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1 A bill to be entitled

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

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31 prohibiting the use of certain professional titles and
 32 abbreviations; providing penalties; authorizing approved
 33 nursing programs to provide education for the preparation
 34 of certified geriatric specialists without further board
 35 approval; authorizing certified geriatric specialists to
 36 supervise the activities of certain others in nursing home
 37 facilities according to rules of the board; amending s.
 38 381.00315, F.S.; revising requirements for the
 39 reactivation of the licenses of specified health care
 40 practitioners in the event of a public health emergency to
 41 include certified geriatric specialists; amending s.
 42 400.021, F.S.; including services provided by a certified
 43 geriatric specialist within the definition of nursing
 44 service; amending s. 400.211, F.S.; revising requirements
 45 for persons employed as nursing assistants to conform to
 46 the certification of certified geriatric specialists;
 47 amending s. 400.23, F.S.; specifying that certified
 48 geriatric specialists shall be considered licensed nursing
 49 staff; authorizing licensed practical nurses to supervise
 50 the activities of certified geriatric specialists in
 51 nursing home facilities according to rules adopted by the
 52 board; amending s. 409.908, F.S.; revising the methodology
 53 for reimbursement of Medicaid program providers to include
 54 services of certified geriatric specialists; amending s.
 55 458.303, F.S.; revising exceptions to the practice of
 56 medicine to include services delegated to a certified
 57 geriatric specialist under specified circumstances;
 58 amending s. 1009.65, F.S.; revising eligibility and
 59 funding provisions for the Medical Education Reimbursement
 60 and Loan Repayment Program to include certified geriatric

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61 specialists; amending s. 1009.66, F.S.; revising
62 eligibility requirements for the Nursing Student Loan
63 Forgiveness Program to include certified geriatric
64 specialists; providing an appropriation; amending s.
65 464.201, F.S.; defining the term "practice of a certified
66 nursing assistant"; amending s. 464.202, F.S.; authorizing
67 the board to adopt rules regarding the practice and
68 supervision of certified nursing assistants; providing an
69 effective date.

70
71 Be It Enacted by the Legislature of the State of Florida:

72
73 Section 1. This act shall be known by the popular name the
74 "Clara Ramsey Care of the Elderly Act."

75 Section 2. Certified Geriatric Specialist Preparation
76 Pilot Program.--

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

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

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90 (3) The education shall be provided at the worksite and in
 91 coordination with the certified nursing assistant's work
 92 schedule.

93 (4) Faculty shall provide the instruction under an
 94 approved nursing program pursuant to s. 464.019, Florida
 95 Statutes.

96 (5) The education must be designed to prepare the
 97 certified nursing assistant to meet the requirements for
 98 certification as a geriatric specialist. The didactic and
 99 clinical education must include all portions of the practical
 100 nursing curriculum pursuant to s. 464.019, Florida Statutes,
 101 except for pediatric and obstetric/maternal-child education, and
 102 must include additional education in the care of ill, injured,
 103 or infirm geriatric patients and the maintenance of health, the
 104 prevention of injury, and the provision of palliative care for
 105 geriatric patients.

106 Section 3. Certified Geriatric Specialty Nursing
 107 Initiative Steering Committee.--

108 (1) In order to guide the implementation of the Certified
 109 Geriatric Specialist Preparation Pilot Program, there is created
 110 a Certified Geriatric Specialty Nursing Initiative Steering
 111 Committee. The steering committee shall be composed of the
 112 following members:

113 (a) The chair of the Board of Nursing or his or her
 114 designee.

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

117 (c) A representative of Workforce Florida, Inc., appointed
 118 by the chair of the board of directors of Workforce Florida,
 119 Inc.

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120 (d) A representative of the Department of Education,
 121 appointed by the Secretary of Education.

122 (e) A representative of the Department of Health,
 123 appointed by the Secretary of Health.

124 (f) A representative of the Agency for Health Care
 125 Administration, appointed by the Secretary of Health Care
 126 Administration.

127 (g) The executive director of the Florida Center for
 128 Nursing.

129 (h) A representative of the Department of Elderly Affairs,
 130 appointed by the Secretary of Elderly Affairs.

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

134 (2) The steering committee shall:

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

138 (b) Provide oversight to the evaluation of the pilot
 139 program.

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

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

146 Section 4. Evaluation of the Certified Geriatric
 147 Specialist Preparation Pilot Program.--The Agency for Workforce
 148 Innovation, in consultation with the Certified Geriatric
 149 Specialty Nursing Initiative Steering Committee, shall conduct

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150 or contract for an evaluation of the pilot program. The agency
 151 shall ensure that an evaluation report is submitted to the
 152 Governor, the President of the Senate, and the Speaker of the
 153 House of Representatives by January 1, 2007. The evaluation must
 154 address the experience and success of the certified nursing
 155 assistants in the pilot program and must contain recommendations
 156 regarding the expansion of the delivery of geriatric nursing
 157 education in nursing homes.

158 Section 5. Reports.--The Agency for Workforce Innovation
 159 shall submit status reports and recommendations regarding
 160 legislation necessary to further the implementation of the pilot
 161 program to the Governor, the President of the Senate, and the
 162 Speaker of the House of Representatives on January 1, 2005,
 163 January 1, 2006, and January 1, 2007.

164 Section 6. Section 464.0125, Florida Statutes, is created
 165 to read:

166 464.0125 Certified geriatric specialists; certification
 167 requirements.--

168 (1) DEFINITIONS; RESPONSIBILITIES.--

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

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

174 2. "Geriatric patient" means any patient who is 60 years
 175 of age or older.

176 3. "Practice of certified geriatric specialty nursing"
 177 means the performance of selected acts in facilities licensed
 178 under part II or part III of chapter 400, including the
 179 administration of treatments and medications, in the care of

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

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

199 (2) CERTIFICATION.--

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

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

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210 preparation of licensed practical nurses, except for instruction
 211 and clinical knowledge of pediatric nursing or
 212 obstetric/maternal-child nursing. Any program that is approved
 213 on July 1, 2004, by the board for the preparation of registered
 214 nurses or licensed practical nurses may provide education for
 215 the preparation of certified geriatric specialists without
 216 further board approval.

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

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

223 (b) Each applicant who meets the requirements of this
 224 subsection is, unless denied pursuant to s. 464.018, entitled to
 225 certification as a certified geriatric specialist. The board
 226 must certify, and the department must issue a certificate to
 227 practice as a certified geriatric specialist to, any certified
 228 nursing assistant who meets the qualifications set forth in this
 229 section. The board shall establish an application fee not to
 230 exceed \$100 and a biennial renewal fee not to exceed \$50. The
 231 board may adopt rules pursuant to ss. 120.536(1) and 120.54 to
 232 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.

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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.

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 is, unless denied
 246 pursuant to s. 464.018, entitled to licensure as a licensed
 247 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) may use the title "Certified Geriatric Specialist"
 255 and the abbreviation "C.G.S."

256 (b) A person may not practice or advertise as, or assume
 257 the title of, a 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 is 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

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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.

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

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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
 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, licensed practical
 319 nurses, registered nurses, and advanced registered nurse
 320 practitioners certified or licensed under part I of chapter 464;
 321 respiratory therapists licensed under part V of chapter 468; and
 322 emergency medical technicians and paramedics certified under
 323 part III of chapter 401. Only those health care practitioners
 324 specified in this paragraph who possess an unencumbered inactive
 325 license and who request that such license be reactivated are
 326 eligible for reactivation. An inactive license that is
 327 reactivated under this paragraph shall return to inactive status

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328 when the public health emergency ends or prior to the end of the
 329 public health emergency if the State Health Officer determines
 330 that the health care practitioner is no longer needed to provide
 331 services during the public health emergency. Such licenses may
 332 only be reactivated for a period not to exceed 90 days without
 333 meeting the requirements of s. 456.036 or chapter 401, as
 334 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:

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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.

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 certification or licensure who is permitted
 371 to practice nursing in accordance with rules adopted by the
 372 Board of Nursing 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 May 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

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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
 391 licensed nursing staff. ~~Nursing assistants employed never below~~
 392 ~~one licensed nurse per 40 residents.~~ Nursing assistants employed
 393 under s. 400.211(2) may be included in computing the staffing
 394 ratio for certified nursing assistants only if they provide
 395 nursing assistance services to residents on a full-time basis.
 396 Each nursing home must document compliance with staffing
 397 standards as required under this paragraph and post daily the
 398 names of staff on duty for the benefit of facility residents and
 399 the public. The agency shall recognize the use of licensed
 400 nurses for compliance with minimum staffing requirements for
 401 certified nursing assistants, provided that the facility
 402 otherwise meets the minimum staffing requirements for licensed
 403 nurses and that the licensed nurses so recognized are performing
 404 the duties of a certified nursing assistant. Unless otherwise
 405 approved by the agency, licensed nurses counted towards the
 406 minimum staffing requirements for certified nursing assistants
 407 must exclusively perform the duties of a certified nursing
 408 assistant for the entire shift and shall not also be counted
 409 towards the minimum staffing requirements for licensed nurses.
 410 If the agency approved a facility's request to use a licensed
 411 nurse to perform both licensed nursing and certified nursing
 412 assistant duties, the facility must allocate the amount of staff
 413 time specifically spent on certified nursing assistant duties
 414 for the purpose of documenting compliance with minimum staffing
 415 requirements for certified and licensed nursing staff. In no
 416 event may the hours of a licensed nurse with dual job
 417 responsibilities be counted twice.

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418 (c) Licensed practical nurses licensed under chapter 464
 419 who are providing nursing services in nursing home facilities
 420 under this part may supervise the activities of other licensed
 421 practical nurses, certified geriatric specialists, certified
 422 nursing assistants, and other unlicensed personnel providing
 423 services in such facilities in accordance with rules adopted by
 424 the Board of Nursing.

425 Section 11. Paragraph (b) of subsection (2) of section
 426 409.908, Florida Statutes, is amended to read:

427 409.908 Reimbursement of Medicaid providers.--Subject to
 428 specific appropriations, the agency shall reimburse Medicaid
 429 providers, in accordance with state and federal law, according
 430 to methodologies set forth in the rules of the agency and in
 431 policy manuals and handbooks incorporated by reference therein.

432 These methodologies may include fee schedules, reimbursement
 433 methods based on cost reporting, negotiated fees, competitive
 434 bidding pursuant to s. 287.057, and other mechanisms the agency
 435 considers efficient and effective for purchasing services or
 436 goods on behalf of recipients. If a provider is reimbursed based
 437 on cost reporting and submits a cost report late and that cost
 438 report would have been used to set a lower reimbursement rate
 439 for a rate semester, then the provider's rate for that semester
 440 shall be retroactively calculated using the new cost report, and
 441 full payment at the recalculated rate shall be affected
 442 retroactively. Medicare-granted extensions for filing cost
 443 reports, if applicable, shall also apply to Medicaid cost
 444 reports. Payment for Medicaid compensable services made on
 445 behalf of Medicaid eligible persons is subject to the
 446 availability of moneys and any limitations or directions
 447 provided for in the General Appropriations Act or chapter 216.

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448 Further, nothing in this section shall be construed to prevent
 449 or limit the agency from adjusting fees, reimbursement rates,
 450 lengths of stay, number of visits, or number of services, or
 451 making any other adjustments necessary to comply with the
 452 availability of moneys and any limitations or directions
 453 provided for in the General Appropriations Act, provided the
 454 adjustment is consistent with legislative intent.

455 (2)

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

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

473 2. The agency shall amend the long-term care reimbursement
 474 plan and cost reporting system to create direct care and
 475 indirect care subcomponents of the patient care component of the
 476 per diem rate. These two subcomponents together shall equal the
 477 patient care component of the per diem rate. Separate cost-based

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

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

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

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

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

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

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

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

530 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 531 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
 532 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 533 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
 534 be construed to prohibit any service rendered by a registered
 535 nurse, ~~or~~ a licensed practical nurse, or a certified geriatric
 536 specialist, if such service is rendered under the direct

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537 supervision and control of a licensed physician who provides
 538 specific direction for any service to be performed and gives
 539 final approval to all services performed. Further, nothing in
 540 this or any other chapter shall be construed to prohibit any
 541 service rendered by a medical assistant in accordance with the
 542 provisions of s. 458.3485.

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

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

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

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

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

581 1009.66 Nursing Student Loan Forgiveness Program.--

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

587 Section 15. The sum of \$157,017 is appropriated from the
 588 General Revenue Fund to the Agency for Workforce Innovation to
 589 support the work of the Certified Geriatric Specialty Nursing
 590 Initiative Steering Committee, to administer the pilot sites, to
 591 contract for an evaluation, and to provide, if necessary,
 592 nursing faculty, substitute certified nursing assistants for
 593 those who are in clinical education, and technical support to
 594 the pilot sites during the 2004-2005 fiscal year.

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

597 464.201 Definitions.--As used in this part, the term:

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

613 Section 17. Section 464.202, Florida Statutes, is amended
 614 to read:

615 464.202 Duties and powers of the board.--The board shall
 616 maintain, or contract with or approve another entity to
 617 maintain, a state registry of certified nursing assistants. The
 618 registry must consist of the name of each certified nursing
 619 assistant in this state; other identifying information defined
 620 by board rule; certification status; the effective date of
 621 certification; other information required by state or federal
 622 law; information regarding any crime or any abuse, neglect, or
 623 exploitation as provided under chapter 435; and any disciplinary
 624 action taken against the certified nursing assistant. The

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625 registry shall be accessible to the public, the
626 certificateholder, employers, and other state agencies. The
627 board shall adopt by rule testing procedures for use in
628 certifying nursing assistants and shall adopt rules regulating
629 the practice of certified nursing assistants which specify the
630 scope of practice authorized and the level of supervision
631 required for the practice of certified nursing assistants ~~to~~
632 ~~enforce this part~~. The board may contract with or approve
633 another entity or organization to provide the examination
634 services, including the development and administration of
635 examinations. The board shall require that the contract provider
636 offer certified nursing assistant applications via the Internet,
637 and may require the contract provider to accept certified
638 nursing assistant applications for processing via the Internet.

639 The board shall require the contract provider to provide the
640 preliminary results of the certified nursing examination on the
641 date the test is administered. The provider shall pay all
642 reasonable costs and expenses incurred by the board in
643 evaluating the provider's application and performance during the
644 delivery of services, including examination services and
645 procedures for maintaining the certified nursing assistant
646 registry.

647 Section 18. This act shall take effect upon becoming a
648 law.