

Bill No. CS for SB 1062, 1st Eng.

Amendment No. ____ Barcode 184958

CHAMBER ACTION

Senate

House

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11 Senator Saunders moved the following amendment:

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

14 On page 7, line 4, through
15 page 8, line 3, delete those lines

17 and insert:

18 Section 5. Subsection (4) of section 400.211, Florida
19 Statutes, is amended to read:

20 400.211 Persons employed as nursing assistants;
21 certification requirement.--

22 (4) When employed by a nursing home facility for a
23 12-month period or longer, a nursing assistant, ~~to maintain~~
24 ~~certification,~~ shall submit to a performance review every 12
25 months and must receive regular inservice education based on
26 the outcome of these ~~such~~ reviews. The inservice training
27 must:

28 (a) Be sufficient to ensure the continuing competence
29 of nursing assistants and must meet the standard specified in
30 s. 464.203(7), ~~must be at least 18 hours per year, and may~~
31 ~~include hours accrued under s. 464.203(8);~~

Bill No. CS for SB 1062, 1st Enq.

Amendment No. ____ Barcode 184958

1 (b) Include, at a minimum:

2 1. Techniques for assisting with eating and proper

3 feeding;

4 2. Principles of adequate nutrition and hydration;

5 3. Techniques for assisting and responding to the
6 cognitively impaired resident or the resident with difficult

7 behaviors;

8 4. Techniques for caring for the resident at the
9 end-of-life; and

10 5. Recognizing changes that place a resident at risk
11 for pressure ulcers and falls; and

12 (c) Address areas of weakness as determined in nursing
13 assistant performance reviews and may address the special
14 needs of residents as determined by the nursing home facility
15 staff.

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17 Costs associated with this training may not be reimbursed from
18 additional Medicaid funding through interim rate adjustments.

19 Section 6. Subsection (1) of section 464.203, Florida
20 Statutes, is amended, and subsections (8) and (9) are added to
21 that section, to read:

22 464.203 Certified nursing assistants; certification
23 requirement.--

24 (1) The board shall issue a certificate to practice as
25 a certified nursing assistant to any person who demonstrates a
26 minimum competency to read and write and successfully passes
27 the required background ~~Level I or Level II~~ screening in
28 subsection (8) ~~pursuant to s. 400.215~~ and who meets one of the
29 following requirements:

30 (a) Has successfully completed an approved training
31 program and achieved a minimum score, established by rule of

Bill No. CS for SB 1062, 1st Enq.

Amendment No. ____ Barcode 184958

1 the board, on the nursing assistant competency examination,
2 which consists of a written portion and skills-demonstration
3 portion approved by the board and administered at a site and
4 by personnel approved by the department.

5 (b) Has achieved a minimum score, established by rule
6 of the board, on the nursing assistant competency examination,
7 which consists of a written portion and skills-demonstration
8 portion, approved by the board and administered at a site and
9 by personnel approved by the department and:

- 10 1. Has a high school diploma, or its equivalent; or
11 2. Is at least 18 years of age.

12 (c) Is currently certified in another state; is listed
13 on that state's certified nursing assistant registry; and has
14 not been found to have committed abuse, neglect, or
15 exploitation in that state.

16 (d) Has completed the curriculum developed under the
17 Enterprise Florida Jobs and Education Partnership Grant and
18 achieved a minimum score, established by rule of the board, on
19 the nursing assistant competency examination, which consists
20 of a written portion and skills-demonstration portion,
21 approved by the board and administered at a site and by
22 personnel approved by the department.

23 (8) For purposes of this section, background screening
24 shall include:

25 (a) A determination whether the person seeking the
26 certificate has committed any act that would constitute
27 grounds for disciplinary sanctions as provided in s.
28 464.204(1); and

29 (b)1. For persons who have continuously resided in
30 this state for the 5 years immediately preceding the date of
31 screening, level 1 screening as set forth in chapter 435; or

Bill No. CS for SB 1062, 1st Enq.

Amendment No. ____ Barcode 184958

1 2. For persons who have not continuously resided in
2 this state for the 5 years immediately preceding the date of
3 screening, level 2 screening as set forth in chapter 435.

4 (9) Beginning January 1, 2005, the Department of
5 Health and the Agency for Health Care Administration shall,
6 after certification of an applicant, post information relating
7 to background screening on the agency's background-screening
8 database, which shall be available only to employers and
9 prospective employers, who, as a condition of employment, are
10 required by law to conduct a background check for the
11 employment of certified nursing assistants.

12 Section 7. Subsection (5) of section 400.215, Florida
13 Statutes, is amended to read:

14 400.215 Personnel screening requirement.--

15 (5) Any provision of law to the contrary
16 notwithstanding, persons who have been screened and qualified
17 as required by this section or s. 464.203 and who have not
18 been unemployed for more than 180 days thereafter, and who
19 under penalty of perjury attest to not having been convicted
20 of a disqualifying offense since the completion of such
21 screening, shall not be required to be rescreened. For
22 purposes of this subsection, screened and qualified under s.
23 464.203 means that the person subject to such screening at the
24 time of certification by the Board of Nursing does not have
25 any disqualifying offense under chapter 435 or has received an
26 exemption from any disqualification under chapter 435 from the
27 Board of Nursing. An employer may obtain, under ~~pursuant to~~ s.
28 435.10, written verification of qualifying screening results
29 from the previous employer or other entity which caused the
30 such screening to be performed.

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Bill No. CS for SB 1062, 1st Enq.

Amendment No. ____ Barcode 184958

1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 20, after the semicolon,

7

8 insert:

9 amending s. 464.203, F.S.; providing that a

10 person must pass the required background

11 screening as a part of the certification

12 process for certified nursing assistants;

13 revising the requirements for conducting the

14 background screening; requiring the Agency for

15 Health Care Administration to post information

16 relating to background screening in its

17 database, after January 1, 2005; requiring that

18 the database be available to employers and

19 prospective employers; amending s. 400.215,

20 F.S.; providing that a person who has been

21 screened under certain provisions of law is not

22 required to be rescreened to be employed in a

23 nursing home;

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