

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Machek offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 292 and 293, insert:

5 Section 9. Subsection (1) of section 464.203, Florida
6 Statutes, is amended, and subsections (8) and (9) are added to
7 said section, to read:

8 464.203 Certified nursing assistants; certification
9 requirement.--

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

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16 (a) Has successfully completed an approved training
17 program and achieved a minimum score, established by rule of the
18 board, on the nursing assistant competency examination, which
19 consists of a written portion and skills-demonstration portion
20 approved by the board and administered at a site and by
21 personnel approved by the department.

22 (b) Has achieved a minimum score, established by rule of
23 the board, on the nursing assistant competency examination,
24 which consists of a written portion and skills-demonstration
25 portion, approved by the board and administered at a site and by
26 personnel approved by the department and:

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

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

33 (d) Has completed the curriculum developed under the
34 Enterprise Florida Jobs and Education Partnership Grant and
35 achieved a minimum score, established by rule of the board, on
36 the nursing assistant competency examination, which consists of
37 a written portion and skills-demonstration portion, approved by
38 the board and administered at a site and by personnel approved
39 by the department.

40 (8) For purposes of this section, background screening
41 shall include:

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

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

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

51 (9) Beginning January 1, 2005, the Department of Health
52 and the Agency for Health Care Administration shall, after
53 certification of an applicant, post the information relating to
54 background screening on the agency's background-screening
55 database, which shall be available only to employers and
56 prospective employers, who, as a condition of employment, are
57 required by law to conduct a background check for the employment
58 of certified nursing assistants.

59 Section 10. Subsection (4) of section 400.211, Florida
60 Statutes, is amended to read:

61 400.211 Persons employed as nursing assistants;
62 certification requirement.--

63 (4) When employed by a nursing home facility for a 12-
64 month period or longer, a nursing assistant, ~~to maintain~~
65 ~~certification,~~ shall submit to a performance review every 12
66 months and must receive regular inservice education based on the
67 outcome of such reviews. The inservice training must:

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68 (a) Be sufficient to ensure the continuing competence of
69 nursing assistants, must be at least 18 hours per year, and may
70 include hours accrued under s. 464.203(7) ~~464.203(8)~~;

71 (b) Include, at a minimum:

72 1. Techniques for assisting with eating and proper
73 feeding;

74 2. Principles of adequate nutrition and hydration;

75 3. Techniques for assisting and responding to the
76 cognitively impaired resident or the resident with difficult
77 behaviors;

78 4. Techniques for caring for the resident at the end-of-
79 life; and

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

82 (c) Address areas of weakness as determined in nursing
83 assistant performance reviews and may address the special needs
84 of residents as determined by the nursing home facility staff.

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

88 Section 11. Subsection (5) of section 400.215, Florida
89 Statutes, is amended to read:

90 400.215 Personnel screening requirement.--

91 (5) Any provision of law to the contrary notwithstanding,
92 persons who have been screened and qualified as required by this
93 section or s. 464.203, ~~and~~ who have not been unemployed for more
94 than 180 days thereafter, and who under penalty of perjury
95 attest to not having been convicted of a disqualifying offense

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96 | since the completion of such screening, shall not be required to
 97 | be rescreened. For purposes of this subsection, screened and
 98 | qualified under s. 464.203 means that the person subject to such
 99 | screening at the time of certification by the Board of Nursing
 100 | does not have any disqualifying offense under chapter 435 or has
 101 | received an exemption from any disqualification under chapter
 102 | 435 from the Board of Nursing. An employer may obtain, pursuant
 103 | to s. 435.10, written verification of qualifying screening
 104 | results from the previous employer or other entity which caused
 105 | such screening to be performed.

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107 | ===== T I T L E A M E N D M E N T =====

108 | Remove line 43 and insert:
 109 | requirements and bed limitations; amending s. 464.203, F.S.;
 110 | providing screening methods for the issuance of certificates to
 111 | practice as a certified nursing assistant; providing criteria
 112 | for background screenings; requiring the Department of Health and
 113 | the Agency for Health Care Administration to post certain
 114 | information on its background screening database; amending s.
 115 | 400.211, F.S.; requiring certain nursing assistants to submit to
 116 | a performance review every 12 months; correcting a cross
 117 | reference; amending s. 400.215, F.S.; providing a definition;
 118 | amending s. 651.118,