

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

Amendment No. ____ Barcode 812402

CHAMBER ACTION

Senate

House

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Senator Jones moved the following amendment:

Senate Amendment (with title amendment)

On page 26, between lines 9 and 10,

insert:

Section 19. Sections 19 through 35 of this act may be cited as the "Clara Ramsey Care of the Elderly Act."

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

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

(2) To be eligible to receive geriatric nursing

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1 education, a certified nursing assistant must have been
2 employed by a participating nursing home for at least 1 year
3 and must have received a high school diploma or its
4 equivalent.

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

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

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

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

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

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

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

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

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

6 (e) A representative of the Department of Health,
7 appointed by the Secretary of Health;

8 (f) A representative of the Agency for Health Care
9 Administration, appointed by the Secretary of Health Care
10 Administration;

11 (g) The Director of the Florida Center for Nursing;

12 (h) A representative of the Department of Elderly
13 Affairs, appointed by the Secretary of Elderly Affairs; and

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

17 (2) The steering committee shall:

18 (a) Provide consultation and guidance to the Agency
19 for Workforce Innovation on matters of policy during the
20 implementation of the pilot program; and

21 (b) Provide oversight to the evaluation of the pilot
22 program.

23 (3) Members of the steering committee are entitled to
24 reimbursement for per diem and travel expenses under section
25 112.061, Florida Statutes.

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

29 Section 22. Evaluation of the Certified Geriatric
30 Specialist Preparation Pilot Program.--The Agency for
31 Workforce Innovation, in consultation with the Certified

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1 Geriatric Specialty Nursing Initiative Steering Committee,
2 shall conduct or contract for an evaluation of the pilot
3 program. The agency shall ensure that an evaluation report is
4 submitted to the Governor, the President of the Senate, and
5 the Speaker of the House of Representatives by January 1,
6 2007. The evaluation must address the experience and success
7 of the certified nursing assistants in the pilot program and
8 must contain recommendations regarding the expansion of the
9 delivery of geriatric nursing education in nursing homes.

10 Section 23. Reports.--The Agency for Workforce
11 Innovation shall submit status reports and recommendations
12 regarding legislation necessary to further the implementation
13 of the pilot program to the Governor, the President of the
14 Senate, and the Speaker of the House of Representatives on
15 January 1, 2005, January 1, 2006, and January 1, 2007.

16 Section 24. Section 464.0125, Florida Statutes, is
17 created to read:

18 464.0125 Certified geriatric specialists;
19 certification requirements.--

20 (1) DEFINITIONS; RESPONSIBILITIES.--

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

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

26 2. "Geriatric patient" means any patient who is 60
27 years of age or older.

28 3. "Practice of certified geriatric specialty nursing"
29 means the performance of selected acts in facilities licensed
30 under part II or part III of chapter 400, including the
31 administration of treatments and medications, in the care of

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

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

21 (2) CERTIFICATION.--

22 (a) Any certified nursing assistant desiring to be
 23 certified as a certified geriatric specialist must apply to
 24 the department and submit proof that he or she holds a current
 25 certificate as a certified nursing assistant under part II of
 26 this chapter and has satisfactorily completed the following
 27 requirements:

- 28 1. Is in good mental and physical health, is a
 29 recipient of a high school diploma or its equivalent; has
 30 completed the requirements for graduation from an approved
 31 program for nursing or its equivalent, as determined by the

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1 board, for the preparation of licensed practical nurses,
2 except for instruction and clinical knowledge of pediatric
3 nursing or obstetric/maternal-child nursing; and has completed
4 additional education in the care of ill, injured, or infirm
5 geriatric patients, the maintenance of health, the prevention
6 of injury, and the provision of palliative care for geriatric
7 patients. By September 1, 2004, the Board of Nursing shall
8 adopt rules establishing the core competencies for the
9 additional education in geriatric care. Any program that is
10 approved on July 1, 2004, by the board for the preparation of
11 registered nurses or licensed practical nurses may provide
12 education for the preparation of certified geriatric
13 specialists without further board approval.

14 2. Has the ability to communicate in the English
15 language, which may be determined by an examination given by
16 the department.

17 3. Has provided sufficient information, which must be
18 submitted by the department for a statewide criminal records
19 correspondence check through the Department of Law
20 Enforcement.

21 (b) Each applicant who meets the requirements of this
22 subsection is, unless denied pursuant to s. 464.018, entitled
23 to certification as a certified geriatric specialist. The
24 board must certify, and the department must issue a
25 certificate to practice as a certified geriatric specialist
26 to, any certified nursing assistant who meets the
27 qualifications set forth in this section. The board shall
28 establish an application fee not to exceed \$100 and a biennial
29 renewal fee not to exceed \$50. The board may adopt rules to
30 administer this section.

31 (c) A person receiving certification under this

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1 section shall:

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

4 2. Care for geriatric patients only.

5 3. Comply with the minimum standards of practice for
6 nurses and be subject to disciplinary action for violations of
7 s. 464.018.

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

16 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
17 PENALTIES.--

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

24 (b) A person may not practice or advertise as, or
25 assume the title of, certified geriatric specialist or use the
26 abbreviation "C.G.S." or take any other action that would lead
27 the public to believe that person is certified as such or is
28 performing services within the practice of certified geriatric
29 specialty nursing pursuant to the exception set forth in s.
30 464.022(8), unless that person is certified to practice as
31 such.

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1 (c) A violation of this subsection is a misdemeanor of
2 the first degree, punishable as provided in s. 775.082 or s.
3 775.083.

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

9 Section 25. Paragraph (b) of subsection (1) of section
10 381.00315, Florida Statutes, is amended to read:

11 381.00315 Public health advisories; public health
12 emergencies.--The State Health Officer is responsible for
13 declaring public health emergencies and issuing public health
14 advisories.

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

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

29 However, a declaration of a public health emergency may not
30 continue for longer than 60 days unless the Governor concurs
31 in the renewal of the declaration. The State Health Officer,

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1 upon declaration of a public health emergency, may take
2 actions that are necessary to protect the public health. Such
3 actions include, but are not limited to:

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

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

22 3. Notwithstanding s. 456.036, temporarily
23 reactivating the inactive license of the following health care
24 practitioners, when such practitioners are needed to respond
25 to the public health emergency: physicians licensed under
26 chapter 458 or chapter 459; physician assistants licensed
27 under chapter 458 or chapter 459; certified geriatric
28 specialists certified under part I of chapter 464; licensed
29 practical nurses, registered nurses, and advanced registered
30 nurse practitioners licensed under part I of chapter 464;
31 respiratory therapists licensed under part V of chapter 468;

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

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

22 a. Examination, testing, vaccination, or treatment may
23 be performed by any qualified person authorized by the State
24 Health Officer.

25 b. If the individual poses a danger to the public
26 health, the State Health Officer may subject the individual to
27 quarantine. If there is no practical method to quarantine the
28 individual, the State Health Officer may use any means
29 necessary to vaccinate or treat the individual.

30

31 Any order of the State Health Officer given to effectuate this

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1 paragraph shall be immediately enforceable by a law
2 enforcement officer under s. 381.0012.

3 Section 26. Subsection (14) of section 400.021,
4 Florida Statutes, is amended to read:

5 400.021 Definitions.--When used in this part, unless
6 the context otherwise requires, the term:

7 (14) "Nursing service" means such services or acts as
8 may be rendered, directly or indirectly, to and in behalf of a
9 person by individuals as defined in ss. ~~s.~~ 464.003 and
10 464.0125.

11 Section 27. Subsection (1) of section 400.211, Florida
12 Statutes, is amended to read:

13 400.211 Persons employed as nursing assistants;
14 certification requirement.--

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

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

25 400.23 Rules; evaluation and deficiencies; licensure
26 status.--

27 (3)(a) The agency shall adopt rules providing for the
28 minimum staffing requirements for nursing homes. These
29 requirements shall include, for each nursing home facility, a
30 minimum certified nursing assistant staffing of 2.3 hours of
31 direct care per resident per day beginning January 1, 2002,

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

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1 duties, the facility must allocate the amount of staff time
2 specifically spent on certified nursing assistant duties for
3 the purpose of documenting compliance with minimum staffing
4 requirements for certified and licensed nursing staff. In no
5 event may the hours of a licensed nurse with dual job
6 responsibilities be counted twice.

7 (c) Licensed practical nurses licensed under chapter
8 464 who are providing nursing services in nursing home
9 facilities under this part may supervise the activities of
10 other licensed practical nurses, certified geriatric
11 specialists, certified nursing assistants, and other
12 unlicensed personnel providing services in such facilities in
13 accordance with rules adopted by the Board of Nursing.

14 Section 29. Paragraph (b) of subsection (2) of section
15 409.908, Florida Statutes, is amended to read:

16 409.908 Reimbursement of Medicaid providers.--Subject
17 to specific appropriations, the agency shall reimburse
18 Medicaid providers, in accordance with state and federal law,
19 according to methodologies set forth in the rules of the
20 agency and in policy manuals and handbooks incorporated by
21 reference therein. These methodologies may include fee
22 schedules, reimbursement methods based on cost reporting,
23 negotiated fees, competitive bidding pursuant to s. 287.057,
24 and other mechanisms the agency considers efficient and
25 effective for purchasing services or goods on behalf of
26 recipients. If a provider is reimbursed based on cost
27 reporting and submits a cost report late and that cost report
28 would have been used to set a lower reimbursement rate for a
29 rate semester, then the provider's rate for that semester
30 shall be retroactively calculated using the new cost report,
31 and full payment at the recalculated rate shall be affected

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1 retroactively. Medicare-granted extensions for filing cost
2 reports, if applicable, shall also apply to Medicaid cost
3 reports. Payment for Medicaid compensable services made on
4 behalf of Medicaid eligible persons is subject to the
5 availability of moneys and any limitations or directions
6 provided for in the General Appropriations Act or chapter 216.
7 Further, nothing in this section shall be construed to prevent
8 or limit the agency from adjusting fees, reimbursement rates,
9 lengths of stay, number of visits, or number of services, or
10 making any other adjustments necessary to comply with the
11 availability of moneys and any limitations or directions
12 provided for in the General Appropriations Act, provided the
13 adjustment is consistent with legislative intent.

14 (2)

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

24 1. Changes of ownership or of licensed operator do not
25 qualify for increases in reimbursement rates associated with
26 the change of ownership or of licensed operator. The agency
27 shall amend the Title XIX Long Term Care Reimbursement Plan to
28 provide that the initial nursing home reimbursement rates, for
29 the operating, patient care, and MAR components, associated
30 with related and unrelated party changes of ownership or
31 licensed operator filed on or after September 1, 2001, are

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1 equivalent to the previous owner's reimbursement rate.

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

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

27 4. All other patient care costs shall be included in
28 the indirect care cost subcomponent of the patient care per
29 diem rate. There shall be no costs directly or indirectly
30 allocated to the direct care subcomponent from a home office
31 or management company.

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1 5. On July 1 of each year, the agency shall report to
2 the Legislature direct and indirect care costs, including
3 average direct and indirect care costs per resident per
4 facility and direct care and indirect care salaries and
5 benefits per category of staff member per facility.

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

13
14 It is the intent of the Legislature that the reimbursement
15 plan achieve the goal of providing access to health care for
16 nursing home residents who require large amounts of care while
17 encouraging diversion services as an alternative to nursing
18 home care for residents who can be served within the
19 community. The agency shall base the establishment of any
20 maximum rate of payment, whether overall or component, on the
21 available moneys as provided for in the General Appropriations
22 Act. The agency may base the maximum rate of payment on the
23 results of scientifically valid analysis and conclusions
24 derived from objective statistical data pertinent to the
25 particular maximum rate of payment.

26 Section 30. Subsection (2) of section 458.303, Florida
27 Statutes, is amended to read:

28 458.303 Provisions not applicable to other
29 practitioners; exceptions, etc.--

30 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
31 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.

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1 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
2 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
3 shall be construed to prohibit any service rendered by a
4 registered nurse, ~~or~~ a licensed practical nurse, or a
5 certified geriatric specialist certified under part I of
6 chapter 464, if such service is rendered under the direct
7 supervision and control of a licensed physician who provides
8 specific direction for any service to be performed and gives
9 final approval to all services performed. Further, nothing in
10 this or any other chapter shall be construed to prohibit any
11 service rendered by a medical assistant in accordance with the
12 provisions of s. 458.3485.

13 Section 31. Subsection (1) and paragraph (a) of
14 subsection (2) of section 1009.65, Florida Statutes, are
15 amended to read:

16 1009.65 Medical Education Reimbursement and Loan
17 Repayment Program.--

18 (1) To encourage qualified medical professionals to
19 practice in underserved locations where there are shortages of
20 such personnel, there is established the Medical Education
21 Reimbursement and Loan Repayment Program. The function of the
22 program is to make payments that offset loans and educational
23 expenses incurred by students for studies leading to a medical
24 or nursing degree, medical or nursing licensure, or advanced
25 registered nurse practitioner certification or physician
26 assistant licensure. The following licensed or certified
27 health care professionals are eligible to participate in this
28 program: medical doctors with primary care specialties,
29 doctors of osteopathic medicine with primary care specialties,
30 physician's assistants, certified geriatric specialists
31 certified under part I of chapter 464, licensed practical

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1 nurses and registered nurses, and advanced registered nurse
 2 practitioners with primary care specialties such as certified
 3 nurse midwives. Primary care medical specialties for
 4 physicians include obstetrics, gynecology, general and family
 5 practice, internal medicine, pediatrics, and other specialties
 6 which may be identified by the Department of Health.

7 (2) From the funds available, the Department of Health
 8 shall make payments to selected medical professionals as
 9 follows:

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

21 Section 32. Subsection (2) of section 1009.66, Florida
 22 Statutes, is amended to read:

23 1009.66 Nursing Student Loan Forgiveness Program.--

24 (2) To be eligible, a candidate must have graduated
 25 from an accredited or approved nursing program and have
 26 received a Florida license as a licensed practical nurse, a
 27 certified geriatric specialist certified under part I of
 28 chapter 464, or a registered nurse or a Florida certificate as
 29 an advanced registered nurse practitioner.

30 Section 33. The sum of \$157,017 is appropriated from
 31 the General Revenue Fund to the Agency for Workforce

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1 Innovation to support the work of the Certified Geriatric
2 Specialty Nursing Initiative Steering Committee, to administer
3 the pilot sites, contract for an evaluation, and to the extent
4 that funds are available, and if necessary, to provide nursing
5 faculty, substitute certified nursing assistants for those who
6 are in clinical education, and technical support to the pilot
7 sites during the 2004-2005 fiscal year.

8 Section 34. Subsection (6) is added to section
9 464.201, Florida Statutes, to read:

10 464.201 Definitions.--As used in this part, the term:

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

26 Section 35. Section 464.202, Florida Statutes, is
27 amended to read:

28 464.202 Duties and powers of the board.--The board
29 shall maintain, or contract with or approve another entity to
30 maintain, a state registry of certified nursing assistants.

31 The registry must consist of the name of each certified

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

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

2 And the title is amended as follows:

3 On page 3, line 22, after the second semicolon,

4

5 insert:

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

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1 to the Governor and Legislature regarding the
2 status and evaluation of the pilot program;
3 creating s. 464.0125, F.S.; providing
4 definitions; providing requirements for persons
5 to become certified geriatric specialists;
6 specifying fees; providing for articulation of
7 geriatric specialty nursing coursework and
8 practical nursing coursework; providing
9 practice standards and grounds for which
10 certified geriatric specialists may be subject
11 to discipline by the Board of Nursing; creating
12 restrictions on the use of professional nursing
13 titles; prohibiting the use of certain
14 professional titles; providing penalties;
15 authorizing approved nursing programs to
16 provide education for the preparation of
17 certified geriatric specialists without further
18 board approval; authorizing certified geriatric
19 specialists to supervise the activities of
20 others in nursing home facilities according to
21 rules by the Board of Nursing; revising
22 terminology relating to nursing to conform to
23 the certification of geriatric specialists;
24 amending s. 381.00315, F.S.; revising
25 requirements for the reactivation of the
26 licenses of specified health care practitioners
27 in the event of a public health emergency to
28 include certified geriatric specialists;
29 amending s. 400.021, F.S.; including services
30 provided by a certified geriatric specialist
31 within the definition of nursing service;

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1 amending s. 400.211, F.S.; revising
2 requirements for persons employed as nursing
3 assistants to conform to the certification of
4 certified geriatric specialists; amending s.
5 400.23, F.S.; specifying that certified
6 geriatric specialists shall be considered
7 licensed nursing staff; authorizing licensed
8 practical nurses to supervise the activities of
9 certified geriatric specialists in nursing home
10 facilities according to rules adopted by the
11 Board of Nursing; amending s. 409.908, F.S.;
12 revising the methodology for reimbursement of
13 Medicaid program providers to include services
14 of certified geriatric specialists; amending s.
15 458.303, F.S.; revising exceptions to the
16 practice of medicine to include services
17 delegated to a certified geriatric specialist
18 under specified circumstances; amending s.
19 1009.65, F.S.; revising eligibility for the
20 Medical Education Reimbursement and Loan
21 Repayment Program to include certified
22 geriatric specialists; amending s. 1009.66,
23 F.S.; revising eligibility requirements for the
24 Nursing Student Loan Forgiveness Program to
25 include certified geriatric specialists;
26 providing an appropriation; amending s.
27 464.201, F.S.; defining terms; amending s.
28 464.202, F.S.; authorizing the Board of Nursing
29 to adopt rules regarding the practice and
30 supervision of certified nursing assistants;

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