.509(1).

27 Section 65. Effective October 1, 1998, paragraph (a)
28 of subsection (2) of section 455.667, Florida Statutes, is
29 amended to read:

30 455.667 Ownership and control of patient records;
31 report or copies of records to be furnished.--

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

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

10 Section 66. A certified nursing assistant who holds a
11 valid certification issued under section 400.211, Florida
12 Statutes, before October 1, 1998, is in compliance with this
13 act and is not subject to renewal of such certification until
14 October 1, 2000. This section takes effect October 1, 1998.

15 Section 67. Pursuant to section 216.262, Florida
16 Statutes, the Florida Department of Law Enforcement is granted
17 authority to establish positions in excess of the total
18 authorized positions upon submission of a proper request to
19 the Administration Commission. These positions shall be
20 established with funding from the department's Law Enforcement
21 Operating Trust Fund and shall be used to process the
22 increased workload of conducting the criminal history records
23 checks authorized under this section. These positions will be
24 earmarked by the department, and, at such time as they are no
25 longer needed, may be placed in a reserve status for future
26 use. This section takes effect October 1, 1998.

27 Section 68. Effective October 1, 1998, paragraph (t)
28 is added to subsection (1) of section 455.624, Florida
29 Statutes, to read:

30 455.624 Grounds for discipline; penalties;
31 enforcement.--

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

4 (t) Failing to wear identification, which shall be
5 conspicuously displayed and legible, indicating the
6 practitioner's name and professional title authorized pursuant
7 to part XV, chapter 468, regulating certified nursing
8 assistants, while practicing as an employee of a hospital,
9 clinic, nursing home, or group practice, or at a commercial
10 establishment, offering health care services to the public.
11 Disciplinary actions for violation of this paragraph shall be
12 restricted to a notice of noncompliance pursuant to subsection
13 (3).

14 Section 69. The Department of Health is authorized to
15 have access to the background screening registry for nursing
16 home employees maintained by the Agency for Health Care
17 Administration, if created by SB 208, 1998 Regular Session, or
18 similar legislation. This section takes effect October 1,
19 1998.

20
21 (Redesignate subsequent sections.)

22
23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 106, line 20, delete that line

27
28 and insert:

29 An act relating to professional regulation;
30 creating part XV of chapter 468, F.S. ;
31 providing a short title; providing definitions;

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

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

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