

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Farkas offered the following:

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3 **Amendment to Amendment (964733) (with title amendment)**

4 Between lines 544 and 545, insert:

5 Section 12. Sections 13 through 28 of this act may be  
6 referred to by the popular name the "Clara Ramsey Care of the  
7 Elderly Act."

8 Section 13. Certified Geriatric Specialist Preparation  
9 Pilot Program.--

10 (1) The Agency for Workforce Innovation shall establish a  
11 pilot program for delivery of geriatric nursing education to  
12 certified nursing assistants who wish to become certified  
13 geriatric specialists. The agency shall select two pilot sites  
14 in nursing homes that have received the Gold Seal designation  
15 under s. 400.235, Florida Statutes; have been designated as  
16 teaching nursing homes under s. 430.80, Florida Statutes; or

074443

Amendment No. (for drafter's use only)

17 have not received a class I or class II deficiency within the 30  
18 months preceding application for this program.

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

23 (3) The education shall be provided at the worksite and in  
24 coordination with the certified nursing assistant's work  
25 schedule.

26 (4) Faculty shall provide the instruction under an  
27 approved nursing program pursuant to s. 464.019, Florida  
28 Statutes.

29 (5) The education must be designed to prepare the  
30 certified nursing assistant to meet the requirements for  
31 certification as a geriatric specialist. The didactic and  
32 clinical education must include all portions of the practical  
33 nursing curriculum pursuant to s. 464.019, Florida Statutes,  
34 except for pediatric and obstetric/maternal-child education, and  
35 must include additional education in the care of ill, injured,  
36 or infirm geriatric patients and the maintenance of health, the  
37 prevention of injury, and the provision of palliative care for  
38 geriatric patients.

39 Section 14. Certified Geriatric Specialty Nursing  
40 Initiative Steering Committee.--

41 (1) In order to guide the implementation of the Certified  
42 Geriatric Specialist Preparation Pilot Program, there is created  
43 a Certified Geriatric Specialty Nursing Initiative Steering

074443

Amendment No. (for drafter's use only)

44 Committee. The steering committee shall be composed of the  
45 following members:

46 (a) The chair of the Board of Nursing or his or her  
47 designee.

48 (b) A representative of the Agency for Workforce  
49 Innovation, appointed by the director of Workforce Innovation.

50 (c) A representative of Workforce Florida, Inc., appointed  
51 by the chair of the board of directors of Workforce Florida,  
52 Inc.

53 (d) A representative of the Department of Education,  
54 appointed by the Secretary of Education.

55 (e) A representative of the Department of Health,  
56 appointed by the Secretary of Health.

57 (f) A representative of the Agency for Health Care  
58 Administration, appointed by the Secretary of Health Care  
59 Administration.

60 (g) The executive director of the Florida Center for  
61 Nursing.

62 (h) A representative of the Department of Elderly Affairs,  
63 appointed by the Secretary of Elderly Affairs.

64 (i) A representative of a Gold Seal nursing home that is  
65 not one of the pilot program sites, appointed by the Secretary  
66 of Health Care Administration.

67 (2) The steering committee shall:

68 (a) Provide consultation and guidance to the Agency for  
69 Workforce Innovation on matters of policy during the  
70 implementation of the pilot program.

074443

Amendment No. (for drafter's use only)

71 (b) Provide oversight to the evaluation of the pilot  
72 program.

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

76 (4) The steering committee shall complete its activities  
77 by June 30, 2007, and the authorization for the steering  
78 committee ends on that date.

79 Section 15. Evaluation of the Certified Geriatric  
80 Specialist Preparation Pilot Program.--The Agency for Workforce  
81 Innovation, in consultation with the Certified Geriatric  
82 Specialty Nursing Initiative Steering Committee, shall conduct  
83 or contract for an evaluation of the pilot program. The agency  
84 shall ensure that an evaluation report is submitted to the  
85 Governor, the President of the Senate, and the Speaker of the  
86 House of Representatives by January 1, 2007. The evaluation must  
87 address the experience and success of the certified nursing  
88 assistants in the pilot program and must contain recommendations  
89 regarding the expansion of the delivery of geriatric nursing  
90 education in nursing homes.

91 Section 16. Reports.--The Agency for Workforce Innovation  
92 shall submit status reports and recommendations regarding  
93 legislation necessary to further the implementation of the pilot  
94 program to the Governor, the President of the Senate, and the  
95 Speaker of the House of Representatives on January 1, 2005,  
96 January 1, 2006, and January 1, 2007.

97 Section 17. Section 464.0125, Florida Statutes, is created  
98 to read:

074443

Amendment No. (for drafter's use only)

99           464.0125 Certified geriatric specialists; certification  
100 requirements.--

101           (1) DEFINITIONS; RESPONSIBILITIES.--

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

103           1. "Certified geriatric specialist" means a person who  
104 meets the qualifications specified in this section and who is  
105 certified by the board to practice as a certified geriatric  
106 specialist.

107           2. "Geriatric patient" means any patient who is 60 years  
108 of age or older.

109           3. "Practice of certified geriatric specialty nursing"  
110 means the performance of selected acts in facilities licensed  
111 under part II or part III of chapter 400, including the  
112 administration of treatments and medications, in the care of  
113 ill, injured, or infirm geriatric patients and the promotion of  
114 wellness, maintenance of health, and prevention of illness of  
115 geriatric patients under the direction of a registered nurse, a  
116 licensed physician, a licensed osteopathic physician, a licensed  
117 podiatric physician, or a licensed dentist. The scope of  
118 practice of a certified geriatric specialist includes the  
119 practice of practical nursing as defined in s. 464.003 for  
120 geriatric patients only, except for any act in which instruction  
121 and clinical knowledge of pediatric nursing or  
122 obstetric/maternal-child nursing is required. A certified  
123 geriatric specialist, while providing nursing services in  
124 facilities licensed under part II or part III of chapter 400,  
125 may supervise the activities of certified nursing assistants and

074443

Amendment No. (for drafter's use only)

126 other unlicensed personnel providing services in such facilities  
127 in accordance with rules adopted by the board.

128 (b) The certified geriatric specialist shall be  
129 responsible and accountable for making decisions that are based  
130 upon the individual's educational preparation and experience in  
131 performing certified geriatric specialty nursing.

132 (2) CERTIFICATION.--

133 (a) Any certified nursing assistant desiring to be  
134 certified as a certified geriatric specialist must apply to the  
135 department and submit proof that he or she holds a current  
136 certificate as a certified nursing assistant under part II of  
137 this chapter and has satisfactorily completed the following  
138 requirements:

139 1. Is in good mental and physical health, is a recipient  
140 of a high school diploma or its equivalent, and has completed  
141 the requirements for graduation from an approved program for  
142 nursing or its equivalent, as determined by the board, for the  
143 preparation of licensed practical nurses, except for instruction  
144 and clinical knowledge of pediatric nursing or  
145 obstetric/maternal-child nursing. Any program that is approved  
146 on July 1, 2004, by the board for the preparation of registered  
147 nurses or licensed practical nurses may provide education for  
148 the preparation of certified geriatric specialists without  
149 further board approval.

150 2. Has the ability to communicate in the English language,  
151 which may be determined by an examination given by the  
152 department.

074443

Amendment No. (for drafter's use only)

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

156 (b) Each applicant who meets the requirements of this  
157 subsection is, unless denied pursuant to s. 464.018, entitled to  
158 certification as a certified geriatric specialist. The board  
159 must certify, and the department must issue a certificate to  
160 practice as a certified geriatric specialist to, any certified  
161 nursing assistant who meets the qualifications set forth in this  
162 section. The board shall establish an application fee not to  
163 exceed \$100 and a biennial renewal fee not to exceed \$50. The  
164 board may adopt rules pursuant to ss. 120.536(1) and 120.54 to  
165 administer this section.

166 (c) A person receiving certification under this section  
167 shall:

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

170 2. Care for geriatric patients only.

171 3. Comply with the minimum standards of practice for  
172 nurses and be subject to disciplinary action for violations of  
173 s. 464.018.

174 (3) ARTICULATION.--Any certified geriatric specialist who  
175 completes the additional instruction and coursework in an  
176 approved nursing program pursuant to s. 464.019 for the  
177 preparation of practical nursing in the areas of pediatric  
178 nursing and obstetric/maternal-child nursing is, unless denied  
179 pursuant to s. 464.018, entitled to licensure as a licensed

074443

Amendment No. (for drafter's use only)

180 practical nurse if the applicant otherwise meets the  
181 requirements of s. 464.008.

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

183 (a) Only persons who hold certificates to practice as  
184 certified geriatric specialists in this state or who are  
185 performing services within the practice of certified geriatric  
186 specialty nursing pursuant to the exception set forth in s.  
187 464.022(8) may use the title "Certified Geriatric Specialist"  
188 and the abbreviation "C.G.S."

189 (b) A person may not practice or advertise as, or assume  
190 the title of, a certified geriatric specialist or use the  
191 abbreviation "C.G.S." or take any other action that would lead  
192 the public to believe that person is certified as such or is  
193 performing services within the practice of certified geriatric  
194 specialty nursing pursuant to the exception set forth in s.  
195 464.022(8), unless that person is certified to practice as such.

196 (c) A violation of this subsection is a misdemeanor of the  
197 first degree, punishable as provided in s. 775.082 or s.  
198 775.083.

199 (5) VIOLATIONS AND PENALTIES.--Practicing certified  
200 geriatric specialty nursing, as defined in this section, without  
201 holding an active certificate to do so constitutes a felony of  
202 the third degree, punishable as provided in s. 775.082, s.  
203 775.083, or s. 775.084.

204 Section 18. Paragraph (b) of subsection (1) of section  
205 381.00315, Florida Statutes, is amended to read:

206 381.00315 Public health advisories; public health  
207 emergencies.--The State Health Officer is responsible for

074443



Amendment No. (for drafter's use only)

208 declaring public health emergencies and issuing public health  
209 advisories.

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

211 (b) "Public health emergency" means any occurrence, or  
212 threat thereof, whether natural or man made, which results or  
213 may result in substantial injury or harm to the public health  
214 from infectious disease, chemical agents, nuclear agents,  
215 biological toxins, or situations involving mass casualties or  
216 natural disasters. Prior to declaring a public health emergency,  
217 the State Health Officer shall, to the extent possible, consult  
218 with the Governor and shall notify the Chief of Domestic  
219 Security Initiatives as created in s. 943.03. The declaration of  
220 a public health emergency shall continue until the State Health  
221 Officer finds that the threat or danger has been dealt with to  
222 the extent that the emergency conditions no longer exist and he  
223 or she terminates the declaration. However, a declaration of a  
224 public health emergency may not continue for longer than 60 days  
225 unless the Governor concurs in the renewal of the declaration.  
226 The State Health Officer, upon declaration of a public health  
227 emergency, may take actions that are necessary to protect the  
228 public health. Such actions include, but are not limited to:

229 1. Directing manufacturers of prescription drugs or over-  
230 the-counter drugs who are permitted under chapter 499 and  
231 wholesalers of prescription drugs located in this state who are  
232 permitted under chapter 499 to give priority to the shipping of  
233 specified drugs to pharmacies and health care providers within  
234 geographic areas that have been identified by the State Health  
235 Officer. The State Health Officer must identify the drugs to be

074443

Amendment No. (for drafter's use only)

236 shipped. Manufacturers and wholesalers located in the state must  
237 respond to the State Health Officer's priority shipping  
238 directive before shipping the specified drugs.

239 2. Notwithstanding chapters 465 and 499 and rules adopted  
240 thereunder, directing pharmacists employed by the department to  
241 compound bulk prescription drugs and provide these bulk  
242 prescription drugs to physicians and nurses of county health  
243 departments or any qualified person authorized by the State  
244 Health Officer for administration to persons as part of a  
245 prophylactic or treatment regimen.

246 3. Notwithstanding s. 456.036, temporarily reactivating  
247 the inactive license of the following health care practitioners,  
248 when such practitioners are needed to respond to the public  
249 health emergency: physicians licensed under chapter 458 or  
250 chapter 459; physician assistants licensed under chapter 458 or  
251 chapter 459; certified geriatric specialists, licensed practical  
252 nurses, registered nurses, and advanced registered nurse  
253 practitioners certified or licensed under part I of chapter 464;  
254 respiratory therapists licensed under part V of chapter 468; and  
255 emergency medical technicians and paramedics certified under  
256 part III of chapter 401. Only those health care practitioners  
257 specified in this paragraph who possess an unencumbered inactive  
258 license and who request that such license be reactivated are  
259 eligible for reactivation. An inactive license that is  
260 reactivated under this paragraph shall return to inactive status  
261 when the public health emergency ends or prior to the end of the  
262 public health emergency if the State Health Officer determines  
263 that the health care practitioner is no longer needed to provide

074443

Amendment No. (for drafter's use only)

264 services during the public health emergency. Such licenses may  
265 only be reactivated for a period not to exceed 90 days without  
266 meeting the requirements of s. 456.036 or chapter 401, as  
267 applicable.

268 4. Ordering an individual to be examined, tested,  
269 vaccinated, treated, or quarantined for communicable diseases  
270 that have significant morbidity or mortality and present a  
271 severe danger to public health. Individuals who are unable or  
272 unwilling to be examined, tested, vaccinated, or treated for  
273 reasons of health, religion, or conscience may be subjected to  
274 quarantine.

275 a. Examination, testing, vaccination, or treatment may be  
276 performed by any qualified person authorized by the State Health  
277 Officer.

278 b. If the individual poses a danger to the public health,  
279 the State Health Officer may subject the individual to  
280 quarantine. If there is no practical method to quarantine the  
281 individual, the State Health Officer may use any means necessary  
282 to vaccinate or treat the individual.

283  
284 Any order of the State Health Officer given to effectuate this  
285 paragraph shall be immediately enforceable by a law enforcement  
286 officer under s. 381.0012.

287 Section 19. Subsection (14) of section 400.021, Florida  
288 Statutes, is amended to read:

289 400.021 Definitions.--When used in this part, unless the  
290 context otherwise requires, the term:

074443

Amendment No. (for drafter's use only)

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

294 Section 20. Subsection (1) of section 400.211, Florida  
295 Statutes, is amended to read:

296 400.211 Persons employed as nursing assistants;  
297 certification requirement.--

298 (1) To serve as a nursing assistant in any nursing home, a  
299 person must be certified as a nursing assistant under part II of  
300 chapter 464, unless the person is a registered nurse, a ~~or~~  
301 practical nurse, or a certified geriatric specialist certified  
302 or licensed in accordance with part I of chapter 464 or an  
303 applicant for such certification or licensure who is permitted  
304 to practice nursing in accordance with rules adopted by the  
305 Board of Nursing pursuant to part I of chapter 464.

306 Section 21. Paragraphs (a) and (c) of subsection (3) of  
307 section 400.23, Florida Statutes, are amended to read:

308 400.23 Rules; evaluation and deficiencies; licensure  
309 status.--

310 (3)(a) The agency shall adopt rules providing for the  
311 minimum staffing requirements for nursing homes. These  
312 requirements shall include, for each nursing home facility, a  
313 minimum certified nursing assistant staffing of 2.3 hours of  
314 direct care per resident per day beginning January 1, 2002,  
315 increasing to 2.6 hours of direct care per resident per day  
316 beginning January 1, 2003, and increasing to 2.9 hours of direct  
317 care per resident per day beginning May 1, 2004. Beginning  
318 January 1, 2002, no facility shall staff below one certified

074443

Amendment No. (for drafter's use only)

319 nursing assistant per 20 residents, and a minimum licensed  
320 nursing staffing of 1.0 hour of direct resident care per  
321 resident per day but never below one licensed nurse per 40  
322 residents. For purposes of computing nursing staffing minimums  
323 and ratios, certified geriatric specialists shall be considered  
324 licensed nursing staff. ~~Nursing assistants employed never below~~  
325 one licensed nurse per 40 residents. Nursing assistants employed  
326 under s. 400.211(2) may be included in computing the staffing  
327 ratio for certified nursing assistants only if they provide  
328 nursing assistance services to residents on a full-time basis.  
329 Each nursing home must document compliance with staffing  
330 standards as required under this paragraph and post daily the  
331 names of staff on duty for the benefit of facility residents and  
332 the public. The agency shall recognize the use of licensed  
333 nurses for compliance with minimum staffing requirements for  
334 certified nursing assistants, provided that the facility  
335 otherwise meets the minimum staffing requirements for licensed  
336 nurses and that the licensed nurses so recognized are performing  
337 the duties of a certified nursing assistant. Unless otherwise  
338 approved by the agency, licensed nurses counted towards the  
339 minimum staffing requirements for certified nursing assistants  
340 must exclusively perform the duties of a certified nursing  
341 assistant for the entire shift and shall not also be counted  
342 towards the minimum staffing requirements for licensed nurses.  
343 If the agency approved a facility's request to use a licensed  
344 nurse to perform both licensed nursing and certified nursing  
345 assistant duties, the facility must allocate the amount of staff  
346 time specifically spent on certified nursing assistant duties

074443

Amendment No. (for drafter's use only)

347 for the purpose of documenting compliance with minimum staffing  
348 requirements for certified and licensed nursing staff. In no  
349 event may the hours of a licensed nurse with dual job  
350 responsibilities be counted twice.

351 (c) Licensed practical nurses licensed under chapter 464  
352 who are providing nursing services in nursing home facilities  
353 under this part may supervise the activities of other licensed  
354 practical nurses, certified geriatric specialists, certified  
355 nursing assistants, and other unlicensed personnel providing  
356 services in such facilities in accordance with rules adopted by  
357 the Board of Nursing.

358 Section 22. Paragraph (b) of subsection (2) of section  
359 409.908, Florida Statutes, is amended to read:

360 409.908 Reimbursement of Medicaid providers.--Subject to  
361 specific appropriations, the agency shall reimburse Medicaid  
362 providers, in accordance with state and federal law, according  
363 to methodologies set forth in the rules of the agency and in  
364 policy manuals and handbooks incorporated by reference therein.  
365 These methodologies may include fee schedules, reimbursement  
366 methods based on cost reporting, negotiated fees, competitive  
367 bidding pursuant to s. 287.057, and other mechanisms the agency  
368 considers efficient and effective for purchasing services or  
369 goods on behalf of recipients. If a provider is reimbursed based  
370 on cost reporting and submits a cost report late and that cost  
371 report would have been used to set a lower reimbursement rate  
372 for a rate semester, then the provider's rate for that semester  
373 shall be retroactively calculated using the new cost report, and  
374 full payment at the recalculated rate shall be affected

074443

Amendment No. (for drafter's use only)

375 retroactively. Medicare-granted extensions for filing cost  
376 reports, if applicable, shall also apply to Medicaid cost  
377 reports. Payment for Medicaid compensable services made on  
378 behalf of Medicaid eligible persons is subject to the  
379 availability of moneys and any limitations or directions  
380 provided for in the General Appropriations Act or chapter 216.  
381 Further, nothing in this section shall be construed to prevent  
382 or limit the agency from adjusting fees, reimbursement rates,  
383 lengths of stay, number of visits, or number of services, or  
384 making any other adjustments necessary to comply with the  
385 availability of moneys and any limitations or directions  
386 provided for in the General Appropriations Act, provided the  
387 adjustment is consistent with legislative intent.

388 (2)

389 (b) Subject to any limitations or directions provided for  
390 in the General Appropriations Act, the agency shall establish  
391 and implement a Florida Title XIX Long-Term Care Reimbursement  
392 Plan (Medicaid) for nursing home care in order to provide care  
393 and services in conformance with the applicable state and  
394 federal laws, rules, regulations, and quality and safety  
395 standards and to ensure that individuals eligible for medical  
396 assistance have reasonable geographic access to such care.

397 1. Changes of ownership or of licensed operator do not  
398 qualify for increases in reimbursement rates associated with the  
399 change of ownership or of licensed operator. The agency shall  
400 amend the Title XIX Long-Term ~~Long-Term~~ Care Reimbursement Plan  
401 to provide that the initial nursing home reimbursement rates,  
402 for the operating, patient care, and MAR components, associated

074443

Amendment No. (for drafter's use only)

403 with related and unrelated party changes of ownership or  
404 licensed operator filed on or after September 1, 2001, are  
405 equivalent to the previous owner's reimbursement rate.

406       2. The agency shall amend the long-term care reimbursement  
407 plan and cost reporting system to create direct care and  
408 indirect care subcomponents of the patient care component of the  
409 per diem rate. These two subcomponents together shall equal the  
410 patient care component of the per diem rate. Separate cost-based  
411 ceilings shall be calculated for each patient care subcomponent.  
412 The direct care subcomponent of the per diem rate shall be  
413 limited by the cost-based class ceiling, and the indirect care  
414 subcomponent shall be limited by the lower of the cost-based  
415 class ceiling, by the target rate class ceiling, or by the  
416 individual provider target. The agency shall adjust the patient  
417 care component effective January 1, 2002. The cost to adjust the  
418 direct care subcomponent shall be net of the total funds  
419 previously allocated for the case mix add-on. The agency shall  
420 make the required changes to the nursing home cost reporting  
421 forms to implement this requirement effective January 1, 2002.

422       3. The direct care subcomponent shall include salaries and  
423 benefits of direct care staff providing nursing services  
424 including registered nurses, licensed practical nurses,  
425 certified geriatric specialists, and certified nursing  
426 assistants who deliver care directly to residents in the nursing  
427 home facility. This excludes nursing administration, MDS, and  
428 care plan coordinators, staff development, and staffing  
429 coordinator.

074443



Amendment No. (for drafter's use only)

430           4. All other patient care costs shall be included in the  
431 indirect care cost subcomponent of the patient care per diem  
432 rate. There shall be no costs directly or indirectly allocated  
433 to the direct care subcomponent from a home office or management  
434 company.

435           5. On July 1 of each year, the agency shall report to the  
436 Legislature direct and indirect care costs, including average  
437 direct and indirect care costs per resident per facility and  
438 direct care and indirect care salaries and benefits per category  
439 of staff member per facility.

440           6. In order to offset the cost of general and professional  
441 liability insurance, the agency shall amend the plan to allow  
442 for interim rate adjustments to reflect increases in the cost of  
443 general or professional liability insurance for nursing homes.  
444 This provision shall be implemented to the extent existing  
445 appropriations are available.

446  
447 It is the intent of the Legislature that the reimbursement plan  
448 achieve the goal of providing access to health care for nursing  
449 home residents who require large amounts of care while  
450 encouraging diversion services as an alternative to nursing home  
451 care for residents who can be served within the community. The  
452 agency shall base the establishment of any maximum rate of  
453 payment, whether overall or component, on the available moneys  
454 as provided for in the General Appropriations Act. The agency  
455 may base the maximum rate of payment on the results of  
456 scientifically valid analysis and conclusions derived from

074443

Amendment No. (for drafter's use only)

457 objective statistical data pertinent to the particular maximum  
458 rate of payment.

459 Section 23. Subsection (2) of section 458.303, Florida  
460 Statutes, is amended to read:

461 458.303 Provisions not applicable to other practitioners;  
462 exceptions, etc.--

463 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.  
464 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.  
465 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.  
466 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall  
467 be construed to prohibit any service rendered by a registered  
468 nurse, ~~or~~ a licensed practical nurse, or a certified geriatric  
469 specialist, if such service is rendered under the direct  
470 supervision and control of a licensed physician who provides  
471 specific direction for any service to be performed and gives  
472 final approval to all services performed. Further, nothing in  
473 this or any other chapter shall be construed to prohibit any  
474 service rendered by a medical assistant in accordance with the  
475 provisions of s. 458.3485.

476 Section 24. Subsection (1) and paragraph (a) of subsection  
477 (2) of section 1009.65, Florida Statutes, are amended to read:

478 1009.65 Medical Education Reimbursement and Loan Repayment  
479 Program.--

480 (1) To encourage qualified medical professionals to  
481 practice in underserved locations where there are shortages of  
482 such personnel, there is established the Medical Education  
483 Reimbursement and Loan Repayment Program. The function of the  
484 program is to make payments that offset loans and educational

074443

Amendment No. (for drafter's use only)

485 expenses incurred by students for studies leading to a medical  
486 or nursing degree, medical or nursing licensure, or advanced  
487 registered nurse practitioner certification or physician  
488 assistant licensure. The following licensed or certified health  
489 care professionals are eligible to participate in this program:  
490 medical doctors with primary care specialties, doctors of  
491 osteopathic medicine with primary care specialties, physician's  
492 assistants, certified geriatric specialists, licensed practical  
493 nurses, and registered nurses, and advanced registered nurse  
494 practitioners with primary care specialties such as certified  
495 nurse midwives. Primary care medical specialties for physicians  
496 include obstetrics, gynecology, general and family practice,  
497 internal medicine, pediatrics, and other specialties which may  
498 be identified by the Department of Health.

499 (2) From the funds available, the Department of Health  
500 shall make payments to selected medical professionals as  
501 follows:

502 (a) Up to \$4,000 per year for certified geriatric  
503 specialists, licensed practical nurses, and registered nurses,  
504 up to \$10,000 per year for advanced registered nurse  
505 practitioners and physician's assistants, and up to \$20,000 per  
506 year for physicians. Penalties for noncompliance shall be the  
507 same as those in the National Health Services Corps Loan  
508 Repayment Program. Educational expenses include costs for  
509 tuition, matriculation, registration, books, laboratory and  
510 other fees, other educational costs, and reasonable living  
511 expenses as determined by the Department of Health.

074443

Amendment No. (for drafter's use only)

512 Section 25. Subsection (2) of section 1009.66, Florida  
513 Statutes, is amended to read:

514 1009.66 Nursing Student Loan Forgiveness Program.--

515 (2) To be eligible, a candidate must have graduated from  
516 an accredited or approved nursing program and have received a  
517 Florida license as a licensed practical nurse or a registered  
518 nurse or a Florida certificate as a certified geriatric  
519 specialist or an advanced registered nurse practitioner.

520 Section 26. The sum of \$157,017 is appropriated from the  
521 General Revenue Fund to the Agency for Workforce Innovation to  
522 support the work of the Certified Geriatric Specialty Nursing  
523 Initiative Steering Committee, to administer the pilot sites, to  
524 contract for an evaluation, and to provide, if necessary,  
525 nursing faculty, substitute certified nursing assistants for  
526 those who are in clinical education, and technical support to  
527 the pilot sites during the 2004-2005 fiscal year.

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

530 464.201 Definitions.--As used in this part, the term:

531 (6) "Practice of a certified nursing assistant" means  
532 providing care and assisting persons with tasks relating to the  
533 activities of daily living. Such tasks are those associated with  
534 personal care, maintaining mobility, nutrition and hydration,  
535 toileting and elimination, assistive devices, safety and  
536 cleanliness, data gathering, reporting abnormal signs and  
537 symptoms, postmortem care, patient socialization and reality  
538 orientation, end-of-life care, cardiopulmonary resuscitation and  
539 emergency care, residents' or patients' rights, documentation of

074443

Amendment No. (for drafter's use only)

540 nursing assistant services, and other tasks that a certified  
541 nursing assistant may perform after training beyond that  
542 required for initial certification and upon validation of  
543 competence in that skill by a registered nurse. This section  
544 does not restrict the ability of any person who is otherwise  
545 trained and educated from performing such tasks.

546 Section 28. Section 464.202, Florida Statutes, is amended  
547 to read:

548 464.202 Duties and powers of the board.--The board shall  
549 maintain, or contract with or approve another entity to  
550 maintain, a state registry of certified nursing assistants. The  
551 registry must consist of the name of each certified nursing  
552 assistant in this state; other identifying information defined  
553 by board rule; certification status; the effective date of  
554 certification; other information required by state or federal  
555 law; information regarding any crime or any abuse, neglect, or  
556 exploitation as provided under chapter 435; and any disciplinary  
557 action taken against the certified nursing assistant. The  
558 registry shall be accessible to the public, the  
559 certificateholder, employers, and other state agencies. The  
560 board shall adopt by rule testing procedures for use in  
561 certifying nursing assistants and shall adopt rules regulating  
562 the practice of certified nursing assistants which specify the  
563 scope of practice authorized and the level of supervision  
564 required for the practice of certified nursing assistants ~~to~~  
565 ~~enforce this part~~. The board may contract with or approve  
566 another entity or organization to provide the examination  
567 services, including the development and administration of

074443

Amendment No. (for drafter's use only)

568 examinations. The board shall require that the contract provider  
 569 offer certified nursing assistant applications via the Internet,  
 570 and may require the contract provider to accept certified  
 571 nursing assistant applications for processing via the Internet.  
 572 The board shall require the contract provider to provide the  
 573 preliminary results of the certified nursing examination on the  
 574 date the test is administered. The provider shall pay all  
 575 reasonable costs and expenses incurred by the board in  
 576 evaluating the provider's application and performance during the  
 577 delivery of services, including examination services and  
 578 procedures for maintaining the certified nursing assistant  
 579 registry.

580  
 581 ===== T I T L E A M E N D M E N T =====

582       Remove line 600, and insert:  
 583 Facility; providing a popular name; requiring the Agency for  
 584 Workforce Innovation to establish a pilot program for the  
 585 delivery of geriatric nursing education; specifying eligibility  
 586 requirements for certified nursing assistants to receive  
 587 geriatric nursing education; specifying requirements for  
 588 geriatric nursing education provided to certified nursing  
 589 assistants in preparation for certification as certified  
 590 geriatric specialists; creating a Certified Geriatric Specialty  
 591 Nursing Initiative Steering Committee; providing for the  
 592 composition of and manner of appointment to the steering  
 593 committee; providing responsibilities of the steering committee;  
 594 providing for reimbursement for per diem and travel expenses;  
 595 requiring the agency, in consultation with the steering

074443

Amendment No. (for drafter's use only)

596 | committee, to conduct or contract for an evaluation of the pilot  
597 | program; requiring the evaluation to include recommendations  
598 | regarding the expansion of the delivery of geriatric nursing  
599 | education in nursing homes; requiring the agency to report to  
600 | the Governor and the Legislature regarding the status and  
601 | evaluation of the pilot program; creating s. 464.0125, F.S.;  
602 | providing definitions; providing requirements for persons to  
603 | become certified geriatric specialists; specifying fees;  
604 | providing for articulation of geriatric specialty nursing  
605 | coursework and practical nursing coursework; providing practice  
606 | standards, restrictions, and grounds for which certified  
607 | geriatric specialists may be subject to discipline by the board;  
608 | creating restrictions on the use of professional nursing titles  
609 | and abbreviations; prohibiting the use of certain professional  
610 | titles and abbreviations; providing penalties; authorizing  
611 | approved nursing programs to provide education for the  
612 | preparation of certified geriatric specialists without further  
613 | board approval; authorizing certified geriatric specialists to  
614 | supervise the activities of certain others in nursing home  
615 | facilities according to rules of the board; amending s.  
616 | 381.00315, F.S.; revising requirements for the reactivation of  
617 | the licenses of specified health care practitioners in the event  
618 | of a public health emergency to include certified geriatric  
619 | specialists; amending s. 400.021, F.S.; including services  
620 | provided by a certified geriatric specialist within the  
621 | definition of nursing service; amending s. 400.211, F.S.;  
622 | revising requirements for persons employed as nursing assistants  
623 | to conform to the certification of certified geriatric

074443

HOUSE AMENDMENT

Bill No.CS/SB 1062

Amendment No. (for drafter's use only)

624 | specialists; amending s. 400.23, F.S.; specifying that certified  
625 | geriatric specialists shall be considered licensed nursing  
626 | staff; authorizing licensed practical nurses to supervise the  
627 | activities of certified geriatric specialists in nursing home  
628 | facilities according to rules adopted by the board; amending s.  
629 | 409.908, F.S.; revising the methodology for reimbursement of  
630 | Medicaid program providers to include services of certified  
631 | geriatric specialists; amending s. 458.303, F.S.; revising  
632 | exceptions to the practice of medicine to include services  
633 | delegated to a certified geriatric specialist under specified  
634 | circumstances; amending s. 1009.65, F.S.; revising eligibility  
635 | and funding provisions for the Medical Education Reimbursement  
636 | and Loan Repayment Program to include certified geriatric  
637 | specialists; amending s. 1009.66, F.S.; revising eligibility  
638 | requirements for the Nursing Student Loan Forgiveness Program to  
639 | include certified geriatric specialists; providing an  
640 | appropriation; amending s. 464.201, F.S.; defining the term  
641 | "practice of a certified nursing assistant"; amending s.  
642 | 464.202, F.S.; authorizing the board to adopt rules regarding  
643 | the practice and supervision of certified nursing assistants;  
644 | providing an effective date.

074443