

By Senator Fasano

11-1862-03

1                                   A bill to be entitled  
2           An act relating to administration of  
3           prescription medication; allowing certain  
4           personnel of developmental training facilities  
5           or rehabilitation workshop facilities to  
6           administer or assist consumers in the  
7           administration of prescription medication under  
8           certain conditions; amending s. 393.063, F.S.;  
9           replacing the term "developmental training  
10          facility" with the term "adult day training  
11          program"; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Administration of medication by  
16 developmental training facilities or rehabilitation workshop  
17 facility personnel.--

18           (1) Notwithstanding part I of chapter 464, Florida  
19 Statutes, the "Nurse Practice Act," developmental training  
20 facility and rehabilitation workshop facility personnel may  
21 administer or assist consumers in the administration of  
22 prescription medication if:

23           (a) Each adult day training program or rehabilitation  
24 workshop facility has included in its approved Medicaid waiver  
25 services policies and procedures a procedure to provide  
26 training to ensure the safe handling, storage, and  
27 administration of medication. The training must be provided by  
28 a registered nurse, a licensed practical nurse, a physician  
29 licensed under chapter 458 or chapter 459, Florida Statutes,  
30 or a physician assistant licensed under chapter 458 or chapter  
31 459, Florida Statutes, to the adult day training program

1 qualified personnel designated by the agency director to  
2 administer prescribed medication or assist consumers in the  
3 administration of prescribed medication, or both.

4 (b) The policies required under paragraph (a) have  
5 been approved by the Department of Children and Family  
6 Services and include, but are not necessarily limited to, the  
7 following provisions:

8 1. For each prescribed medication, the consumer or the  
9 consumer's parent or guardian must provide written consent to  
10 the director of the adult day training program or  
11 rehabilitation workshop facility, in addition to a copy of the  
12 written prescription, including, but not limited to, the name  
13 of the medication, the dosage and times to be given, the  
14 reason for the administration of the medication, and the time  
15 duration of the prescription. The director or the director's  
16 trained designee shall administer the medication or assist the  
17 consumer in the administration of the medication, or both.

18 2. Each prescribed medication to be administered by  
19 facility personnel must be received, counted, and stored in  
20 its original container. When the medication is not in use, it  
21 must be stored in its original container in a secure fashion  
22 under lock and key in a location designated by the director.

23 (2) There shall be no liability for civil damages as a  
24 result of the administration of such medication if the person  
25 who administers the medication acts as an ordinarily  
26 reasonably prudent person would have acted under the same or  
27 similar circumstances.

28 Section 2. Subsection (14) of section 393.063, Florida  
29 Statutes, is amended to read:

30 393.063 Definitions.--For the purposes of this  
31 chapter:

