

Bill No. CS for CS for SB 2390

Amendment No. Barcode 712174

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Jones moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 2, line 8,		
15			
16	insert:		
17	Section 1. <u>This act may be cited as the "Clara Ramsey</u>		
18	<u>Care of the Elderly Act."</u>		
19	Section 2. <u>Certified Geriatric Specialist Preparation</u>		
20	<u>Pilot Program.--</u>		
21	<u>(1) The Agency for Workforce Innovation shall</u>		
22	<u>establish a pilot program for delivery of geriatric nursing</u>		
23	<u>education to certified nursing assistants who wish to become</u>		
24	<u>certified geriatric specialists. The agency shall select two</u>		
25	<u>pilot sites in nursing homes that have received the Gold Seal</u>		
26	<u>designation under section 400.235, Florida Statutes; have been</u>		
27	<u>designated as a teaching nursing home under section 430.80,</u>		
28	<u>Florida Statutes; or have not received a class I or class II</u>		
29	<u>deficiency within the 30 months preceding application for this</u>		
30	<u>program.</u>		
31	<u>(2) To be eligible to receive geriatric nursing</u>		

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1 education, a certified nursing assistant must have been
2 employed by a participating nursing home for at least 1 year
3 and have received a high school diploma or its equivalent.

4 (3) The education shall be provided at the worksite
5 and in coordination with the certified nursing assistant's
6 work schedule.

7 (4) Faculty shall provide the instruction under an
8 approved nursing program pursuant to section 464.019, Florida
9 Statutes.

10 (5) The education shall prepare the certified nursing
11 assistant to meet the requirements for certification as a
12 geriatric specialist. The didactic and clinical education
13 shall include all portions of the practical nursing curriculum
14 pursuant to section 464.019, Florida Statutes, except for
15 pediatric and obstetric/maternal-child education, and shall
16 include additional education in the care of ill, injured, or
17 infirm geriatric patients and the maintenance of health, the
18 prevention of injury, and the provision of palliative care for
19 geriatric patients.

20 Section 3. Certified Geriatric Specialty Nursing
21 Initiative Steering Committee.--

22 (1) In order to guide the implementation of the
23 Certified Geriatric Specialist Preparation Pilot Program,
24 there is created a Certified Geriatric Specialty Nursing
25 Initiative Steering Committee. The steering committee shall be
26 composed of the following members:

27 (a) The chair of the Board of Nursing or his or her
28 designee;

29 (b) A representative of the Agency for Workforce
30 Innovation, appointed by the Director of Workforce Innovation;

31 (c) A representative of Workforce Florida, Inc.,

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1 appointed by the chair of the Board of Directors of Workforce
2 Florida, Inc.;

3 (d) A representative of the Department of Education,
4 appointed by the Secretary of Education;

5 (e) A representative of the Agency for Health Care
6 Administration, appointed by the Secretary of Health Care
7 Administration;

8 (f) The Director of the Florida Center for Nursing;
9 and

10 (g) A representative of a Gold Seal nursing home that
11 is not one of the pilot program sites, appointed by the
12 Secretary of Health Care Administration.

13 (2) The steering committee shall:

14 (a) Provide consultation and guidance to the Agency
15 for Workforce Innovation on matters of policy during the
16 implementation of the pilot program; and

17 (b) Provide oversight to the evaluation of the pilot
18 program.

19 (3) Members of the steering committee are entitled to
20 reimbursement for per diem and travel expenses under section
21 112.061, Florida Statutes.

22 (4) The steering committee shall complete its
23 activities by June 30, 2006, and the authorization for the
24 steering committee ends on that date.

25 Section 4. Evaluation of the Certified Geriatric
26 Specialist Preparation Pilot Program.--The Agency for
27 Workforce Innovation, in consultation with the Certified
28 Geriatric Specialty Nursing Initiative Steering Committee,
29 shall conduct, or contract for an evaluation of the pilot
30 program. The agency shall ensure that an evaluation report is
31 submitted to the Governor, the President of the Senate, and

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1 the Speaker of the House of Representatives by January 1,
2 2006. The evaluation must address the experience and success
3 of the certified nursing assistants in the pilot program and
4 must contain recommendations regarding the expansion of the
5 delivery of geriatric nursing education in nursing homes.

6 Section 5. Reports.--The Agency for Workforce
7 Innovation shall submit status reports and recommendations
8 regarding legislation necessary to further the implementation
9 of the pilot program to the Governor, the President of the
10 Senate, and the Speaker of the House of Representatives on
11 January 1, 2004, January 1, 2005, and January 1, 2006.

12 Section 6. Section 464.0125, Florida Statutes, is
13 created to read:

14 464.0125 Certified geriatric specialists;
15 certification requirements.--

16 (1) DEFINITIONS; RESPONSIBILITIES.--

17 (a) As used in this section, the term:

18 1. "Certified geriatric specialist" means a person who
19 meets the qualifications specified in this section and who is
20 certified by the board to practice as a certified geriatric
21 specialist.

22 2. "Geriatric patient" means any patient who is 60
23 years of age or older.

24 3. "Practice of certified geriatric specialty nursing"
25 means the performance of selected acts in facilities licensed
26 under part II or part III of chapter 400, including the
27 administration of treatments and medications, in the care of
28 ill, injured, or infirm geriatric patients and the promotion
29 of wellness, maintenance of health, and prevention of illness
30 of geriatric patients under the direction of a registered
31 nurse, a licensed physician, a licensed osteopathic physician,

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1 a licensed podiatric physician, or a licensed dentist. The
 2 scope of practice of a certified geriatric specialist includes
 3 the practice of practical nursing as defined in s. 464.003 for
 4 geriatric patients only, except for any act in which
 5 instruction and clinical knowledge of pediatric nursing or
 6 obstetric/maternal-child nursing is required. A certified
 7 geriatric specialist, while providing nursing services in
 8 facilities licensed under part II or part III of chapter 400,
 9 may supervise the activities of certified nursing assistants
 10 and other unlicensed personnel providing services in such
 11 facilities in accordance with rules adopted by the board.

12 (b) The certified geriatric specialist shall be
 13 responsible and accountable for making decisions that are
 14 based upon the individual's educational preparation and
 15 experience in performing certified geriatric specialty
 16 nursing.

17 (2) CERTIFICATION.--

18 (a) Any certified nursing assistant desiring to be
 19 certified as a certified geriatric specialist shall apply to
 20 the department and submit proof that he or she holds a current
 21 certificate as a certified nursing assistant under this part
 22 and has satisfactorily completed the following requirements:

23 1. Is in good mental and physical health, is a
 24 recipient of a high school diploma or its equivalent and has
 25 completed the requirements for graduation from an approved
 26 program for nursing or its equivalent, as determined by the
 27 board, for the preparation of licensed practical nurses,
 28 except for instruction and clinical knowledge of pediatric
 29 nursing or obstetric/maternal-child nursing. Any program that
 30 is approved on July 1, 2003, by the board for the preparation
 31 of registered nurses or licensed practical nurses may provide

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1 education for the preparation of certified geriatric
2 specialists without further board approval.

3 2. Has the ability to communicate in the English
4 language, which may be determined by an examination given by
5 the department.

6 3. Has provided sufficient information, which must be
7 submitted by the department for a statewide criminal records
8 correspondence check through the Department of Law
9 Enforcement.

10 (b) Each applicant who meets the requirements of this
11 subsection shall, unless denied pursuant to s. 464.018, be
12 entitled to certification as a certified geriatric specialist.
13 The board shall certify, and the department shall issue a
14 certificate to practice as a certified geriatric specialist
15 to, any certified nursing assistant meeting the qualifications
16 in this section. The board shall establish an application fee
17 not to exceed \$100 and a biennial renewal fee not to exceed
18 \$50. The board may adopt rules to administer this section.

19 (c) A person receiving certification under this
20 section shall:

21 1. Work only within the confines of a facility
22 licensed under part II or part III of chapter 400.

23 2. Care for geriatric patients only.

24 3. Comply with the minimum standards of practice for
25 nurses and be subject to disciplinary action for violations of
26 s. 464.018.

27 (3) ARTICULATION.--Any certified geriatric specialist
28 who completes the additional instruction and coursework in an
29 approved nursing program pursuant to s. 464.019 for the
30 preparation of practical nursing in the areas of pediatric
31 nursing and obstetric/maternal-child nursing shall, unless

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1 denied pursuant to s. 464.018, be entitled to licensure as a
2 licensed practical nurse if the applicant otherwise meets the
3 requirements of s. 464.008.

4 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
5 PENALTIES.--

6 (a) Only persons who hold certificates to practice as
7 certified geriatric specialists in this state or who are
8 performing services within the practice of certified geriatric
9 specialty nursing pursuant to the exception set forth in s.
10 464.022(8) shall have the right to use the title "Certified
11 Geriatric Specialist" and the abbreviation "C.G.S."

12 (b) No person shall practice or advertise as, or
13 assume the title of, certified geriatric specialist or use the
14 abbreviation "C.G.S." or take any other action that would lead
15 the public to believe that person was certified as such or is
16 performing services within the practice of certified geriatric
17 specialty nursing pursuant to the exception set forth in s.
18 464.022(8), unless that person is certified to practice as
19 such.

20 (c) A violation of this subsection is a misdemeanor of
21 the first degree, punishable as provided in s. 775.082 or s.
22 775.083.

23 (5) VIOLATIONS AND PENALTIES.--Practicing certified
24 geriatric specialty nursing, as defined in this section,
25 without holding an active certificate to do so constitutes a
26 felony of the third degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 Section 7. Paragraph (b) of subsection (1) of section
29 381.00315, Florida Statutes, is amended to read:

30 381.00315 Public health advisories; public health
31 emergencies.--The State Health Officer is responsible for

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1 declaring public health emergencies and issuing public health
2 advisories.

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

4 (b) "Public health emergency" means any occurrence, or
5 threat thereof, whether natural or man made, which results or
6 may result in substantial injury or harm to the public health
7 from infectious disease, chemical agents, nuclear agents,
8 biological toxins, or situations involving mass casualties or
9 natural disasters. Prior to declaring a public health
10 emergency, the State Health Officer shall, to the extent
11 possible, consult with the Governor and shall notify the Chief
12 of Domestic Security Initiatives as created in s. 943.03. The
13 declaration of a public health emergency shall continue until
14 the State Health Officer finds that the threat or danger has
15 been dealt with to the extent that the emergency conditions no
16 longer exist and he or she terminates the declaration.

17 However, a declaration of a public health emergency may not
18 continue for longer than 60 days unless the Governor concurs
19 in the renewal of the declaration. The State Health Officer,
20 upon declaration of a public health emergency, may take
21 actions that are necessary to protect the public health. Such
22 actions include, but are not limited to:

23 1. Directing manufacturers of prescription drugs or
24 over-the-counter drugs who are permitted under chapter 499 and
25 wholesalers of prescription drugs located in this state who
26 are permitted under chapter 499 to give priority to the
27 shipping of specified drugs to pharmacies and health care
28 providers within geographic areas that have been identified by
29 the State Health Officer. The State Health Officer must
30 identify the drugs to be shipped. Manufacturers and
31 wholesalers located in the state must respond to the State

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1 Health Officer's priority shipping directive before shipping
2 the specified drugs.

3 2. Notwithstanding chapters 465 and 499 and rules
4 adopted thereunder, directing pharmacists employed by the
5 department to compound bulk prescription drugs and provide
6 these bulk prescription drugs to physicians and nurses of
7 county health departments or any qualified person authorized
8 by the State Health Officer for administration to persons as
9 part of a prophylactic or treatment regimen.

10 3. Notwithstanding s. 456.036, temporarily
11 reactivating the inactive license of the following health care
12 practitioners, when such practitioners are needed to respond
13 to the public health emergency: physicians licensed under
14 chapter 458 or chapter 459; physician assistants licensed
15 under chapter 458 or chapter 459; certified geriatric
16 specialists certified under part I of chapter 464; licensed
17 practical nurses, registered nurses, and advanced registered
18 nurse practitioners licensed under part I of chapter 464;
19 respiratory therapists licensed under part V of chapter 468;
20 and emergency medical technicians and paramedics certified
21 under part III of chapter 401. Only those health care
22 practitioners specified in this paragraph who possess an
23 unencumbered inactive license and who request that such
24 license be reactivated are eligible for reactivation. An
25 inactive license that is reactivated under this paragraph
26 shall return to inactive status when the public health
27 emergency ends or prior to the end of the public health
28 emergency if the State Health Officer determines that the
29 health care practitioner is no longer needed to provide
30 services during the public health emergency. Such licenses may
31 only be reactivated for a period not to exceed 90 days without

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1 meeting the requirements of s. 456.036 or chapter 401, as
2 applicable.

3 4. Ordering an individual to be examined, tested,
4 vaccinated, treated, or quarantined for communicable diseases
5 that have significant morbidity or mortality and present a
6 severe danger to public health. Individuals who are unable or
7 unwilling to be examined, tested, vaccinated, or treated for
8 reasons of health, religion, or conscience may be subjected to
9 quarantine.

10 a. Examination, testing, vaccination, or treatment may
11 be performed by any qualified person authorized by the State
12 Health Officer.

13 b. If the individual poses a danger to the public
14 health, the State Health Officer may subject the individual to
15 quarantine. If there is no practical method to quarantine the
16 individual, the State Health Officer may use any means
17 necessary to vaccinate or treat the individual.

18
19 Any order of the State Health Officer given to effectuate this
20 paragraph shall be immediately enforceable by a law
21 enforcement officer under s. 381.0012.

22 Section 8. Subsection (14) of section 400.021, Florida
23 Statutes, is amended to read:

24 400.021 Definitions.--When used in this part, unless
25 the context otherwise requires, the term:

26 (14) "Nursing service" means such services or acts as
27 may be rendered, directly or indirectly, to and in behalf of a
28 person by individuals as defined in ss. ~~s.~~ 464.003 and
29 464.0125.

30 Section 9. Subsection (1) of section 400.211, Florida
31 Statutes, is amended to read:

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1 400.211 Persons employed as nursing assistants;
 2 certification requirement.--
 3 (1) To serve as a nursing assistant in any nursing
 4 home, a person must be certified as a nursing assistant under
 5 part II of chapter 464, unless the person is a registered
 6 nurse, a or practical nurse, or a certified geriatric
 7 specialist certified or licensed in accordance with part I of
 8 chapter 464 or an applicant for such licensure who is
 9 permitted to practice nursing in accordance with rules adopted
 10 by the Board of Nursing pursuant to part I of chapter 464.

11 Section 10. Paragraphs (a) and (c) of subsection (3)
 12 of section 400.23, Florida Statutes, are amended to read:

13 400.23 Rules; evaluation and deficiencies; licensure
 14 status.--

15 (3)(a) The agency shall adopt rules providing for the
 16 minimum staffing requirements for nursing homes. These
 17 requirements shall include, for each nursing home facility, a
 18 minimum certified nursing assistant staffing of 2.3 hours of
 19 direct care per resident per day beginning January 1, 2002,
 20 increasing to 2.6 hours of direct care per resident per day
 21 beginning January 1, 2003, and increasing to 2.9 hours of
 22 direct care per resident per day beginning January 1, 2004.
 23 Beginning January 1, 2002, no facility shall staff below one
 24 certified nursing assistant per 20 residents, and a minimum
 25 licensed nursing staffing of 1.0 hour of direct resident care
 26 per resident per day but never below one licensed nurse per 40
 27 residents. For purposes of computing nursing staffing minimums
 28 and ratios, certified geriatric specialists shall be
 29 considered licensed nursing staff. Nursing assistants employed
 30 under s. 400.211(2) may be included in computing the staffing
 31 ratio for certified nursing assistants only if they provide

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1 nursing assistance services to residents on a full-time basis.
2 Each nursing home must document compliance with staffing
3 standards as required under this paragraph and post daily the
4 names of staff on duty for the benefit of facility residents
5 and the public. The agency shall recognize the use of licensed
6 nurses for compliance with minimum staffing requirements for
7 certified nursing assistants, provided that the facility
8 otherwise meets the minimum staffing requirements for licensed
9 nurses and that the licensed nurses so recognized are
10 performing the duties of a certified nursing assistant. Unless
11 otherwise approved by the agency, licensed nurses counted
12 towards the minimum staffing requirements for certified
13 nursing assistants must exclusively perform the duties of a
14 certified nursing assistant for the entire shift and shall not
15 also be counted towards the minimum staffing requirements for
16 licensed nurses. If the agency approved a facility's request
17 to use a licensed nurse to perform both licensed nursing and
18 certified nursing assistant duties, the facility must allocate
19 the amount of staff time specifically spent on certified
20 nursing assistant duties for the purpose of documenting
21 compliance with minimum staffing requirements for certified
22 and licensed nursing staff. In no event may the hours of a
23 licensed nurse with dual job responsibilities be counted
24 twice.

25 (c) Licensed practical nurses licensed under chapter
26 464 who are providing nursing services in nursing home
27 facilities under this part may supervise the activities of
28 other licensed practical nurses, certified geriatric
29 specialists, certified nursing assistants, and other
30 unlicensed personnel providing services in such facilities in
31 accordance with rules adopted by the Board of Nursing.

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1 Section 11. Paragraph (b) of subsection (2) of section
2 409.908, Florida Statutes, is amended to read:

3 409.908 Reimbursement of Medicaid providers.--Subject
4 to specific appropriations, the agency shall reimburse
5 Medicaid providers, in accordance with state and federal law,
6 according to methodologies set forth in the rules of the
7 agency and in policy manuals and handbooks incorporated by
8 reference therein. These methodologies may include fee
9 schedules, reimbursement methods based on cost reporting,
10 negotiated fees, competitive bidding pursuant to s. 287.057,
11 and other mechanisms the agency considers efficient and
12 effective for purchasing services or goods on behalf of
13 recipients. If a provider is reimbursed based on cost
14 reporting and submits a cost report late and that cost report
15 would have been used to set a lower reimbursement rate for a
16 rate semester, then the provider's rate for that semester
17 shall be retroactively calculated using the new cost report,
18 and full payment at the recalculated rate shall be affected
19 retroactively. Medicare-granted extensions for filing cost
20 reports, if applicable, shall also apply to Medicaid cost
21 reports. Payment for Medicaid compensable services made on
22 behalf of Medicaid eligible persons is subject to the
23 availability of moneys and any limitations or directions
24 provided for in the General Appropriations Act or chapter 216.
25 Further, nothing in this section shall be construed to prevent
26 or limit the agency from adjusting fees, reimbursement rates,
27 lengths of stay, number of visits, or number of services, or
28 making any other adjustments necessary to comply with the
29 availability of moneys and any limitations or directions
30 provided for in the General Appropriations Act, provided the
31 adjustment is consistent with legislative intent.

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1 (2)

2 (b) Subject to any limitations or directions provided
3 for in the General Appropriations Act, the agency shall
4 establish and implement a Florida Title XIX Long-Term Care
5 Reimbursement Plan (Medicaid) for nursing home care in order
6 to provide care and services in conformance with the
7 applicable state and federal laws, rules, regulations, and
8 quality and safety standards and to ensure that individuals
9 eligible for medical assistance have reasonable geographic
10 access to such care.

11 1. Changes of ownership or of licensed operator do not
12 qualify for increases in reimbursement rates associated with
13 the change of ownership or of licensed operator. The agency
14 shall amend the Title XIX Long Term Care Reimbursement Plan to
15 provide that the initial nursing home reimbursement rates, for
16 the operating, patient care, and MAR components, associated
17 with related and unrelated party changes of ownership or
18 licensed operator filed on or after September 1, 2001, are
19 equivalent to the previous owner's reimbursement rate.

20 2. The agency shall amend the long-term care
21 reimbursement plan and cost reporting system to create direct
22 care and indirect care subcomponents of the patient care
23 component of the per diem rate. These two subcomponents
24 together shall equal the patient care component of the per
25 diem rate. Separate cost-based ceilings shall be calculated
26 for each patient care subcomponent. The direct care
27 subcomponent of the per diem rate shall be limited by the
28 cost-based class ceiling, and the indirect care subcomponent
29 shall be limited by the lower of the cost-based class ceiling,
30 by the target rate class ceiling, or by the individual
31 provider target. The agency shall adjust the patient care

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1 component effective January 1, 2002. The cost to adjust the
2 direct care subcomponent shall be net of the total funds
3 previously allocated for the case mix add-on. The agency shall
4 make the required changes to the nursing home cost reporting
5 forms to implement this requirement effective January 1, 2002.

6 3. The direct care subcomponent shall include salaries
7 and benefits of direct care staff providing nursing services
8 including registered nurses, licensed practical nurses,
9 certified geriatric specialists, certified under part I of
10 chapter 464, and certified nursing assistants who deliver care
11 directly to residents in the nursing home facility. This
12 excludes nursing administration, MDS, and care plan
13 coordinators, staff development, and staffing coordinator.

14 4. All other patient care costs shall be included in
15 the indirect care cost subcomponent of the patient care per
16 diem rate. There shall be no costs directly or indirectly
17 allocated to the direct care subcomponent from a home office
18 or management company.

19 5. On July 1 of each year, the agency shall report to
20 the Legislature direct and indirect care costs, including
21 average direct and indirect care costs per resident per
22 facility and direct care and indirect care salaries and
23 benefits per category of staff member per facility.

24 6. In order to offset the cost of general and
25 professional liability insurance, the agency shall amend the
26 plan to allow for interim rate adjustments to reflect
27 increases in the cost of general or professional liability
28 insurance for nursing homes. This provision shall be
29 implemented to the extent existing appropriations are
30 available.

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1 It is the intent of the Legislature that the reimbursement
2 plan achieve the goal of providing access to health care for
3 nursing home residents who require large amounts of care while
4 encouraging diversion services as an alternative to nursing
5 home care for residents who can be served within the
6 community. The agency shall base the establishment of any
7 maximum rate of payment, whether overall or component, on the
8 available moneys as provided for in the General Appropriations
9 Act. The agency may base the maximum rate of payment on the
10 results of scientifically valid analysis and conclusions
11 derived from objective statistical data pertinent to the
12 particular maximum rate of payment.

13 Section 12. Subsection (2) of section 458.303, Florida
14 Statutes, is amended to read:

15 458.303 Provisions not applicable to other
16 practitioners; exceptions, etc.--

17 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
18 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
19 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
20 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
21 shall be construed to prohibit any service rendered by a
22 registered nurse, ~~or~~ a licensed practical nurse, or a
23 certified geriatric specialist certified under part I of
24 chapter 464, if such service is rendered under the direct
25 supervision and control of a licensed physician who provides
26 specific direction for any service to be performed and gives
27 final approval to all services performed. Further, nothing in
28 this or any other chapter shall be construed to prohibit any
29 service rendered by a medical assistant in accordance with the
30 provisions of s. 458.3485.

31 Section 13. Subsection (1) and paragraph (a) of

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1 subsection (2) of section 1009.65, Florida Statutes, are
2 amended to read:

3 1009.65 Medical Education Reimbursement and Loan
4 Repayment Program.--

5 (1) To encourage qualified medical professionals to
6 practice in underserved locations where there are shortages of
7 such personnel, there is established the Medical Education
8 Reimbursement and Loan Repayment Program. The function of the
9 program is to make payments that offset loans and educational
10 expenses incurred by students for studies leading to a medical
11 or nursing degree, medical or nursing licensure, or advanced
12 registered nurse practitioner certification or physician
13 assistant licensure. The following licensed or certified
14 health care professionals are eligible to participate in this
15 program: medical doctors with primary care specialties,
16 doctors of osteopathic medicine with primary care specialties,
17 physician's assistants, certified geriatric specialists
18 certified under part I of chapter 464, licensed practical
19 nurses and registered nurses, and advanced registered nurse
20 practitioners with primary care specialties such as certified
21 nurse midwives. Primary care medical specialties for
22 physicians include obstetrics, gynecology, general and family
23 practice, internal medicine, pediatrics, and other specialties
24 which may be identified by the Department of Health.

25 (2) From the funds available, the Department of Health
26 shall make payments to selected medical professionals as
27 follows:

28 (a) Up to \$4,000 per year for certified geriatric
29 specialists certified under part I of chapter 464, licensed
30 practical nurses, and registered nurses, up to \$10,000 per
31 year for advanced registered nurse practitioners and

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1 physician's assistants, and up to \$20,000 per year for
 2 physicians. Penalties for noncompliance shall be the same as
 3 those in the National Health Services Corps Loan Repayment
 4 Program. Educational expenses include costs for tuition,
 5 matriculation, registration, books, laboratory and other fees,
 6 other educational costs, and reasonable living expenses as
 7 determined by the Department of Health.

8 Section 14. Subsection (2) of section 1009.66, Florida
 9 Statutes, is amended to read:

10 1009.66 Nursing Student Loan Forgiveness Program.--

11 (2) To be eligible, a candidate must have graduated
 12 from an accredited or approved nursing program and have
 13 received a Florida license as a licensed practical nurse, a
 14 certified geriatric specialist certified under part I of
 15 chapter 464, or a registered nurse or a Florida certificate as
 16 an advanced registered nurse practitioner.

17 Section 15. The sum of \$157,017 is appropriated from
 18 the General Revenue Fund to the Agency for Workforce
 19 Innovation to support the work of the Certified Geriatric
 20 Specialty Nursing Initiative Steering Committee, to administer
 21 the pilot sites, contract for an evaluation, and to provide,
 22 if necessary, nursing faculty, substitute certified nursing
 23 assistants for those who are in clinical education, and
 24 technical support to the pilot sites during the 2003-2004
 25 fiscal year.

26 Section 16. Subsection (6) is added to section
 27 464.201, Florida Statutes, to read:

28 464.201 Definitions.--As used in this part, the term:

29 (6) "Practice of a certified nursing assistant" means
 30 providing care and assisting persons with tasks relating to
 31 the activities of daily living. Such tasks are those

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1 associated with personal care, maintaining mobility, nutrition
 2 and hydration, toileting and elimination, assistive devices,
 3 safety and cleanliness, data gathering, reporting abnormal
 4 signs and symptoms, post mortem care, patient socialization
 5 and reality orientation, end-of-life care, CPR and emergency
 6 care, residents' or patients' rights, documentation of nursing
 7 assistant services, and other tasks that a certified nurse
 8 assistant may perform after training beyond that required for
 9 initial certification and upon validation of competence in
 10 that skill by a registered nurse. This section does not
 11 restrict the ability of any person who is otherwise trained
 12 and educated from performing such tasks.

13 Section 17. Section 464.202, Florida Statutes, is
 14 amended to read:

15 464.202 Duties and powers of the board.--The board
 16 shall maintain, or contract with or approve another entity to
 17 maintain, a state registry of certified nursing assistants.
 18 The registry must consist of the name of each certified
 19 nursing assistant in this state; other identifying information
 20 defined by board rule; certification status; the effective
 21 date of certification; other information required by state or
 22 federal law; information regarding any crime or any abuse,
 23 neglect, or exploitation as provided under chapter 435; and
 24 any disciplinary action taken against the certified nursing
 25 assistant. The registry shall be accessible to the public, the
 26 certificateholder, employers, and other state agencies. The
 27 board shall adopt by rule testing procedures for use in
 28 certifying nursing assistants and shall adopt rules regulating
 29 the practice of certified nursing assistants which specify the
 30 scope of practice authorized and level of supervision required
 31 for the practice of certified nursing assistants to enforce

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1 ~~this part.~~ The board may contract with or approve another
2 entity or organization to provide the examination services,
3 including the development and administration of examinations.
4 The board shall require that the contract provider offer
5 certified nursing assistant applications via the Internet, and
6 may require the contract provider to accept certified nursing
7 assistant applications for processing via the Internet. The
8 board shall require the contract provider to provide the
9 preliminary results of the certified nursing examination on
10 the date the test is administered. The provider shall pay all
11 reasonable costs and expenses incurred by the board in
12 evaluating the provider's application and performance during
13 the delivery of services, including examination services and
14 procedures for maintaining the certified nursing assistant
15 registry.

16
17 (Redesignate subsequent sections.)

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19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 1, line 2, delete that line

23
24 and insert:

25 An act relating to health care; providing a
26 short title; requiring the Agency for Workforce
27 Innovation to establish a pilot program for
28 delivery of certified geriatric specialty
29 nursing education; specifying eligibility
30 requirements for certified nursing assistants
31 to obtain certified geriatric specialty nursing

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1 education; specifying requirements for the
2 education of certified nursing assistants to
3 prepare for certification as a certified
4 geriatric specialist; creating a Certified
5 Geriatric Specialty Nursing Initiative Steering
6 Committee; providing for the composition of and
7 manner of appointment to the Certified
8 Geriatric Specialty Nursing Initiative Steering
9 Committee; providing responsibilities of the
10 steering committee; providing for reimbursement
11 for per diem and travel expenses; requiring the
12 Agency for Workforce Innovation to conduct or
13 contract for an evaluation of the pilot program
14 for delivery of certified geriatric specialty
15 nursing education; requiring the evaluation to
16 include recommendations regarding the expansion
17 of the delivery of certified geriatric
18 specialty nursing education in nursing homes;
19 requiring the Agency for Workforce Innovation
20 to report to the Governor and Legislature
21 regarding the status and evaluation of the
22 pilot program; creating s. 464.0125, F.S.;
23 providing definitions; providing requirements
24 for persons to become certified geriatric
25 specialists; specifying fees; providing for
26 articulation of geriatric specialty nursing
27 coursework and practical nursing coursework;
28 providing practice standards and grounds for
29 which certified geriatric specialists may be
30 subject to discipline by the Board of Nursing;
31 creating restrictions on the use of

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1 professional nursing titles; prohibiting the
2 use of certain professional titles; providing
3 penalties; authorizing approved nursing
4 programs to provide education for the
5 preparation of certified geriatric specialists
6 without further board approval; authorizing
7 certified geriatric specialists to supervise
8 the activities of others in nursing home
9 facilities according to rules by the Board of
10 Nursing; revising terminology relating to
11 nursing to conform to the certification of
12 geriatric specialists; amending s. 381.00315,
13 F.S.; revising requirements for the
14 reactivation of the licenses of specified
15 health care practitioners in the event of
16 public health emergency to include certified
17 geriatric specialists; amending s. 400.021,
18 F.S.; including services provided by a
19 certified geriatric specialist within the
20 definition of nursing service; amending s.
21 400.211, F.S.; revising requirements for
22 persons employed as nursing assistants to
23 conform to the certification of certified
24 geriatric specialists; amending s. 400.23,
25 F.S.; specifying that certified geriatric
26 specialists shall be considered licensed
27 nursing staff; authorizing licensed practical
28 nurses to supervise the activities of certified
29 geriatric specialists in nursing home
30 facilities according to rules adopted by the
31 Board of Nursing; amending s. 409.908, F.S.;

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1 revising the methodology for reimbursement of
2 Medicaid program providers to include services
3 of certified geriatric specialists; amending s.
4 458.303, F.S.; revising exceptions to the
5 practice of medicine to include services
6 delegated to a certified geriatric specialist
7 under specified circumstances; amending s.
8 1009.65, F.S.; revising eligibility for the
9 Medical Education Reimbursement and Loan
10 Repayment Program to include certified
11 geriatric specialists; amending s. 1009.66,
12 F.S.; revising eligibility requirements for the
13 Nursing Student Loan Forgiveness Program to
14 include certified geriatric specialists;
15 providing an appropriation; amending s.
16 464.201, F.S.; defining terms; amending s.
17 464.202, F.S.; authorizing the Board of Nursing
18 to adopt rules regarding the practice and
19 supervision of certified nursing assistants;

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