

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

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

1 conform to the certification of certified
2 geriatric specialists; amending s. 400.23,
3 F.S.; specifying that certified geriatric
4 specialists shall be considered licensed
5 nursing staff; authorizing licensed practical
6 nurses to supervise the activities of certified
7 geriatric specialists in nursing home
8 facilities according to rules adopted by the
9 Board of Nursing; amending s. 409.908, F.S.;
10 revising the methodology for reimbursement of
11 Medicaid program providers to include services
12 of certified geriatric specialists; amending s.
13 458.303, F.S.; revising exceptions to the
14 practice of medicine to include services
15 delegated to a certified geriatric specialist
16 under specified circumstances; amending s.
17 1009.65, F.S.; revising eligibility for the
18 Medical Education Reimbursement and Loan
19 Repayment Program to include certified
20 geriatric specialists; amending s. 1009.66,
21 F.S.; revising eligibility requirements for the
22 Nursing Student Loan Forgiveness Program to
23 include certified geriatric specialists;
24 providing an appropriation; amending s.
25 464.201, F.S.; defining terms; amending s.
26 464.202, F.S.; authorizing the Board of Nursing
27 to adopt rules regarding the practice and
28 supervision of certified nursing assistants;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

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

3 Section 2. Certified Geriatric Specialist Preparation
4 Pilot Program.--

5 (1) The Agency for Workforce Innovation shall
6 establish a pilot program for delivery of geriatric nursing
7 education to certified nursing assistants who wish to become
8 certified geriatric specialists. The agency shall select two
9 pilot sites in nursing homes that have received the Gold Seal
10 designation under section 400.235, Florida Statutes; have been
11 designated as a teaching nursing home under section 430.80,
12 Florida Statutes; or have not received a class I or class II
13 deficiency within the 30 months preceding application for this
14 program.

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

19 (3) The education shall be provided at the worksite
20 and in coordination with the certified nursing assistant's
21 work schedule.

22 (4) Faculty shall provide the instruction under an
23 approved nursing program pursuant to section 464.019, Florida
24 Statutes.

25 (5) The education shall prepare the certified nursing
26 assistant to meet the requirements for certification as a
27 geriatric specialist. The didactic and clinical education
28 shall include all portions of the practical nursing curriculum
29 pursuant to section 464.019, Florida Statutes, except for
30 pediatric and obstetric/maternal-child education, and shall
31 include additional education in the care of ill, injured, or

1 infirm geriatric patients and the maintenance of health, the
2 prevention of injury, and the provision of palliative care for
3 geriatric patients.

4 Section 3. Certified Geriatric Specialty Nursing
5 Initiative Steering Committee.--

6 (1) In order to guide the implementation of the
7 Certified Geriatric Specialist Preparation Pilot Program,
8 there is created a Certified Geriatric Specialty Nursing
9 Initiative Steering Committee. The steering committee shall be
10 composed of the following members:

11 (a) The chair of the Board of Nursing or his or her
12 designee;

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

15 (c) A representative of Workforce Florida, Inc.,
16 appointed by the chair of the Board of Directors of Workforce
17 Florida, Inc.;

18 (d) A representative of the Department of Education,
19 appointed by the Secretary of Education;

20 (e) A representative of the Agency for Health Care
21 Administration, appointed by the Secretary of Health Care
22 Administration;

23 (f) The Director of the Florida Center for Nursing;
24 and

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

28 (2) The steering committee shall:

29 (a) Provide consultation and guidance to the Agency
30 for Workforce Innovation on matters of policy during the
31 implementation of the pilot program; and

1 (b) Provide oversight to the evaluation of the pilot
2 program.

3 (3) Members of the steering committee are entitled to
4 reimbursement for per diem and travel expenses under section
5 112.061, Florida Statutes.

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

9 Section 4. Evaluation of the Certified Geriatric
10 Specialist Preparation Pilot Program.--The Agency for
11 Workforce Innovation, in consultation with the Certified
12 Geriatric Specialty Nursing Initiative Steering Committee,
13 shall conduct, or contract for an evaluation of the pilot
14 program. The agency shall ensure that an evaluation report is
15 submitted to the Governor, the President of the Senate, and
16 the Speaker of the House of Representatives by January 1,
17 2006. The evaluation must address the experience and success
18 of the certified nursing assistants in the pilot program and
19 must contain recommendations regarding the expansion of the
20 delivery of geriatric nursing education in nursing homes.

21 Section 5. Reports.--The Agency for Workforce
22 Innovation shall submit status reports and recommendations
23 regarding legislation necessary to further the implementation
24 of the pilot program to the Governor, the President of the
25 Senate, and the Speaker of the House of Representatives on
26 January 1, 2004, January 1, 2005, and January 1, 2006.

27 Section 6. Section 464.0125, Florida Statutes, is
28 created to read:

29 464.0125 Certified geriatric specialists;
30 certification requirements.--

31 (1) DEFINITIONS; RESPONSIBILITIES.--

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

2 1. "Certified geriatric specialist" means a person who
3 meets the qualifications specified in this section and who is
4 certified by the board to practice as a certified geriatric
5 specialist.

6 2. "Geriatric patient" means any patient who is 60
7 years of age or older.

8 3. "Practice of certified geriatric specialty nursing"
9 means the performance of selected acts in facilities licensed
10 under part II or part III of chapter 400, including the
11 administration of treatments and medications, in the care of
12 ill, injured, or infirm geriatric patients and the promotion
13 of wellness, maintenance of health, and prevention of illness
14 of geriatric patients under the direction of a registered
15 nurse, a licensed physician, a licensed osteopathic physician,
16 a licensed podiatric physician, or a licensed dentist. The
17 scope of practice of a certified geriatric specialist includes
18 the practice of practical nursing as defined in s. 464.003 for
19 geriatric patients only, except for any act in which
20 instruction and clinical knowledge of pediatric nursing or
21 obstetric/maternal-child nursing is required. A certified
22 geriatric specialist, while providing nursing services in
23 facilities licensed under part II or part III of chapter 400,
24 may supervise the activities of certified nursing assistants
25 and other unlicensed personnel providing services in such
26 facilities in accordance with rules adopted by the board.

27 (b) The certified geriatric specialist shall be
28 responsible and accountable for making decisions that are
29 based upon the individual's educational preparation and
30 experience in performing certified geriatric specialty
31 nursing.

1 (2) CERTIFICATION.--

2 (a) Any certified nursing assistant desiring to be
3 certified as a certified geriatric specialist shall apply to
4 the department and submit proof that he or she holds a current
5 certificate as a certified nursing assistant under this part
6 and has satisfactorily completed the following requirements:

7 1. Is in good mental and physical health, is a
8 recipient of a high school diploma or its equivalent and has
9 completed the requirements for graduation from an approved
10 program for nursing or its equivalent, as determined by the
11 board, for the preparation of licensed practical nurses,
12 except for instruction and clinical knowledge of pediatric
13 nursing or obstetric/maternal-child nursing. Any program that
14 is approved on July 1, 2003, by the board for the preparation
15 of registered nurses or licensed practical nurses may provide
16 education for the preparation of certified geriatric
17 specialists without further board approval.

18 2. Has the ability to communicate in the English
19 language, which may be determined by an examination given by
20 the department.

21 3. Has provided sufficient information, which must be
22 submitted by the department for a statewide criminal records
23 correspondence check through the Department of Law
24 Enforcement.

25 (b) Each applicant who meets the requirements of this
26 subsection shall, unless denied pursuant to s. 464.018, be
27 entitled to certification as a certified geriatric specialist.
28 The board shall certify, and the department shall issue a
29 certificate to practice as a certified geriatric specialist
30 to, any certified nursing assistant meeting the qualifications
31 in this section. The board shall establish an application fee

1 not to exceed \$100 and a biennial renewal fee not to exceed
2 \$50. The board may adopt rules to administer this section.

3 (c) A person receiving certification under this
4 section shall:

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

7 2. Care for geriatric patients only.

8 3. Comply with the minimum standards of practice for
9 nurses and be subject to disciplinary action for violations of
10 s. 464.018.

11 (3) ARTICULATION.--Any certified geriatric specialist
12 who completes the additional instruction and coursework in an
13 approved nursing program pursuant to s. 464.019 for the
14 preparation of practical nursing in the areas of pediatric
15 nursing and obstetric/maternal-child nursing shall, unless
16 denied pursuant to s. 464.018, be entitled to licensure as a
17 licensed practical nurse if the applicant otherwise meets the
18 requirements of s. 464.008.

19 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
20 PENALTIES.--

21 (a) Only persons who hold certificates to practice as
22 certified geriatric specialists in this state or who are
23 performing services within the practice of certified geriatric
24 specialty nursing pursuant to the exception set forth in s.
25 464.022(8) shall have the right to use the title "Certified
26 Geriatric Specialist" and the abbreviation "C.G.S."

27 (b) No person shall practice or advertise as, or
28 assume the title of, certified geriatric specialist or use the
29 abbreviation "C.G.S." or take any other action that would lead
30 the public to believe that person was certified as such or is
31 performing services within the practice of certified geriatric

1 specialty nursing pursuant to the exception set forth in s.
2 464.022(8), unless that person is certified to practice as
3 such.

4 (c) A violation of this subsection is a misdemeanor of
5 the first degree, punishable as provided in s. 775.082 or s.
6 775.083.

7 (5) VIOLATIONS AND PENALTIES.--Practicing certified
8 geriatric specialty nursing, as defined in this section,
9 without holding an active certificate to do so constitutes a
10 felony of the third degree, punishable as provided in s.
11 775.082, s. 775.083, or s. 775.084.

12 Section 7. Paragraph (b) of subsection (1) of section
13 381.00315, Florida Statutes, is amended to read:

14 381.00315 Public health advisories; public health
15 emergencies.--The State Health Officer is responsible for
16 declaring public health emergencies and issuing public health
17 advisories.

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

19 (b) "Public health emergency" means any occurrence, or
20 threat thereof, whether natural or man made, which results or
21 may result in substantial injury or harm to the public health
22 from infectious disease, chemical agents, nuclear agents,
23 biological toxins, or situations involving mass casualties or
24 natural disasters. Prior to declaring a public health
25 emergency, the State Health Officer shall, to the extent
26 possible, consult with the Governor and shall notify the Chief
27 of Domestic Security Initiatives as created in s. 943.03. The
28 declaration of a public health emergency shall continue until
29 the State Health Officer finds that the threat or danger has
30 been dealt with to the extent that the emergency conditions no
31 longer exist and he or she terminates the declaration.

1 However, a declaration of a public health emergency may not
2 continue for longer than 60 days unless the Governor concurs
3 in the renewal of the declaration. The State Health Officer,
4 upon declaration of a public health emergency, may take
5 actions that are necessary to protect the public health. Such
6 actions include, but are not limited to:

7 1. Directing manufacturers of prescription drugs or
8 over-the-counter drugs who are permitted under chapter 499 and
9 wholesalers of prescription drugs located in this state who
10 are permitted under chapter 499 to give priority to the
11 shipping of specified drugs to pharmacies and health care
12 providers within geographic areas that have been identified by
13 the State Health Officer. The State Health Officer must
14 identify the drugs to be shipped. Manufacturers and
15 wholesalers located in the state must respond to the State
16 Health Officer's priority shipping directive before shipping
17 the specified drugs.

18 2. Notwithstanding chapters 465 and 499 and rules
19 adopted thereunder, directing pharmacists employed by the
20 department to compound bulk prescription drugs and provide
21 these bulk prescription drugs to physicians and nurses of
22 county health departments or any qualified person authorized
23 by the State Health Officer for administration to persons as
24 part of a prophylactic or treatment regimen.

25 3. Notwithstanding s. 456.036, temporarily
26 reactivating the inactive license of the following health care
27 practitioners, when such practitioners are needed to respond
28 to the public health emergency: physicians licensed under
29 chapter 458 or chapter 459; physician assistants licensed
30 under chapter 458 or chapter 459; certified geriatric
31 specialists certified under part I of chapter 464; licensed

1 practical nurses, registered nurses, and advanced registered
2 nurse practitioners licensed under part I of chapter 464;
3 respiratory therapists licensed under part V of chapter 468;
4 and emergency medical technicians and paramedics certified
5 under part III of chapter 401. Only those health care
6 practitioners specified in this paragraph who possess an
7 unencumbered inactive license and who request that such
8 license be reactivated are eligible for reactivation. An
9 inactive license that is reactivated under this paragraph
10 shall return to inactive status when the public health
11 emergency ends or prior to the end of the public health
12 emergency if the State Health Officer determines that the
13 health care practitioner is no longer needed to provide
14 services during the public health emergency. Such licenses may
15 only be reactivated for a period not to exceed 90 days without
16 meeting the requirements of s. 456.036 or chapter 401, as
17 applicable.

18 4. Ordering an individual to be examined, tested,
19 vaccinated, treated, or quarantined for communicable diseases
20 that have significant morbidity or mortality and present a
21 severe danger to public health. Individuals who are unable or
22 unwilling to be examined, tested, vaccinated, or treated for
23 reasons of health, religion, or conscience may be subjected to
24 quarantine.

25 a. Examination, testing, vaccination, or treatment may
26 be performed by any qualified person authorized by the State
27 Health Officer.

28 b. If the individual poses a danger to the public
29 health, the State Health Officer may subject the individual to
30 quarantine. If there is no practical method to quarantine the
31

1 individual, the State Health Officer may use any means
2 necessary to vaccinate or treat the individual.

3
4 Any order of the State Health Officer given to effectuate this
5 paragraph shall be immediately enforceable by a law
6 enforcement officer under s. 381.0012.

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

9 400.021 Definitions.--When used in this part, unless
10 the context otherwise requires, the term:

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

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

17 400.211 Persons employed as nursing assistants;
18 certification requirement.--

19 (1) To serve as a nursing assistant in any nursing
20 home, a person must be certified as a nursing assistant under
21 part II of chapter 464, unless the person is a registered
22 nurse, a or practical nurse, or a certified geriatric
23 specialist certified or licensed in accordance with part I of
24 chapter 464 or an applicant for such licensure who is
25 permitted to practice nursing in accordance with rules adopted
26 by the Board of Nursing pursuant to part I of chapter 464.

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

29 400.23 Rules; evaluation and deficiencies; licensure
30 status.--

31

1 (3)(a) The agency shall adopt rules providing for the
2 minimum staffing requirements for nursing homes. These
3 requirements shall include, for each nursing home facility, a
4 minimum certified nursing assistant staffing of 2.3 hours of
5 direct care per resident per day beginning January 1, 2002,
6 increasing to 2.6 hours of direct care per resident per day
7 beginning January 1, 2003, and increasing to 2.9 hours of
8 direct care per resident per day beginning January 1, 2004.
9 Beginning January 1, 2002, no facility shall staff below one
10 certified nursing assistant per 20 residents, and a minimum
11 licensed nursing staffing of 1.0 hour of direct resident care
12 per resident per day but never below one licensed nurse per 40
13 residents. For purposes of computing nursing staffing minimums
14 and ratios, certified geriatric specialists shall be
15 considered licensed nursing staff.Nursing assistants employed
16 under s. 400.211(2) may be included in computing the staffing
17 ratio for certified nursing assistants only if they provide
18 nursing assistance services to residents on a full-time basis.
19 Each nursing home must document compliance with staffing
20 standards as required under this paragraph and post daily the
21 names of staff on duty for the benefit of facility residents
22 and the public. The agency shall recognize the use of licensed
23 nurses for compliance with minimum staffing requirements for
24 certified nursing assistants, provided that the facility
25 otherwise meets the minimum staffing requirements for licensed
26 nurses and that the licensed nurses so recognized are
27 performing the duties of a certified nursing assistant. Unless
28 otherwise approved by the agency, licensed nurses counted
29 towards the minimum staffing requirements for certified
30 nursing assistants must exclusively perform the duties of a
31 certified nursing assistant for the entire shift and shall not

1 also be counted towards the minimum staffing requirements for
2 licensed nurses. If the agency approved a facility's request
3 to use a licensed nurse to perform both licensed nursing and
4 certified nursing assistant duties, the facility must allocate
5 the amount of staff time specifically spent on certified
6 nursing assistant duties for the purpose of documenting
7 compliance with minimum staffing requirements for certified
8 and licensed nursing staff. In no event may the hours of a
9 licensed nurse with dual job responsibilities be counted
10 twice.

11 (c) Licensed practical nurses licensed under chapter
12 464 who are providing nursing services in nursing home
13 facilities under this part may supervise the activities of
14 other licensed practical nurses, certified geriatric
15 specialists, certified nursing assistants, and other
16 unlicensed personnel providing services in such facilities in
17 accordance with rules adopted by the Board of Nursing.

18 Section 11. Paragraph (b) of subsection (2) of section
19 409.908, Florida Statutes, is amended to read:

20 409.908 Reimbursement of Medicaid providers.--Subject
21 to specific appropriations, the agency shall reimburse
22 Medicaid providers, in accordance with state and federal law,
23 according to methodologies set forth in the rules of the
24 agency and in policy manuals and handbooks incorporated by
25 reference therein. These methodologies may include fee
26 schedules, reimbursement methods based on cost reporting,
27 negotiated fees, competitive bidding pursuant to s. 287.057,
28 and other mechanisms the agency considers efficient and
29 effective for purchasing services or goods on behalf of
30 recipients. If a provider is reimbursed based on cost
31 reporting and submits a cost report late and that cost report

1 would have been used to set a lower reimbursement rate for a
2 rate semester, then the provider's rate for that semester
3 shall be retroactively calculated using the new cost report,
4 and full payment at the recalculated rate shall be affected
5 retroactively. Medicare-granted extensions for filing cost
6 reports, if applicable, shall also apply to Medicaid cost
7 reports. Payment for Medicaid compensable services made on
8 behalf of Medicaid eligible persons is subject to the
9 availability of moneys and any limitations or directions
10 provided for in the General Appropriations Act or chapter 216.
11 Further, nothing in this section shall be construed to prevent
12 or limit the agency from adjusting fees, reimbursement rates,
13 lengths of stay, number of visits, or number of services, or
14 making any other adjustments necessary to comply with the
15 availability of moneys and any limitations or directions
16 provided for in the General Appropriations Act, provided the
17 adjustment is consistent with legislative intent.

18 (2)

19 (b) Subject to any limitations or directions provided
20 for in the General Appropriations Act, the agency shall
21 establish and implement a Florida Title XIX Long-Term Care
22 Reimbursement Plan (Medicaid) for nursing home care in order
23 to provide care and services in conformance with the
24 applicable state and federal laws, rules, regulations, and
25 quality and safety standards and to ensure that individuals
26 eligible for medical assistance have reasonable geographic
27 access to such care.

28 1. Changes of ownership or of licensed operator do not
29 qualify for increases in reimbursement rates associated with
30 the change of ownership or of licensed operator. The agency
31 shall amend the Title XIX Long Term Care Reimbursement Plan to

1 provide that the initial nursing home reimbursement rates, for
2 the operating, patient care, and MAR components, associated
3 with related and unrelated party changes of ownership or
4 licensed operator filed on or after September 1, 2001, are
5 equivalent to the previous owner's reimbursement rate.

6 2. The agency shall amend the long-term care
7 reimbursement plan and cost reporting system to create direct
8 care and indirect care subcomponents of the patient care
9 component of the per diem rate. These two subcomponents
10 together shall equal the patient care component of the per
11 diem rate. Separate cost-based ceilings shall be calculated
12 for each patient care subcomponent. The direct care
13 subcomponent of the per diem rate shall be limited by the
14 cost-based class ceiling, and the indirect care subcomponent
15 shall be limited by the lower of the cost-based class ceiling,
16 by the target rate class ceiling, or by the individual
17 provider target. The agency shall adjust the patient care
18 component effective January 1, 2002. The cost to adjust the
19 direct care subcomponent shall be net of the total funds
20 previously allocated for the case mix add-on. The agency shall
21 make the required changes to the nursing home cost reporting
22 forms to implement this requirement effective January 1, 2002.

23 3. The direct care subcomponent shall include salaries
24 and benefits of direct care staff providing nursing services
25 including registered nurses, licensed practical nurses,
26 certified geriatric specialists, certified under part I of
27 chapter 464,and certified nursing assistants who deliver care
28 directly to residents in the nursing home facility. This
29 excludes nursing administration, MDS, and care plan
30 coordinators, staff development, and staffing coordinator.

31

1 4. All other patient care costs shall be included in
2 the indirect care cost subcomponent of the patient care per
3 diem rate. There shall be no costs directly or indirectly
4 allocated to the direct care subcomponent from a home office
5 or management company.

6 5. On July 1 of each year, the agency shall report to
7 the Legislature direct and indirect care costs, including
8 average direct and indirect care costs per resident per
9 facility and direct care and indirect care salaries and
10 benefits per category of staff member per facility.

11 6. In order to offset the cost of general and
12 professional liability insurance, the agency shall amend the
13 plan to allow for interim rate adjustments to reflect
14 increases in the cost of general or professional liability
15 insurance for nursing homes. This provision shall be
16 implemented to the extent existing appropriations are
17 available.

18
19 It is the intent of the Legislature that the reimbursement
20 plan achieve the goal of providing access to health care for
21 nursing home residents who require large amounts of care while
22 encouraging diversion services as an alternative to nursing
23 home care for residents who can be served within the
24 community. The agency shall base the establishment of any
25 maximum rate of payment, whether overall or component, on the
26 available moneys as provided for in the General Appropriations
27 Act. The agency may base the maximum rate of payment on the
28 results of scientifically valid analysis and conclusions
29 derived from objective statistical data pertinent to the
30 particular maximum rate of payment.

31

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

3 458.303 Provisions not applicable to other
4 practitioners; exceptions, etc.--

5 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
6 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
7 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
8 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
9 shall be construed to prohibit any service rendered by a
10 registered nurse, ~~or~~ a licensed practical nurse, or a
11 certified geriatric specialist certified under part I of
12 chapter 464, if such service is rendered under the direct
13 supervision and control of a licensed physician who provides
14 specific direction for any service to be performed and gives
15 final approval to all services performed. Further, nothing in
16 this or any other chapter shall be construed to prohibit any
17 service rendered by a medical assistant in accordance with the
18 provisions of s. 458.3485.

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

22 1009.65 Medical Education Reimbursement and Loan
23 Repayment Program.--

24 (1) To encourage qualified medical professionals to
25 practice in underserved locations where there are shortages of
26 such personnel, there is established the Medical Education
27 Reimbursement and Loan Repayment Program. The function of the
28 program is to make payments that offset loans and educational
29 expenses incurred by students for studies leading to a medical
30 or nursing degree, medical or nursing licensure, or advanced
31 registered nurse practitioner certification or physician

1 assistant licensure. The following licensed or certified
2 health care professionals are eligible to participate in this
3 program: medical doctors with primary care specialties,
4 doctors of osteopathic medicine with primary care specialties,
5 physician's assistants, certified geriatric specialists
6 certified under part I of chapter 464, licensed practical
7 nurses and registered nurses, and advanced registered nurse
8 practitioners with primary care specialties such as certified
9 nurse midwives. Primary care medical specialties for
10 physicians include obstetrics, gynecology, general and family
11 practice, internal medicine, pediatrics, and other specialties
12 which may be identified by the Department of Health.

13 (2) From the funds available, the Department of Health
14 shall make payments to selected medical professionals as
15 follows:

16 (a) Up to \$4,000 per year for certified geriatric
17 specialists certified under part I of chapter 464, licensed
18 practical nurses, and registered nurses, up to \$10,000 per
19 year for advanced registered nurse practitioners and
20 physician's assistants, and up to \$20,000 per year for
21 physicians. Penalties for noncompliance shall be the same as
22 those in the National Health Services Corps Loan Repayment
23 Program. Educational expenses include costs for tuition,
24 matriculation, registration, books, laboratory and other fees,
25 other educational costs, and reasonable living expenses as
26 determined by the Department of Health.

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

29 1009.66 Nursing Student Loan Forgiveness Program.--

30 (2) To be eligible, a candidate must have graduated
31 from an accredited or approved nursing program and have

1 received a Florida license as a licensed practical nurse, a
2 certified geriatric specialist certified under part I of
3 chapter 464, or a registered nurse or a Florida certificate as
4 an advanced registered nurse practitioner.

5 Section 15. The sum of \$157,017 is appropriated from
6 the General Revenue Fund to the Agency for Workforce
7 Innovation to support the work of the Certified Geriatric
8 Specialty Nursing Initiative Steering Committee, to administer
9 the pilot sites, contract for an evaluation, and to provide,
10 if necessary, nursing faculty, substitute certified nursing
11 assistants for those who are in clinical education, and
12 technical support to the pilot sites during the 2003-2004
13 fiscal year.

14 Section 16. Subsection (6) is added to section
15 464.201, Florida Statutes, to read:

16 464.201 Definitions.--As used in this part, the term:

17 (6) "Practice of a certified nursing assistant" means
18 providing care and assisting persons with tasks relating to
19 the activities of daily living. Such tasks are those
20 associated with personal care, maintaining mobility, nutrition
21 and hydration, toileting and elimination, assistive devices,
22 safety and cleanliness, data gathering, reporting abnormal
23 signs and symptoms, post mortem care, patient socialization
24 and reality orientation, end-of-life care, CPR and emergency
25 care, residents' or patients' rights, documentation of nursing
26 assistant services, and other tasks that a certified nurse
27 assistant may perform after training beyond that required for
28 initial certification and upon validation of competence in
29 that skill by a registered nurse. This section does not
30 restrict the ability of any person who is otherwise trained
31 and educated from performing such tasks.

1 Section 17. Section 464.202, Florida Statutes, is
2 amended to read:

3 464.202 Duties and powers of the board.--The board
4 shall maintain, or contract with or approve another entity to
5 maintain, a state registry of certified nursing assistants.
6 The registry must consist of the name of each certified
7 nursing assistant in this state; other identifying information
8 defined by board rule; certification status; the effective
9 date of certification; other information required by state or
10 federal law; information regarding any crime or any abuse,
11 neglect, or exploitation as provided under chapter 435; and
12 any disciplinary action taken against the certified nursing
13 assistant. The registry shall be accessible to the public, the
14 certificateholder, employers, and other state agencies. The
15 board shall adopt by rule testing procedures for use in
16 certifying nursing assistants and shall adopt rules regulating
17 the practice of certified nursing assistants which specify the
18 scope of practice authorized and level of supervision required
19 for the practice of certified nursing assistants ~~to enforce~~
20 ~~this part~~. The board may contract with or approve another
21 entity or organization to provide the examination services,
22 including the development and administration of examinations.
23 The board shall require that the contract provider offer
24 certified nursing assistant applications via the Internet, and
25 may require the contract provider to accept certified nursing
26 assistant applications for processing via the Internet. The
27 board shall require the contract provider to provide the
28 preliminary results of the certified nursing examination on
29 the date the test is administered. The provider shall pay all
30 reasonable costs and expenses incurred by the board in
31 evaluating the provider's application and performance during

1 the delivery of services, including examination services and
2 procedures for maintaining the certified nursing assistant
3 registry.

4 Section 18. This act shall take effect upon becoming a
5 law.

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