

HB 0331

2004

1                                   A bill to be entitled  
 2           An act relating to certified nursing assistants; amending  
 3           s. 464.203, F.S.; revising the requirements for conducting  
 4           the criminal background screening required for  
 5           certification as a nursing assistant; providing for the  
 6           screening conducted for purposes of certification to be  
 7           used for purposes of employment under certain  
 8           circumstances; amending s. 400.211, F.S.; correcting a  
 9           cross reference; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Subsection (1) of section 464.203, Florida  
 14 Statutes, is amended, and subsection (8) is added to said  
 15 section, to read:

16           464.203 Certified nursing assistants; certification  
 17 requirement.--

18           (1) The board shall issue a certificate to practice as a  
 19 certified nursing assistant to any person who demonstrates a  
 20 minimum competency to read and write; who and successfully  
 21 passes the required statewide criminal screening through the  
 22 Department of Law Enforcement, including the Level 1 screening  
 23 standards under chapter 435, or, if the applicant has not  
 24 maintained continuous residency in this state for 5 years  
 25 immediately preceding the date of application, the Level 2  
 26 screening standards, which include a fingerprint check through  
 27 the Department of Law Enforcement and the Federal Bureau of  
 28 Investigation under chapter 435; ~~Level I or Level II screening~~

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29 ~~pursuant to s. 400.215~~ and who meets one of the following  
 30 requirements:

31 (a) Has successfully completed an approved training  
 32 program and achieved a minimum score, established by rule of the  
 33 board, on the nursing assistant competency examination, which  
 34 consists of a written portion and skills-demonstration portion  
 35 approved by the board and administered at a site and by  
 36 personnel approved by the department.

37 (b) Has achieved a minimum score, established by rule of  
 38 the board, on the nursing assistant competency examination,  
 39 which consists of a written portion and skills-demonstration  
 40 portion, approved by the board and administered at a site and by  
 41 personnel approved by the department and:

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

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

48 (d) Has completed the curriculum developed under the  
 49 Enterprise Florida Jobs and Education Partnership Grant and  
 50 achieved a minimum score, established by rule of the board, on  
 51 the nursing assistant competency examination, which consists of  
 52 a written portion and skills-demonstration portion, approved by  
 53 the board and administered at a site and by personnel approved  
 54 by the department.

55 (8) Notwithstanding any provision of law to the contrary,  
 56 an entity that is required to conduct a Level 1 or Level 2  
 57 screening pursuant to chapter 435 is exempt from rescreening a

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58 certified nursing assistant upon employment if the screening  
 59 date on the certificate issued to the certified nursing  
 60 assistant by the board is within the preceding 90 days and,  
 61 under penalty of perjury, the certified nursing assistant  
 62 attests that he or she has not been convicted of a disqualifying  
 63 offense since completing the screening.

64 Section 2. Subsection (4) of section 400.211, Florida  
 65 Statutes, is amended to read:

66 400.211 Persons employed as nursing assistants;  
 67 certification requirement.--

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

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

76 (b) Include, at a minimum:

77 1. Techniques for assisting with eating and proper  
 78 feeding;

79 2. Principles of adequate nutrition and hydration;

80 3. Techniques for assisting and responding to the  
 81 cognitively impaired resident or the resident with difficult  
 82 behaviors;

83 4. Techniques for caring for the resident at the end-of-  
 84 life; and

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

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

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

93           Section 3. This act shall take effect upon becoming a law.