

Bill No. CS for CS for SB 572

Amendment No. \_\_\_\_ Barcode 071324

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Jones moved the following amendment:

12

13 **Senate Amendment (with title amendment)**

14 On page 1, line 18, through

15 page 2, line 11, delete those lines

16

17 insert:

18 Section 1. This act may be cited as the "Clara Ramsey  
19 Care of the Elderly Act."

20 Section 2. Certified Geriatric Specialist Preparation  
21 Pilot Program.--

22 (1) The Agency for Workforce Innovation shall  
23 establish a pilot program for delivery of geriatric nursing  
24 education to certified nursing assistants who wish to become  
25 certified geriatric specialists. The agency shall select two  
26 pilot sites in nursing homes that have received the Gold Seal  
27 designation under section 400.235, Florida Statutes; have been  
28 designated as a teaching nursing home under section 430.80,  
29 Florida Statutes; or have not received a class I or class II  
30 deficiency within the 30 months preceding application for this  
31 program.

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1           (2) To be eligible to receive geriatric nursing  
2 education, a certified nursing assistant must have been  
3 employed by a participating nursing home for at least 1 year  
4 and have received a high school diploma or its equivalent.

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

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

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

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

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

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

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

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1       (c) A representative of Workforce Florida, Inc.,  
2 appointed by the chair of the Board of Directors of Workforce  
3 Florida, Inc.;

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

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

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

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

14       (2) The steering committee shall:

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

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

20       (3) Members of the steering committee are entitled to  
21 reimbursement for per diem and travel expenses under section  
22 112.061, Florida Statutes.

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

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

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

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

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

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

17       (1) DEFINITIONS; RESPONSIBILITIES.--

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

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

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

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

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

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

18 (2) CERTIFICATION.--

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

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

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1 of registered nurses or licensed practical nurses may provide  
2 education for the preparation of certified geriatric  
3 specialists without further board approval.

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

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

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

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

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

24 2. Care for geriatric patients only.

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

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

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1 nursing and obstetric/maternal-child nursing shall, unless  
2 denied pursuant to s. 464.018, be entitled to licensure as a  
3 licensed practical nurse if the applicant otherwise meets the  
4 requirements of s. 464.008.

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

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

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

21 (c) A violation of this subsection is a misdemeanor of  
22 the first degree, punishable as provided in s. 775.082 or s.  
23 775.083.

24 (5) VIOLATIONS AND PENALTIES.--Practicing certified  
25 geriatric specialty nursing, as defined in this section,  
26 without holding an active certificate to do so constitutes a  
27 felony of the third degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29 Section 7. Paragraph (b) of subsection (1) of section  
30 381.00315, Florida Statutes, is amended to read:

31 381.00315 Public health advisories; public health

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1 emergencies.--The State Health Officer is responsible for  
2 declaring public health emergencies and issuing public health  
3 advisories.

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

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

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

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

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1 wholesalers located in the state must respond to the State  
2 Health Officer's priority shipping directive before shipping  
3 the specified drugs.

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

11           3. Notwithstanding s. 456.036, temporarily  
12 reactivating the inactive license of the following health care  
13 practitioners, when such practitioners are needed to respond  
14 to the public health emergency: physicians licensed under  
15 chapter 458 or chapter 459; physician assistants licensed  
16 under chapter 458 or chapter 459; certified geriatric  
17 specialists certified under part I of chapter 464; licensed  
18 practical nurses, registered nurses, and advanced registered  
19 nurse practitioners licensed under part I of chapter 464;  
20 respiratory therapists licensed under part V of chapter 468;  
21 and emergency medical technicians and paramedics certified  
22 under part III of chapter 401. Only those health care  
23 practitioners specified in this paragraph who possess an  
24 unencumbered inactive license and who request that such  
25 license be reactivated are eligible for reactivation. An  
26 inactive license that is reactivated under this paragraph  
27 shall return to inactive status when the public health  
28 emergency ends or prior to the end of the public health  
29 emergency if the State Health Officer determines that the  
30 health care practitioner is no longer needed to provide  
31 services during the public health emergency. Such licenses may

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1 only be reactivated for a period not to exceed 90 days without  
2 meeting the requirements of s. 456.036 or chapter 401, as  
3 applicable.

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

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

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

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

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

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

27           (14) "Nursing service" means such services or acts as  
28 may be rendered, directly or indirectly, to and in behalf of a  
29 person by individuals as defined in ss. ~~s.~~ 464.003 and  
30 464.0125.

31           Section 9. Subsection (1) of section 400.211, Florida

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1 Statutes, is amended to read:

2           400.211 Persons employed as nursing assistants;  
3 certification requirement.--

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

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

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

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

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

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

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1 accordance with rules adopted by the Board of Nursing.

2 Section 11. Paragraph (b) of subsection (2) of section  
3 409.908, Florida Statutes, is amended to read:

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

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1 adjustment is consistent with legislative intent.

2 (2)

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

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

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

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

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

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

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

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

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

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

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

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

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1           Section 13. Subsection (1) and paragraph (a) of  
 2 subsection (2) of section 1009.65, Florida Statutes, are  
 3 amended to read:

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

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

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

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

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

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

11 1009.66 Nursing Student Loan Forgiveness Program.--

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

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

27 Section 16. Subsection (6) is added to section  
 28 464.201, Florida Statutes, to read:

29 464.201 Definitions.--As used in this part, the term:

30 (6) "Practice of a certified nursing assistant" means  
 31 providing care and assisting persons with tasks relating to

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

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

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

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

17 Section 18. James and Esther King Center for Universal  
18 Research to Eradicate Disease.--

19 (1) The Legislature finds that an estimated 128  
20 million Americans suffer from acute, chronic, and degenerative  
21 diseases and that biomedical research is the key to finding  
22 cures for these diseases that negatively affect all  
23 Floridians. The Legislature further finds that, while there is  
24 much research being conducted throughout this state and  
25 throughout the world, there is a lack of coordination of  
26 efforts among researchers. The Legislature, therefore, finds  
27 that there is a significant need for a coordinated effort if  
28 the goal of curing disease is to be achieved. Moreover, the  
29 Legislature finds that the biomedical technology sector meets  
30 the criteria of a high-impact sector, pursuant to section  
31 288.108, Florida Statutes, having a high importance to this

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1 state's economy with a significant potential for growth and  
2 contribution to our universities and quality of life.

3 (2) It is the intent of the Legislature that Florida  
4 strive to become the nation's leader in biomedical research  
5 and commit itself to being the state to find cures for the  
6 most deadly and widespread diseases. It is further the intent  
7 of the Legislature that there be a coordinated effort among  
8 the state's public and private universities and the biomedical  
9 industry to discover such cures. Moreover, it is the intent of  
10 the Legislature to expand the state economy by attracting  
11 biomedical researchers and research companies to this state.

12 (3) There is established the James and Esther King  
13 Center for Universal Research to Eradicate Disease, which  
14 shall be known as the "CURED."

15 (a) The purpose of the center is to coordinate,  
16 improve, expand, and monitor all biomedical research programs  
17 within the state, facilitate funding opportunities, and foster  
18 improved technology transfer of research findings into  
19 clinical trials and widespread public use.

20 (b) The goal of the center is to find cures for  
21 diseases such as cancer, heart disease, lung disease,  
22 diabetes, and neurological disorders, including Alzheimer's  
23 disease, epilepsy, and Parkinson's disease.

24 (c) The center shall hold an annual biomedical  
25 technology summit in Florida to which biomedical researchers,  
26 biomedical technology companies, business incubators,  
27 pharmaceutical manufacturers, and others around the nation and  
28 world are invited to share biomedical research findings in  
29 order to expedite the discovery of cures. Summit attendees  
30 will be required to cover the costs of such attendance or  
31 obtain sponsorship for such attendance.

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1       (d) The center shall encourage clinical trials in this  
2 state on research that holds promise of curing a disease or  
3 condition. The center shall facilitate partnerships between  
4 researchers, treating physicians, and community hospitals for  
5 the purpose of sharing new techniques and new research  
6 findings, as well as coordinating voluntary donations to  
7 ensure an adequate supply of adult stem cells or cord blood.

8       (e) The center shall also encourage the discovery and  
9 production in Florida of vaccines that prevent disease.

10       (f) The center shall monitor the supply and demand  
11 needs of researchers relating to stem cell research and other  
12 types of human tissue research. If the center determines that  
13 there is a need for increased donation of human tissue, it  
14 shall notify hospitals licensed pursuant to chapter 395,  
15 Florida Statutes, that have entered into partnership  
16 agreements with research institutes conducting stem cell  
17 research located in the same geographic region as the  
18 researchers demanding the stem cells or other tissues. Such  
19 hospitals shall then implement programs that encourage  
20 voluntary donations of cord blood or other needed adult  
21 tissue.

22       (g) The center shall be funded through private, state,  
23 and federal sources.

24       (h) The center shall serve as a registry of all known  
25 biomedical grant opportunities and may assist any public or  
26 private biomedical research program in this state in preparing  
27 grant requests.

28       (i) The center shall maintain a website with links to  
29 peer-reviewed biomedical research. The website shall also  
30 contain a list of all known biomedical research being  
31 conducted in Florida and shall facilitate communication among

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1 researchers and other interested parties.

2       (j) The center shall submit an annual report to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives no later than January 15 which  
5 contains recommendations for legislative change necessary to  
6 foster a positive climate for biomedical research in this  
7 state.

8       (k) The duties of the center may be outsourced by the  
9 Department of Health to a private entity or state university.

10       (4) There is established within the center an advisory  
11 council which shall meet at least annually.

12       (a) The council shall consist of the members of the  
13 board of directors of the Florida Research Consortium and at  
14 least one representative from:

- 15           1. The Emerging Technology Commission.
- 16           2. Enterprise Florida, Inc.
- 17           3. BioFlorida.
- 18           4. The Florida Biomedical Research Advisory Council.
- 19           5. The Florida Medical Foundation.
- 20           6. Pharmaceutical Research and Manufacturers of  
21 America.

22       (b) Members of the council shall serve without  
23 compensation and each organization represented shall cover all  
24 expenses of its representative.

25       Section 19. Paragraphs (a) and (b) of subsection (1),  
26 subsection (2), and paragraph (f) of subsection (10) of  
27 section 215.5602, Florida Statutes, are amended to read:

28       215.5602 Florida Biomedical Research Program.--

29       (1) There is established within the Department of  
30 Health the Florida Biomedical Research Program funded by the  
31 proceeds of the Lawton Chiles Endowment Fund pursuant to s.

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1 215.5601. The purpose of the Florida Biomedical Research  
2 Program is to provide an annual and perpetual source of  
3 funding in order to support research initiatives that address  
4 the health care problems of Floridians in the areas of  
5 tobacco-related cancer, cardiovascular disease, stroke, and  
6 pulmonary disease. The long-term goals of the program are to:  
7 (a) Improve the health of Floridians by researching  
8 better prevention, diagnoses, ~~and~~ treatments, and cures for  
9 cancer, cardiovascular disease, stroke, and pulmonary disease.  
10 (b) Expand the foundation of biomedical knowledge  
11 relating to the prevention, diagnosis, ~~and~~ treatment, and cure  
12 of diseases related to tobacco use, including cancer,  
13 cardiovascular disease, stroke, and pulmonary disease.  
14 (2) Funds appropriated for the Florida Biomedical  
15 Research Program shall be used exclusively for the award of  
16 grants and fellowships as established in this section; for  
17 research relating to the prevention, diagnosis, ~~and~~ treatment,  
18 and cure of diseases related to tobacco use, including cancer,  
19 cardiovascular disease, stroke, and pulmonary disease; and for  
20 expenses incurred in the administration of this section.  
21 Priority shall be granted to research designed to prevent or  
22 cure disease.  
23 (10) The council shall submit an annual progress  
24 report on the state of biomedical research in this state to  
25 the Governor, the Secretary of Health, the President of the  
26 Senate, and the Speaker of the House of Representatives by  
27 February 1. The report must include:  
28 (f) Progress in the prevention, diagnosis, ~~and~~  
29 treatment, and cure of diseases related to tobacco use,  
30 including cancer, cardiovascular disease, stroke, and  
31 pulmonary disease.

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1           Section 20. Florida Cancer Research Cooperative.--

2           (1) Effective July 1, 2003, the Florida Cancer  
3 Research Cooperative is established for the purpose of making  
4 the State of Florida a world class center for cancer research.

5           (2)(a) A not-for-profit corporation, acting as an  
6 instrumentality of the Florida Dialogue on Cancer, shall be  
7 organized for the purpose of governing the affairs of the  
8 cooperative.

9           (b) The Florida Cancer Research Cooperative, Inc., may  
10 create not-for-profit corporate subsidiaries to fulfill its  
11 mission. The not-for-profit corporation and its subsidiaries  
12 are authorized to receive, hold, invest, and administer  
13 property and any moneys acquired from private, local, state,  
14 and federal sources, as well as technical and professional  
15 income generated or derived from the mission-related  
16 activities of the cooperative.

17           (c) The affairs of the not-for-profit corporation  
18 shall be managed by a board of directors which shall consist  
19 of:

20           1. The Secretary of the Department of Health or his or  
21 her designee;

22           2. The Chief Executive Officer of the H. Lee Moffitt  
23 Cancer Center or his or her designee;

24           3. The President of the University of Florida Shands  
25 Cancer Center or his or her designee;

26           4. The Chief Executive Officer of the University of  
27 Miami Sylvester Comprehensive Cancer Center or his or her  
28 designee;

29           5. The Chief Executive Officer of the Mayo Clinic,  
30 Jacksonville or his or her designee;

31           6. The Chief Executive Officer of the American Cancer

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- 1 Society, Florida Division or his or her designee;  
2       7. The President of the American Cancer Society,  
3 Florida Division Board of Directors or his or her designee;  
4       8. The President of the Florida Society of Clinical  
5 Oncology or his or her designee;  
6       9. The Chief Executive Officer of Enterprise Florida,  
7 Inc., or his or her designee;  
8       10. Three representatives from large Florida hospitals  
9 or institutions, not delineated in subparagraphs 1. through  
10 6., that treat a large volume of cancer patients. One shall be  
11 appointed by the Governor, one shall be appointed by the  
12 Speaker of the House of Representatives, and one shall be  
13 appointed by the President of the Senate;  
14       11. Three representatives from community-based,  
15 statewide organizations serving populations that experience  
16 cancer disparities, one of whom shall be appointed by the  
17 Governor, one of whom shall be appointed by the Speaker of the  
18 House of Representatives, and one of whom shall be appointed  
19 by the President of the Senate;  
20       12. One member of the Florida House of  
21 Representatives, to be appointed by the Speaker of the House  
22 of Representatives;  
23       13. One member of the Florida Senate, to be appointed  
24 by the President of the Senate;  
25       14. Three university presidents, one of whom shall be  
26 appointed by the Governor, one of whom shall be appointed by  
27 the Speaker of the House of Representatives, and one of whom  
28 shall be appointed by the President of the Senate; and  
29       15. Five representatives from other statewide public  
30 health organizations whose missions include public education  
31 and the eradication of cancer, three of whom shall be

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1 appointed by the Governor, one of whom shall be appointed by  
2 the Speaker of the House of Representatives, and one of whom  
3 shall be appointed by the President of the Senate.

4 (d) Appointments made by the Speaker of the House of  
5 Representatives and the President of the Senate pursuant to  
6 paragraph (c) shall be for 2-year terms, concurrent with the  
7 bienniums in which they serve as presiding officers.

8 (e) Appointments made by the Governor pursuant to  
9 paragraph (c) shall be for 2-year terms, although the Governor  
10 may reappoint directors.

11 (f) Members of the board of directors of the  
12 not-for-profit corporation or any subsidiaries shall serve  
13 without compensation.

14 (3) The cooperative shall issue an annual report to  
15 the Governor, the Speaker of the House of Representatives, and  
16 the President of the Senate, by December 15 of each year, with  
17 policy and funding recommendations regarding cancer research  
18 capacity in Florida and related issues.

19 Section 21. Florida Cancer Research Cooperative;  
20 mission and duties.--

21 (1) The cooperative shall develop and centralize the  
22 processes and shared services for expanding cancer research in  
23 Florida through:

24 (a) Support through bioinformatics, in order to create  
25 a cancer informatics infrastructure that enhances information  
26 and resource exchange and integration through researchers  
27 working in diverse disciplines to facilitate the full spectrum  
28 of cancer investigations;

29 (b) Technical coordination, business development, and  
30 support of intellectual property;

31 (c) Development of a statewide cancer clinical trials

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1 network as contemplated in section 1; and

2 (d) Other multidisciplinary research support  
3 activities.

4 (2) The cooperative shall work in concert with the  
5 Center for Universal Research to Eradicate Disease created in  
6 section 1 to ensure that the goals of the center are advanced.

7 Section 22. Section 484.0512, Florida Statutes, is  
8 amended to read:

9 484.0512 Thirty-day trial period; purchaser's right to  
10 cancel; notice; refund; cancellation fee; criminal penalty  
11 procedures.--

12 (1) A person selling a hearing aid in this state must  
13 provide the buyer with written notice of a 30-day trial period  
14 and money-back guarantee. The guarantee must permit the  
15 purchaser to cancel the purchase for a valid reason as defined  
16 by rule of the board within 30 days after receiving the  
17 hearing aid, by returning the hearing aid or mailing written  
18 notice of cancellation to the seller. If the hearing aid must  
19 be repaired, remade, or adjusted during the 30-day trial  
20 period, the running of the 30-day trial period is suspended 1  
21 day for each 24-hour period that the hearing aid is not in the  
22 purchaser's possession. A repaired, remade, or adjusted  
23 hearing aid must be claimed by the purchaser within 3 working  
24 days after notification of availability. The running of the  
25 30-day trial period resumes on the day the purchaser reclaims  
26 the repaired, remade, or adjusted hearing aid or on the fourth  
27 day after notification of availability.

28 (2) The board, in consultation with the Board of  
29 Speech-Language Pathology and Audiology, shall prescribe by  
30 rule the terms and conditions to be contained in the  
31 money-back guarantee and any exceptions thereto. Such rule

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1 shall provide, at a minimum, that the charges for earmolds and  
2 service provided to fit the hearing aid may be retained by the  
3 licensee. The rules shall also set forth any reasonable  
4 charges to be held by the licensee as a cancellation fee. Such  
5 rule shall be effective on or before December 1, 1994. Should  
6 the board fail to adopt such rule, a licensee may not charge a  
7 cancellation fee which exceeds 5 percent of the total charge  
8 for a hearing aid alone. The terms and conditions of the  
9 guarantee, including the total amount available for refund,  
10 shall be provided in writing to the purchaser prior to the  
11 signing of the contract.

12 (3) Within 30 days after the return or attempted  
13 return of the hearing aid, the seller shall refund all moneys  
14 that must be refunded to a purchaser pursuant to this section.  
15 A violation of this subsection is a misdemeanor of the first  
16 degree, punishable as provided in s. 775.082 or s. 775.083.

17 (4) For purposes of this section, the term "seller" or  
18 "person selling a hearing aid" includes:

19 (a) Any natural person licensed under this part or any  
20 other natural person who signs a sales receipt required by s.  
21 484.051(2) or s. 468.1245(2) or who otherwise fits, delivers,  
22 or dispenses a hearing aid.

23 (b) Any business organization, whether a sole  
24 proprietorship, partnership, corporation, professional  
25 association, joint venture, business trust, or other legal  
26 entity, which dispenses a hearing aid or enters into an  
27 agreement to dispense a hearing aid.

28 (c) Any person who controls, manages, or operates an  
29 establishment or business that dispenses a hearing aid or  
30 enters into an agreement to dispense a hearing aid.

31 Section 23. Effective upon this act becoming a law,

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1 subsection (1) of section 456.073, Florida Statutes, is  
2 amended to read:

3 456.073 Disciplinary proceedings.--Disciplinary  
4 proceedings for each board shall be within the jurisdiction of  
5 the department.

6 (1) The department, for the boards under its  
7 jurisdiction, shall cause to be investigated any complaint  
8 that is filed before it if the complaint is in writing, signed  
9 by the complainant, and legally sufficient. A complaint filed  
10 by a state prisoner against a health care practitioner  
11 employed by or otherwise providing health care services within  
12 a facility of the Department of Corrections is not legally  
13 sufficient unless there is a showing that the prisoner  
14 complainant has exhausted all available administrative  
15 remedies within the state correctional system before filing  
16 the complaint. However, if the department determines after a  
17 preliminary inquiry of a state prisoner's complaint, that the  
18 practitioner may present a serious threat to the health and  
19 safety of any individual who is not a state prisoner, the  
20 department may determine legal sufficiency and proceed with  
21 discipline. The Department of Health shall be notified within  
22 15 days whenever the Department of Corrections disciplines or  
23 allows a health care practitioner to resign for an offense  
24 related to the practice of his or her profession. A complaint  
25 is legally sufficient if it contains ultimate facts that show  
26 that a violation of this chapter, of any of the practice acts  
27 relating to the professions regulated by the department, or of  
28 any rule adopted by the department or a regulatory board in  
29 the department has occurred. In order to determine legal  
30 sufficiency, the department may require supporting information  
31 or documentation. The department may investigate, and the

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1 department or the appropriate board may take appropriate final  
2 action on, a complaint even though the original complainant  
3 withdraws it or otherwise indicates a desire not to cause the  
4 complaint to be investigated or prosecuted to completion. The  
5 department may investigate an anonymous complaint if the  
6 complaint is in writing and is legally sufficient, if the  
7 alleged violation of law or rules is substantial, and if the  
8 department has reason to believe, after preliminary inquiry,  
9 that the violations alleged in the complaint are true. The  
10 department may investigate a complaint made by a confidential  
11 informant if the complaint is legally sufficient, if the  
12 alleged violation of law or rule is substantial, and if the  
13 department has reason to believe, after preliminary inquiry,  
14 that the allegations of the complainant are true. The  
15 department may initiate an investigation if it has reasonable  
16 cause to believe that a licensee or a group of licensees has  
17 violated a Florida statute, a rule of the department, or a  
18 rule of a board. Except as provided in ss. 458.331(9),  
19 459.015(9), 460.413(5), and 461.013(6), when an investigation  
20 of any subject is undertaken, the department shall promptly  
21 furnish to the subject or the subject's attorney a copy of the  
22 complaint or document that resulted in the initiation of the  
23 investigation. The subject may submit a written response to  
24 the information contained in such complaint or document within  
25 20 days after service to the subject of the complaint or  
26 document. The subject's written response shall be considered  
27 by the probable cause panel. The right to respond does not  
28 prohibit the issuance of a summary emergency order if  
29 necessary to protect the public. However, if the secretary, or  
30 the secretary's designee, and the chair of the respective  
31 board or the chair of its probable cause panel agree in

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1 writing that such notification would be detrimental to the  
2 investigation, the department may withhold notification. The  
3 department may conduct an investigation without notification  
4 to any subject if the act under investigation is a criminal  
5 offense.

6           Section 24. (1) The Division of Medical Quality  
7 Assurance of the Department of Health shall conduct a study of  
8 clinical and academic training requirements of certified  
9 optometric practitioners, licensed pursuant to chapter 463,  
10 Florida Statutes, to determine the extent to which prescribing  
11 authority may be expanded. The study group shall be composed  
12 of the following members:

13           (a) One pharmacologist representing the University of  
14 Florida;

15           (b) One pharmacologist representing Nova Southeastern  
16 University;

17           (c) One pharmacologist representing Florida  
18 Agricultural and Mechanical University;

19           (d) One ophthalmologist representing Mayo Clinic  
20 Jacksonville;

21           (e) One ophthalmologist representing Bascom Palmer Eye  
22 Institute;

23           (f) One board-certified internist appointed by the  
24 University of South Florida;

25           (g) One optometrist representing the Florida Board of  
26 Optometry;

27           (h) One certified optometric practitioner representing  
28 the Florida Optometric Association; and

29           (i) One certified optometric practitioner appointed by  
30 the Nova Southeastern University College of Optometry.

31           (2) The study group shall be chaired by the Secretary

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1 of Health or his or her designee. The study shall be completed  
 2 and a final report presented to the Governor, the President of  
 3 the Senate, and the Speaker of the House of Representatives by  
 4 January 15, 2004. If applicable, a minority report shall be  
 5 completed and presented to the Governor, the President of the  
 6 Senate, and the Speaker of the House of Representatives by  
 7 January 31, 2004.

8 (3) This section shall take effect upon becoming a  
 9 law.

10 Section 25. Present subsection (4) of section  
 11 465.0265, Florida Statutes, is redesignated as subsection (5),  
 12 and a new subsection (4) is added to that section, to read:

13 465.0265 Centralized prescription filling.--

14 (4) Pharmacies accessing the same prescription records  
 15 in a centralized database or pharmacy computers linked in any  
 16 other manner may refill or dispense prescriptions at the  
 17 request of another pharmacy so linked if the pharmacies have  
 18 the same owner or have a written contract specifying the  
 19 services to be provided by each pharmacy, the responsibilities  
 20 of each pharmacy, and the manner in which the pharmacies will  
 21 comply with federal and state laws and rules. Prescriptions  
 22 refilled or dispensed using such a system shall not be  
 23 considered prescription transfers or copies if the computer  
 24 system registers a complete and full audit trail of all  
 25 activities and includes the identification of the pharmacies  
 26 and pharmacists accessing the centralized database and if the  
 27 system restricts access to the computerized prescription  
 28 records to pharmacies or other authorized personnel.

29 Section 26. Subsection (2) of section 466.006, Florida  
 30 Statutes, is amended to read:

31 466.006 Examination of dentists.--

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1           (2) An applicant shall be entitled to take the  
2 examinations required in this section to practice dentistry in  
3 this state if the applicant:

4           (a) Is 18 years of age or older.

5           (b)1. Is a graduate of a dental school accredited by  
6 the Commission on Accreditation of the American Dental  
7 Association or its successor agency, if any, or any other  
8 nationally recognized accrediting agency; ~~or-~~

9           2. Is a dental student in the final year of a program  
10 at such an accredited school who has completed all the  
11 coursework necessary to prepare the student to perform the  
12 clinical and diagnostic procedures required to pass the  
13 examinations. With respect to a dental student in the final  
14 year of a program at a dental school, a passing score on the  
15 examinations is valid for 180 days after the date the  
16 examinations were completed. A dental school student who takes  
17 the licensure examinations during the student's final year of  
18 an approved dental school must have graduated before being  
19 certified for licensure pursuant to s. 466.011.

20           (c) Has successfully completed the National Board of  
21 Dental Examiners dental examination within 10 years of the  
22 date of application.

23           Section 27. Section 466.0065, Florida Statutes, is  
24 created to read:

25           466.0065 Regional licensure examinations.--

26           (1) It is the intent of the Legislature that schools  
27 of dentistry be allowed to offer regional licensure  
28 examinations to dental students who are in the final year of a  
29 program at an approved dental school for the sole purpose of  
30 facilitating the student's licensing in other jurisdictions.

31 This section does not allow a person to be licensed as a

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1 dentist in this state without taking the examinations as set  
2 forth in s. 466.006, nor does this section mean that regional  
3 examinations administered under this section may be  
4 substituted for complying with testing requirements under s.  
5 466.006.

6 (2) Each school of dentistry in this state which is  
7 accredited by the Commission on Accreditation of the American  
8 Dental Association or its successor agency may, upon written  
9 approval by the Board of Dentistry, offer regional licensure  
10 examinations only to dental students in the final year of a  
11 program at an approved dental school, if the board has  
12 approved the hosting school's written plan to comply with the  
13 following conditions:

14 (a) The examining body must be a member of the  
15 American Association of Dental Examiners.

16 (b) The student must have successfully completed parts  
17 I and II of the National Board of Dental Examiners examination  
18 within 2 years before taking the regional examination.

19 (c) The student must possess medical malpractice  
20 insurance in amounts that the board determines to be  
21 sufficient to cover any reasonably foreseeable incident of harm  
22 to a patient during the clinical portion of the regional  
23 examination.

24 (d) At least one of the examination monitors must be a  
25 dentist licensed in this state who has completed all necessary  
26 standardization exercises required by the regional examination  
27 body.

28 (e) Adequate arrangements must be made, when  
29 necessary, for patients who require followup care as a result  
30 of procedures performed during the clinical portion of the  
31 regional examination.

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1       (f) The board chair or the chair's designee must be  
2 allowed to observe testing while it is in progress.

3       (g) Each student, upon applying to take the regional  
4 examination, must receive written disclosure in at least  
5 12-point boldface type which states: "This examination does  
6 not meet the licensure requirements of chapter 466, Florida  
7 Statutes, for licensure in the State of Florida. Persons  
8 wishing to practice dentistry in Florida must pass the Florida  
9 licensure examinations. For more information on Florida's  
10 licensure examination procedures, please contact the Florida  
11 Board of Dentistry."

12       (h) The student must be enrolled as a dental student  
13 in the student's final year of a program at an approved dental  
14 school that is accredited by the Commission on Accreditation  
15 of the American Dental Association or its successor agency.

16       (i) The student must have completed all the coursework  
17 necessary to prepare the student to perform all clinical and  
18 diagnostic procedures required to pass the regional  
19 examination.

20       (j) The student's academic record must not include any  
21 evidence suggesting that the student poses an unreasonable  
22 risk to any live patients who are required for the clinical  
23 portion of the regional examination. In order to protect the  
24 health and safety of the public, the board may request  
25 additional information and documents pertaining to the  
26 candidate's mental and physical health in order to fully  
27 assess the candidate's fitness to engage in exercises  
28 involving a live patient.

29       (3) A student who takes the examination pursuant to  
30 this section, a dental school that submits a plan pursuant to  
31 this section, or a regional examination body that a dental

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1 school proposes to host under this section does not have  
2 standing to assert that a state agency has taken action for  
3 which a hearing may be sought under ss. 120.569 and 120.57.

4 Section 28. This act may be cited as the "Nick Oelrich  
5 Gift of Life Act."

6 Section 29. Subsections (1), (2), and (6) of section  
7 765.512, Florida Statutes, are amended to read:

8 765.512 Persons who may make an anatomical gift.--

9 (1) Any person who may make a will may give all or  
10 part of his or her body for any purpose specified in s.  
11 765.510, the gift to take effect upon death. An anatomical  
12 gift made by an adult donor and not revoked by the donor as  
13 provided in s. 765.516 is irrevocable ~~and does not require the~~  
14 ~~consent or concurrence of any person~~ after the donor's death.  
15 A family member, guardian, representative ad litem, or health  
16 care surrogate of an adult donor who has made an anatomical  
17 gift pursuant to subsection (2) may not modify, deny or  
18 prevent a donor's wish or intent to make an anatomical gift  
19 from being made after the donor's death.

20 (2) If the decedent has executed an agreement  
21 concerning an anatomical gift, ~~by including~~ signing an organ  
22 and tissue donor card, by expressing his or her wish to donate  
23 in a living will or advance directive, or by signifying his or  
24 her intent to donate on his or her driver's license or in some  
25 other written form has indicated his or her wish to make an  
26 anatomical gift, and in the absence of actual notice of  
27 contrary indications by the decedent, the document is evidence  
28 of legally sufficient informed consent to donate an anatomical  
29 gift and is legally binding. Any surrogate designated by the  
30 decedent pursuant to part II of this chapter may give all or  
31 any part of the decedent's body for any purpose specified in

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1 s. 765.510.

2 (6) A gift of all or part of a body authorizes:

3 (a) Any examination necessary to assure medical  
4 acceptability of the gift for the purposes intended.

5 (b) The decedent's medical provider, family, or a  
6 third party to furnish medical records requested concerning  
7 the decedent's medical and social history.

8 Section 30. Section 765.516, Florida Statutes, is  
9 amended to read:

10 765.516 Amendment of the terms of or the revocation of  
11 the gift.--

12 (1) A donor may amend the terms of or revoke an  
13 anatomical gift by:

14 (a) The execution and delivery to the donee of a  
15 signed statement.

16 (b) An oral statement that is+

17 ~~1. Made to the donor's spouse; or~~

18 ~~2. made in the presence of two persons, one of whom~~  
19 ~~must not be a family member, and communicated to the donor's~~  
20 ~~family or attorney or to the donee.~~

21 (c) A statement during a terminal illness or injury  
22 addressed to an attending physician, who must communicate the  
23 revocation of the gift to the procurement organization that is  
24 certified by the state.

25 (d) A signed document found on or about the donor's  
26 person ~~or in the donor's effects.~~

27 (2) Any gift made by a will may also be amended or  
28 revoked in the manner provided for amendment or revocation of  
29 wills or as provided in subsection (1).

30 Section 31. Subsection (1) of section 765.401, Florida  
31 Statutes, is amended to read:

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1           765.401 The proxy.--

2           (1) If an incapacitated or developmentally disabled  
3 patient has not executed an advance directive, or designated a  
4 surrogate to execute an advance directive, or the designated  
5 or alternate surrogate is no longer available to make health  
6 care decisions, health care decisions may be made for the  
7 patient by any of the following individuals, in the following  
8 order of priority, if no individual in a prior class is  
9 reasonably available, willing, or competent to act:

10           (a) The judicially appointed guardian of the patient  
11 or the guardian advocate of the person having a developmental  
12 disability as defined in s. 393.063, who has been authorized  
13 to consent to medical treatment, if such guardian has  
14 previously been appointed; however, this paragraph shall not  
15 be construed to require such appointment before a treatment  
16 decision can be made under this subsection;

17           (b) The patient's spouse;

18           (c) An adult child of the patient, or if the patient  
19 has more than one adult child, a majority of the adult  
20 children who are reasonably available for consultation;

21           (d) A parent of the patient;

22           (e) The adult sibling of the patient or, if the  
23 patient has more than one sibling, a majority of the adult  
24 siblings who are reasonably available for consultation;

25           (f) An adult relative of the patient who has exhibited  
26 special care and concern for the patient and who has  
27 maintained regular contact with the patient and who is  
28 familiar with the patient's activities, health, and religious  
29 or moral beliefs; ~~or~~

30           (g) A close friend of the patient; ~~or~~

31           (h) A clinical social worker licensed pursuant to

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1 chapter 491, or a graduate of a court-approved guardianship  
2 program. Such a proxy must be selected by the provider's  
3 bioethics committee and must not be employed by the provider.  
4 If the provider does not have a bioethics committee, then such  
5 a proxy may be chosen through an arrangement with the  
6 bioethics committee of another provider. The proxy must be  
7 notified that upon request the provider shall make available a  
8 second physician, not involved in the patient's care, to  
9 assist the proxy in evaluating treatment. Decisions to  
10 withhold or withdraw life-prolonging procedures must be  
11 reviewed by the facility's bioethics committee. Documentation  
12 of efforts to locate proxies from prior classes must be  
13 recorded in the patient record.

14 Section 32. Subsection (22) is added to section  
15 641.19, Florida Statutes, to read:

16 641.19 Definitions.--As used in this part, the term:  
17 (22) "Specialty" does not include services performed  
18 by a chiropractic physician licensed under chapter 460.

19  
20 (Redesignate subsequent sections.)

21  
22  
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 1, lines 2-6, delete those lines

26  
27 and insert:

28 An act relating to health care; providing a  
29 short title; requiring the Agency for Workforce  
30 Innovation to establish a pilot program for  
31 delivery of certified geriatric specialty

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

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

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1           geriatric specialists in nursing home  
2           facilities according to rules adopted by the  
3           Board of Nursing; amending s. 409.908, F.S.;  
4           revising the methodology for reimbursement of  
5           Medicaid program providers to include services  
6           of certified geriatric specialists; amending s.  
7           458.303, F.S.; revising exceptions to the  
8           practice of medicine to include services  
9           delegated to a certified geriatric specialist  
10          under specified circumstances; amending s.  
11          1009.65, F.S.; revising eligibility for the  
12          Medical Education Reimbursement and Loan  
13          Repayment Program to include certified  
14          geriatric specialists; amending s. 1009.66,  
15          F.S.; revising eligibility requirements for the  
16          Nursing Student Loan Forgiveness Program to  
17          include certified geriatric specialists;  
18          providing an appropriation; amending s.  
19          464.201, F.S.; defining terms; amending s.  
20          464.202, F.S.; authorizing the Board of Nursing  
21          to adopt rules regarding the practice and  
22          supervision of certified nursing assistants;  
23          creating the James and Esther King Center for  
24          Universal Research to Eradicate Disease;  
25          providing intent and duties; creating an  
26          advisory council; amending s. 215.5602, F.S.;  
27          expanding the long-term goals and funding of  
28          the Florida Biomedical Research Program to  
29          include the cure of specified diseases;  
30          creating the Florida Cancer Research  
31          Cooperative; providing for a board of

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1 directors; providing the cooperative's mission  
2 and duties; amending s. 484.0512, F.S. ;  
3 providing a criminal penalty for failure of a  
4 seller to refund within a specified time moneys  
5 required to be refunded to a purchaser for the  
6 return or attempted return of a hearing aid;  
7 providing a definition; amending s. 456.073,  
8 F.S.; providing that a state prisoner must  
9 exhaust all available administrative remedies  
10 before filing a complaint with the Department  
11 of Health against a health care practitioner  
12 who is providing health care services within  
13 the Department of Corrections, unless the  
14 practitioner poses a serious threat to the  
15 health or safety of a person who is not a state  
16 prisoner; requiring the Department of Health to  
17 be notified if a health care practitioner is  
18 disciplined or allowed to resign for a  
19 practice-related offense; requiring the  
20 Division of Medical Quality Assurance of the  
21 Department of Health to conduct a study of  
22 clinical and academic training requirements of  
23 certified optometric practitioners; providing  
24 for appointment of members; requiring a report  
25 to be submitted to the Governor and  
26 Legislature; amending s. 465.0265, F.S. ;  
27 providing requirements for the filing of  
28 prescriptions by pharmacies that are under  
29 common ownership or that have a contractual  
30 relationship with one another; specifying  
31 requirements for exceptions to prescription

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1 transfers between certain pharmacies; amending  
2 s. 466.006, F.S.; allowing certain dental  
3 students to take the examinations required to  
4 practice dentistry in this state under  
5 specified conditions; providing a prerequisite  
6 to licensure of such students; creating s.  
7 466.0065, F.S.; allowing certain dental  
8 students to take regional licensure  
9 examinations under specified conditions;  
10 restricting the applicability of examination  
11 results to licensing in other jurisdictions;  
12 requiring approval by the Board of Dentistry  
13 and providing prerequisites to such approval;  
14 creating the "Nick Oelrich Gift of Life Act";  
15 amending s. 765.512, F.S., relating to  
16 anatomical gifts; prohibiting modification of a  
17 donor's intent; providing that a donor document  
18 is legally binding; authorizing specified  
19 persons to furnish a donor's medical records  
20 upon request; amending s. 765.516, F.S.;  
21 revising procedures by which the terms of an  
22 anatomical gift may be amended or the gift may  
23 be revoked; amending s. 765.401, F.S.;  
24 providing additional persons who may be given a  
25 proxy for the making of health care decisions;  
26 requiring review by the facility's bioethics  
27 committee of decisions to withhold or withdraw  
28 life-prolonging procedures; requiring  
29 documentation of efforts to locate certain  
30 proxies; amending s. 641.19, F.S.; providing  
31 that the term "specialty" does not include the

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services of a licensed chiropractic physician  
for purposes of the regulation of managed care;  
creating s. 466.0065, F.S.;