



HB 0117A

2003

1 A bill to be entitled

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



HB 0117A

2003

31 grounds for which certified geriatric specialists may be
32 subject to discipline by the Board of Nursing; creating
33 restrictions on the use of professional nursing titles;
34 prohibiting the use of certain professional titles;
35 providing penalties; authorizing approved nursing programs
36 to provide education for the preparation of certified
37 geriatric specialists without further board approval;
38 authorizing certified geriatric specialists to supervise
39 the activities of others in nursing home facilities
40 according to rules by the Board of Nursing; revising
41 terminology relating to nursing to conform to the
42 certification of geriatric specialists; amending s.
43 381.00315, F.S.; revising requirements for the
44 reactivation of the licenses of specified health care
45 practitioners in the event of a public health emergency to
46 include certified geriatric specialists; amending s.
47 400.021, F.S.; including services provided by a certified
48 geriatric specialist within the definition of nursing
49 service; amending s. 400.211, F.S.; revising requirements
50 for persons employed as nursing assistants to conform to
51 the certification of certified geriatric specialists;
52 amending s. 400.23, F.S.; specifying that certified
53 geriatric specialists shall be considered licensed nursing
54 staff; authorizing licensed practical nurses to supervise
55 the activities of certified geriatric specialists in
56 nursing home facilities according to rules adopted by the
57 Board of Nursing; amending s. 409.908, F.S.; revising the
58 methodology for reimbursement of Medicaid program
59 providers to include services of certified geriatric
60 specialists; amending s. 458.303, F.S.; revising



HB 0117A

2003

61 exceptions to the practice of medicine to include services
62 delegated to a certified geriatric specialist under
63 specified circumstances; amending s. 1009.65, F.S.;
64 revising eligibility for the Medical Education
65 Reimbursement and Loan Repayment Program to include
66 certified geriatric specialists; amending s. 1009.66,
67 F.S.; revising eligibility requirements for the Nursing
68 Student Loan Forgiveness Program to include certified
69 geriatric specialists; providing an appropriation;
70 amending s. 464.201, F.S.; providing a definition;
71 amending s. 464.202, F.S.; authorizing the Board of
72 Nursing to adopt rules regarding the practice and
73 supervision of certified nursing assistants; providing for
74 construction of the act in pari materia with laws enacted
75 during the 2003 Regular Session of the Legislature;
76 providing an effective date.

77

78 Be It Enacted by the Legislature of the State of Florida:

79

80 Section 1. This act shall be known by the popular name the
81 "Clara Ramsey Care of the Elderly Act."

82 Section 2. Certified Geriatric Specialist Preparation
83 Pilot Program.--

84 (1) The Agency for Workforce Innovation shall establish a
85 pilot program for delivery of geriatric nursing education to
86 certified nursing assistants who wish to become certified
87 geriatric specialists. The agency shall select two pilot sites
88 in nursing homes that have received the Gold Seal designation
89 under s. 400.235, Florida Statutes, have been designated as a
90 teaching nursing home under s. 430.80, Florida Statutes, or have



HB 0117A

2003

91 not received a class I or class II deficiency within the 30
92 months preceding application for this program.

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

97 (3) The education shall be provided at the worksite and in
98 coordination with the certified nursing assistant's work
99 schedule.

100 (4) Faculty shall provide the instruction under an
101 approved nursing program pursuant to s. 464.019, Florida
102 Statutes.

103 (5) The education shall prepare the certified nursing
104 assistant to meet the requirements for certification as a
105 geriatric specialist. The didactic and clinical education shall
106 include all portions of the practical nursing curriculum
107 pursuant to s. 464.019, Florida Statutes, except for pediatric
108 and obstetric/maternal-child education, and shall include
109 additional education in the care of ill, injured, or infirm
110 geriatric patients and the maintenance of health, the prevention
111 of injury, and the provision of palliative care for geriatric
112 patients.

113 Section 3. Certified Geriatric Specialty Nursing
114 Initiative Steering Committee.--

115 (1) In order to guide the implementation of the Certified
116 Geriatric Specialist Preparation Pilot Program, there is created
117 a Certified Geriatric Specialty Nursing Initiative Steering
118 Committee. The steering committee shall be composed of the
119 following members:

120 (a) The chair of the Board of Nursing or his or her



HB 0117A

2003

121 designee;

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

124 (c) A representative of Workforce Florida, Inc., appointed
125 by the chair of the Board of Directors of Workforce Florida,
126 Inc.;

127 (d) A representative of the Department of Education,
128 appointed by the Secretary of Education;

129 (e) A representative of the Agency for Health Care
130 Administration, appointed by the Secretary of Health Care
131 Administration;

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

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

136 (2) The steering committee shall:

137 (a) Provide consultation and guidance to the Agency for
138 Workforce Innovation on matters of policy during the
139 implementation of the pilot program.

140 (b) Provide oversight to the evaluation of the pilot
141 program.

142 (3) Members of the steering committee are entitled to
143 reimbursement for per diem and travel expenses under s. 112.061,
144 Florida Statutes.

145 (4) The steering committee shall complete its activities
146 by June 30, 2006, and the authorization for the steering
147 committee shall end on that date.

148 Section 4. Evaluation of the Certified Geriatric
149 Specialist Preparation Pilot Program.--The Agency for Workforce
150 Innovation, in consultation with the Certified Geriatric



HB 0117A

2003

151 Specialty Nursing Initiative Steering Committee, shall conduct
152 or contract for an evaluation of the pilot program. The agency
153 shall ensure that an evaluation report is submitted to the
154 Governor, the President of the Senate, and the Speaker of the
155 House of Representatives by January 1, 2006. The evaluation must
156 address the experience and success of the certified nursing
157 assistants in the pilot program and must contain recommendations
158 regarding the expansion of the delivery of geriatric nursing
159 education in nursing homes.

160 Section 5. Reports.--The Agency for Workforce Innovation
161 shall submit status reports and recommendations regarding
162 legislation necessary to further the implementation of the pilot
163 program to the Governor, the President of the Senate, and the
164 Speaker of the House of Representatives on January 1, 2004,
165 January 1, 2005, and January 1, 2006.

166 Section 6. Section 464.0125, Florida Statutes, is created
167 to read:

168 464.0125 Certified geriatric specialists; certification
169 requirements.--

170 (1) DEFINITIONS; RESPONSIBILITIES.--

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

172 1. "Certified geriatric specialist" means a person who
173 meets the qualifications specified in this section and who is
174 certified by the board to practice as a certified geriatric
175 specialist.

176 2. "Geriatric patient" means any patient who is 60 years
177 of age or older.

178 3. "Practice of certified geriatric specialty nursing"
179 means the performance of selected acts in facilities licensed
180 under part II or part III of chapter 400, including the



HB 0117A

2003

181 administration of treatments and medications, in the care of
182 ill, injured, or infirm geriatric patients and the promotion of
183 wellness, maintenance of health, and prevention of illness of
184 geriatric patients under the direction of a registered nurse, a
185 licensed physician, a licensed osteopathic physician, a licensed
186 podiatric physician, or a licensed dentist. The scope of
187 practice of a certified geriatric specialist includes the
188 practice of practical nursing as defined in s. 464.003 for
189 geriatric patients only, except for any act in which instruction
190 and clinical knowledge of pediatric nursing or
191 obstetric/maternal-child nursing is required. A certified
192 geriatric specialist, while providing nursing services in
193 facilities licensed under part II or part III of chapter 400,
194 may supervise the activities of certified nursing assistants and
195 other unlicensed personnel providing services in such facilities
196 in accordance with rules adopted by the board.

197 (b) The certified geriatric specialist shall be
198 responsible and accountable for making decisions that are based
199 upon the individual's educational preparation and experience in
200 performing certified geriatric specialty nursing.

201 (2) CERTIFICATION.--

202 (a) Any certified nursing assistant desiring to be
203 certified as a certified geriatric specialist shall apply to the
204 department and submit proof that he or she holds a current
205 certificate as a certified nursing assistant under this part and
206 has satisfactorily completed the following requirements:

207 1. Is in good mental and physical health, is a recipient
208 of a high school diploma or its equivalent, and has completed
209 the requirements for graduation from an approved program for
210 nursing or its equivalent, as determined by the board, for the



HB 0117A

2003

211 preparation of licensed practical nurses, except for instruction
212 and clinical knowledge of pediatric nursing or
213 obstetric/maternal-child nursing. Any program that is approved
214 on or before July 1, 2003, by the board for the preparation of
215 registered nurses or licensed practical nurses may provide
216 education for the preparation of certified geriatric specialists
217 without further board approval.

218 2. Has the ability to communicate in the English language,
219 which may be determined by an examination given by the
220 department.

221 3. Has provided sufficient information, which must be
222 submitted by the department for a statewide criminal records
223 correspondence check through the Department of Law Enforcement.

224 (b) Each applicant who meets the requirements of this
225 subsection shall, unless denied pursuant to s. 464.018, be
226 entitled to certification as a certified geriatric specialist.
227 The board shall certify, and the department shall issue a
228 certificate to practice as a certified geriatric specialist to,
229 any certified nursing assistant meeting the qualifications in
230 this section. The board shall establish an application fee not
231 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
232 board may adopt rules to administer this section.

233 (c) A person receiving certification under this section
234 shall:

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

237 2. Care for geriatric patients only.

238 3. Comply with the minimum standards of practice for
239 nurses and be subject to disciplinary action for violations of
240 s. 464.018.



HB 0117A

2003

241 (3) ARTICULATION.--Any certified geriatric specialist who
242 completes the additional instruction and coursework in an
243 approved nursing program pursuant to s. 464.019 for the
244 preparation of practical nursing in the areas of pediatric
245 nursing and obstetric/maternal-child nursing shall, unless
246 denied pursuant to s. 464.018, be entitled to licensure as a
247 licensed practical nurse if the applicant otherwise meets the
248 requirements of s. 464.008.

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

250 (a) Only persons who hold certificates to practice as
251 certified geriatric specialists in this state or who are
252 performing services within the practice of certified geriatric
253 specialty nursing pursuant to the exception set forth in s.
254 464.022(8) shall have the right to use the title "Certified
255 Geriatric Specialist" and the abbreviation "C.G.S."

256 (b) No person shall practice or advertise as, or assume
257 the title of, Certified Geriatric Specialist or use the
258 abbreviation "C.G.S." or take any other action that would lead
259 the public to believe that person was certified as such or is
260 performing services within the practice of certified geriatric
261 specialty nursing pursuant to the exception set forth in s.
262 464.022(8), unless that person is certified to practice as such.

263 (c) A violation of this subsection is a misdemeanor of the
264 first degree, punishable as provided in s. 775.082 or s.
265 775.083.

266 (5) VIOLATIONS AND PENALTIES.--Practicing certified
267 geriatric specialty nursing, as defined in this section, without
268 holding an active certificate to do so constitutes a felony of
269 the third degree, punishable as provided in s. 775.082, s.
270 775.083, or s. 775.084.



HB 0117A

2003

271 Section 7. Paragraph (b) of subsection (1) of section
272 381.00315, Florida Statutes, is amended to read:

273 381.00315 Public health advisories; public health
274 emergencies.--The State Health Officer is responsible for
275 declaring public health emergencies and issuing public health
276 advisories.

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

278 (b) "Public health emergency" means any occurrence, or
279 threat thereof, whether natural or man made, which results or
280 may result in substantial injury or harm to the public health
281 from infectious disease, chemical agents, nuclear agents,
282 biological toxins, or situations involving mass casualties or
283 natural disasters. Prior to declaring a public health emergency,
284 the State Health Officer shall, to the extent possible, consult
285 with the Governor and shall notify the Chief of Domestic
286 Security Initiatives as created in s. 943.03. The declaration of
287 a public health emergency shall continue until the State Health
288 Officer finds that the threat or danger has been dealt with to
289 the extent that the emergency conditions no longer exist and he
290 or she terminates the declaration. However, a declaration of a
291 public health emergency may not continue for longer than 60 days
292 unless the Governor concurs in the renewal of the declaration.
293 The State Health Officer, upon declaration of a public health
294 emergency, may take actions that are necessary to protect the
295 public health. Such actions include, but are not limited to:

296 1. Directing manufacturers of prescription drugs or over-
297 the-counter drugs who are permitted under chapter 499 and
298 wholesalers of prescription drugs located in this state who are
299 permitted under chapter 499 to give priority to the shipping of
300 specified drugs to pharmacies and health care providers within



HB 0117A

2003

301 geographic areas that have been identified by the State Health
302 Officer. The State Health Officer must identify the drugs to be
303 shipped. Manufacturers and wholesalers located in the state must
304 respond to the State Health Officer's priority shipping
305 directive before shipping the specified drugs.

306 2. Notwithstanding chapters 465 and 499 and rules adopted
307 thereunder, directing pharmacists employed by the department to
308 compound bulk prescription drugs and provide these bulk
309 prescription drugs to physicians and nurses of county health
310 departments or any qualified person authorized by the State
311 Health Officer for administration to persons as part of a
312 prophylactic or treatment regimen.

313 3. Notwithstanding s. 456.036, temporarily reactivating
314 the inactive license of the following health care practitioners,
315 when such practitioners are needed to respond to the public
316 health emergency: physicians licensed under chapter 458 or
317 chapter 459; physician assistants licensed under chapter 458 or
318 chapter 459; certified geriatric specialists certified under
319 part I of chapter 464; licensed practical nurses, registered
320 nurses, and advanced registered nurse practitioners licensed
321 under part I of chapter 464; respiratory therapists licensed
322 under part V of chapter 468; and emergency medical technicians
323 and paramedics certified under part III of chapter 401. Only
324 those health care practitioners specified in this paragraph who
325 possess an unencumbered inactive license and who request that
326 such license be reactivated are eligible for reactivation. An
327 inactive license that is reactivated under this paragraph shall
328 return to inactive status when the public health emergency ends
329 or prior to the end of the public health emergency if the State
330 Health Officer determines that the health care practitioner is



HB 0117A

2003

331 no longer needed to provide services during the public health
 332 emergency. Such licenses may only be reactivated for a period
 333 not to exceed 90 days without meeting the requirements of s.
 334 456.036 or chapter 401, as applicable.

335 4. Ordering an individual to be examined, tested,
 336 vaccinated, treated, or quarantined for communicable diseases
 337 that have significant morbidity or mortality and present a
 338 severe danger to public health. Individuals who are unable or
 339 unwilling to be examined, tested, vaccinated, or treated for
 340 reasons of health, religion, or conscience may be subjected to
 341 quarantine.

342 a. Examination, testing, vaccination, or treatment may be
 343 performed by any qualified person authorized by the State Health
 344 Officer.

345 b. If the individual poses a danger to the public health,
 346 the State Health Officer may subject the individual to
 347 quarantine. If there is no practical method to quarantine the
 348 individual, the State Health Officer may use any means necessary
 349 to vaccinate or treat the individual.

350
 351 Any order of the State Health Officer given to effectuate this
 352 paragraph shall be immediately enforceable by a law enforcement
 353 officer under s. 381.0012.

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

356 400.021 Definitions.--When used in this part, unless the
 357 context otherwise requires, the term:

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



HB 0117A

2003

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

363 400.211 Persons employed as nursing assistants;
 364 certification requirement.--

365 (1) To serve as a nursing assistant in any nursing home, a
 366 person must be certified as a nursing assistant under part II of
 367 chapter 464, unless the person is a registered nurse, a ~~or~~
 368 practical nurse, or a certified geriatric specialist certified
 369 or licensed in accordance with part I of chapter 464 or an
 370 applicant for such licensure who is permitted to practice
 371 nursing in accordance with rules adopted by the Board of Nursing
 372 pursuant to part I of chapter 464.

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

375 400.23 Rules; evaluation and deficiencies; licensure
 376 status.--

377 (3)(a) The agency shall adopt rules providing for the
 378 minimum staffing requirements for nursing homes. These
 379 requirements shall include, for each nursing home facility, a
 380 minimum certified nursing assistant staffing of 2.3 hours of
 381 direct care per resident per day beginning January 1, 2002,
 382 increasing to 2.6 hours of direct care per resident per day
 383 beginning January 1, 2003, and increasing to 2.9 hours of direct
 384 care per resident per day beginning January 1, 2004. Beginning
 385 January 1, 2002, no facility shall staff below one certified
 386 nursing assistant per 20 residents, and a minimum licensed
 387 nursing staffing of 1.0 hour of direct resident care per
 388 resident per day but never below one licensed nurse per 40
 389 residents. For purposes of computing nursing staffing minimums
 390 and ratios, certified geriatric specialists shall be considered



HB 0117A

2003

391 licensed nursing staff. Nursing assistants employed under s.
392 400.211(2) may be included in computing the staffing ratio for
393 certified nursing assistants only if they provide nursing
394 assistance services to residents on a full-time basis. Each
395 nursing home must document compliance with staffing standards as
396 required under this paragraph and post daily the names of staff
397 on duty for the benefit of facility residents and the public.
398 The agency shall recognize the use of licensed nurses for
399 compliance with minimum staffing requirements for certified
400 nursing assistants, provided that the facility otherwise meets
401 the minimum staffing requirements for licensed nurses and that
402 the licensed nurses so recognized are performing the duties of a
403 certified nursing assistant. Unless otherwise approved by the
404 agency, licensed nurses counted towards the minimum staffing
405 requirements for certified nursing assistants must exclusively
406 perform the duties of a certified nursing assistant for the
407 entire shift and shall not also be counted towards the minimum
408 staffing requirements for licensed nurses. If the agency
409 approved a facility's request to use a licensed nurse to perform
410 both licensed nursing and certified nursing assistant duties,
411 the facility must allocate the amount of staff time specifically
412 spent on certified nursing assistant duties for the purpose of
413 documenting compliance with minimum staffing requirements for
414 certified and licensed nursing staff. In no event may the hours
415 of a licensed nurse with dual job responsibilities be counted
416 twice.

417 (c) Licensed practical nurses licensed under chapter 464
418 who are providing nursing services in nursing home facilities
419 under this part may supervise the activities of other licensed
420 practical nurses, certified geriatric specialists, certified



HB 0117A

2003

421 nursing assistants, and other unlicensed personnel providing
422 services in such facilities in accordance with rules adopted by
423 the Board of Nursing.

424 Section 11. Paragraph (b) of subsection (2) of section
425 409.908, Florida Statutes, is amended to read:

426 409.908 Reimbursement of Medicaid providers.--Subject to
427 specific appropriations, the agency shall reimburse Medicaid
428 providers, in accordance with state and federal law, according
429 to methodologies set forth in the rules of the agency and in
430 policy manuals and handbooks incorporated by reference therein.
431 These methodologies may include fee schedules, reimbursement
432 methods based on cost reporting, negotiated fees, competitive
433 bidding pursuant to s. 287.057, and other mechanisms the agency
434 considers efficient and effective for purchasing services or
435 goods on behalf of recipients. If a provider is reimbursed based
436 on cost reporting and submits a cost report late and that cost
437 report would have been used to set a lower reimbursement rate
438 for a rate semester, then the provider's rate for that semester
439 shall be retroactively calculated using the new cost report, and
440 full payment at the recalculated rate shall be affected
441 retroactively. Medicare-granted extensions for filing cost
442 reports, if applicable, shall also apply to Medicaid cost
443 reports. Payment for Medicaid compensable services made on
444 behalf of Medicaid eligible persons is subject to the
445 availability of moneys and any limitations or directions
446 provided for in the General Appropriations Act or chapter 216.
447 Further, nothing in this section shall be construed to prevent
448 or limit the agency from adjusting fees, reimbursement rates,
449 lengths of stay, number of visits, or number of services, or
450 making any other adjustments necessary to comply with the



HB 0117A

2003

451 availability of moneys and any limitations or directions
452 provided for in the General Appropriations Act, provided the
453 adjustment is consistent with legislative intent.

454 (2)

455 (b) Subject to any limitations or directions provided for
456 in the General Appropriations Act, the agency shall establish
457 and implement a Florida Title XIX Long-Term Care Reimbursement
458 Plan (Medicaid) for nursing home care in order to provide care
459 and services in conformance with the applicable state and
460 federal laws, rules, regulations, and quality and safety
461 standards and to ensure that individuals eligible for medical
462 assistance have reasonable geographic access to such care.

463 1. Changes of ownership or of licensed operator do not
464 qualify for increases in reimbursement rates associated with the
465 change of ownership or of licensed operator. The agency shall
466 amend the Title XIX Long Term Care Reimbursement Plan to provide
467 that the initial nursing home reimbursement rates, for the
468 operating, patient care, and MAR components, associated with
469 related and unrelated party changes of ownership or licensed
470 operator filed on or after September 1, 2001, are equivalent to
471 the previous owner's reimbursement rate.

472 2. The agency shall amend the long-term care reimbursement
473 plan and cost reporting system to create direct care and
474 indirect care subcomponents of the patient care component of the
475 per diem rate. These two subcomponents together shall equal the
476 patient care component of the per diem rate. Separate cost-based
477 ceilings shall be calculated for each patient care subcomponent.
478 The direct care subcomponent of the per diem rate shall be
479 limited by the cost-based class ceiling, and the indirect care
480 subcomponent shall be limited by the lower of the cost-based



HB 0117A

2003

481 class ceiling, by the target rate class ceiling, or by the
482 individual provider target. The agency shall adjust the patient
483 care component effective January 1, 2002. The cost to adjust the
484 direct care subcomponent shall be net of the total funds
485 previously allocated for the case mix add-on. The agency shall
486 make the required changes to the nursing home cost reporting
487 forms to implement this requirement effective January 1, 2002.

488 3. The direct care subcomponent shall include salaries and
489 benefits of direct care staff providing nursing services
490 including registered nurses, licensed practical nurses,
491 certified geriatric specialists certified under part I of
492 chapter 464, and certified nursing assistants who deliver care
493 directly to residents in the nursing home facility. This
494 excludes nursing administration, MDS, and care plan
495 coordinators, staff development, and staffing coordinator.

496 4. All other patient care costs shall be included in the
497 indirect care cost subcomponent of the patient care per diem
498 rate. There shall be no costs directly or indirectly allocated
499 to the direct care subcomponent from a home office or management
500 company.

501 5. On July 1 of each year, the agency shall report to the
502 Legislature direct and indirect care costs, including average
503 direct and indirect care costs per resident per facility and
504 direct care and indirect care salaries and benefits per category
505 of staff member per facility.

506 6. In order to offset the cost of general and professional
507 liability insurance, the agency shall amend the plan to allow
508 for interim rate adjustments to reflect increases in the cost of
509 general or professional liability insurance for nursing homes.
510 This provision shall be implemented to the extent existing



HB 0117A

2003

511 appropriations are available.

512

513 It is the intent of the Legislature that the reimbursement plan
514 achieve the goal of providing access to health care for nursing
515 home residents who require large amounts of care while
516 encouraging diversion services as an alternative to nursing home
517 care for residents who can be served within the community. The
518 agency shall base the establishment of any maximum rate of
519 payment, whether overall or component, on the available moneys
520 as provided for in the General Appropriations Act. The agency
521 may base the maximum rate of payment on the results of
522 scientifically valid analysis and conclusions derived from
523 objective statistical data pertinent to the particular maximum
524 rate of payment.

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

527 458.303 Provisions not applicable to other practitioners;
528 exceptions, etc.--

529 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
530 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
531 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
532 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
533 be construed to prohibit any service rendered by a registered
534 nurse, ~~or~~ a licensed practical nurse, or a certified geriatric
535 specialist certified under part I of chapter 464, if such
536 service is rendered under the direct supervision and control of
537 a licensed physician who provides specific direction for any
538 service to be performed and gives final approval to all services
539 performed. Further, nothing in this or any other chapter shall
540 be construed to prohibit any service rendered by a medical



HB 0117A

2003

541 assistant in accordance with the provisions of s. 458.3485.

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

544 1009.65 Medical Education Reimbursement and Loan Repayment
545 Program.--

546 (1) To encourage qualified medical professionals to
547 practice in underserved locations where there are shortages of
548 such personnel, there is established the Medical Education
549 Reimbursement and Loan Repayment Program. The function of the
550 program is to make payments that offset loans and educational
551 expenses incurred by students for studies leading to a medical
552 or nursing degree, medical or nursing licensure, or advanced
553 registered nurse practitioner certification or physician
554 assistant licensure. The following licensed or certified health
555 care professionals are eligible to participate in this program:
556 medical doctors with primary care specialties, doctors of
557 osteopathic medicine with primary care specialties, physician's
558 assistants, certified geriatric specialists certified under part
559 I of chapter 464, licensed practical nurses and registered
560 nurses, and advanced registered nurse practitioners with primary
561 care specialties such as certified nurse midwives. Primary care
562 medical specialties for physicians include obstetrics,
563 gynecology, general and family practice, internal medicine,
564 pediatrics, and other specialties which may be identified by the
565 Department of Health.

566 (2) From the funds available, the Department of Health
567 shall make payments to selected medical professionals as
568 follows:

569 (a) Up to \$4,000 per year for certified geriatric
570 specialists certified under part I of chapter 464, licensed



HB 0117A

2003

571 practical nurses, and registered nurses, up to \$10,000 per year
 572 for advanced registered nurse practitioners and physician's
 573 assistants, and up to \$20,000 per year for physicians.
 574 Penalties for noncompliance shall be the same as those in the
 575 National Health Services Corps Loan Repayment Program.
 576 Educational expenses include costs for tuition, matriculation,
 577 registration, books, laboratory and other fees, other
 578 educational costs, and reasonable living expenses as determined
 579 by the Department of Health.

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

582 1009.66 Nursing Student Loan Forgiveness Program.--

583 (2) To be eligible, a candidate must have graduated from
 584 an accredited or approved nursing program and have received a
 585 Florida license as a licensed practical nurse, a certified
 586 geriatric specialist certified under part I of chapter 464, or a
 587 registered nurse or a Florida certificate as an advanced
 588 registered nurse practitioner.

589 Section 15. The sum of \$157,017 is appropriated from the
 590 General Revenue Fund to the Agency for Workforce Innovation to
 591 support the work of the Certified Geriatric Specialty Nursing
 592 Initiative Steering Committee, to administer the pilot sites, to
 593 contract for an evaluation, and to provide, if necessary,
 594 nursing faculty, substitute certified nursing assistants for
 595 those who are in clinical education, and technical support to
 596 the pilot sites during the 2003-2004 fiscal year.

597 Section 16. Subsection (5) of section 464.201, Florida
 598 Statutes, is renumbered as subsection (6) and a new subsection
 599 (5) is added to said section, to read:

600 464.201 Definitions.--As used in this part, the term:



HB 0117A

2003

601 (5) "Practice of a certified nursing assistant" means
602 providing care and assisting persons with tasks relating to the
603 activities of daily living. Such tasks are those associated with
604 personal care, maintaining mobility, nutrition and hydration,
605 toileting and elimination, assistive devices, safety and
606 cleanliness, data gathering, reporting abnormal signs and
607 symptoms, post mortem care, patient socialization and reality
608 orientation, end-of-life care, CPR and emergency care,
609 residents' or patients' rights, documentation of nursing
610 assistant services, and other tasks that a certified nursing
611 assistant may perform after training beyond that required for
612 initial certification and upon validation of competence in that
613 skill by a registered nurse. This section does not restrict the
614 ability of any person who is otherwise trained and educated from
615 performing such tasks.

616 Section 17. Section 464.202, Florida Statutes, is amended
617 to read:

618 464.202 Duties and powers of the board.--The board shall
619 maintain, or contract with or approve another entity to
620 maintain, a state registry of certified nursing assistants. The
621 registry must consist of the name of each certified nursing
622 assistant in this state; other identifying information defined
623 by board rule; certification status; the effective date of
624 certification; other information required by state or federal
625 law; information regarding any crime or any abuse, neglect, or
626 exploitation as provided under chapter 435; and any disciplinary
627 action taken against the certified nursing assistant. The
628 registry shall be accessible to the public, the
629 certificateholder, employers, and other state agencies. The
630 board shall adopt by rule testing procedures for use in



HB 0117A

2003

631 certifying nursing assistants and shall adopt rules regulating
632 the practice of certified nursing assistants which specify the
633 scope of practice authorized and level of supervision required
634 for the practice of certified nursing assistants ~~to enforce this~~
635 ~~part~~. The board may contract with or approve another entity or
636 organization to provide the examination services, including the
637 development and administration of examinations. The board shall
638 require that the contract provider offer certified nursing
639 assistant applications via the Internet, and may require the
640 contract provider to accept certified nursing assistant
641 applications for processing via the Internet. The board shall
642 require the contract provider to provide the preliminary results
643 of the certified nursing examination on the date the test is
644 administered. The provider shall pay all reasonable costs and
645 expenses incurred by the board in evaluating the provider's
646 application and performance during the delivery of services,
647 including examination services and procedures for maintaining
648 the certified nursing assistant registry.

649 Section 18. If any law amended by this act was also
650 amended by a law enacted at the 2003 Regular Session of the
651 Legislature, such laws shall be construed as if they had been
652 enacted at the same session of the Legislature, and full effect
653 shall be given to each if possible.

654 Section 19. This act shall take effect upon becoming a
655 law.