

CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to certified nursing assistants; amending
8 s. 464.203, F.S.; revising requirements for background
9 screening of applicants for certification as nursing
10 assistants; providing for posting of information relating
11 to such background screenings on the Internet website of
12 the Agency for Health Care Administration; amending s.
13 400.211, F.S.; correcting a cross reference; amending s.
14 400.215, F.S.; revising a provision relating to exemption
15 from rescreening of personnel employed in nursing homes,
16 to conform; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

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

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23 | 464.203 Certified nursing assistants; certification
24 | requirement.--

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

57 (a) For all persons, a screening for violation of any of
 58 the grounds for disciplinary action specified in s. 464.204.

59 (b) For persons who have maintained continuous residency
 60 in the state for the 5 years immediately preceding the date of
 61 screening, a Level I screening as provided in chapter 435.

62 (c) For persons who have not maintained continuous
 63 residency in the state for the 5 years immediately preceding the
 64 date of screening, a Level II screening as provided in chapter
 65 435.

66 (9) After certification of an applicant, the Department of
 67 Health and the Agency for Health Care Administration shall
 68 ensure that the information related to the background screening
 69 of that applicant is posted on the agency's Internet website in
 70 its background screening database, which shall be available to
 71 employers and prospective employers.

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

74 400.211 Persons employed as nursing assistants;
 75 certification requirement.--

76 (4) When employed by a nursing home facility for a 12-
 77 month period or longer, a nursing assistant, to maintain
 78 certification, shall submit to a performance review every 12

79 months and must receive regular inservice education based on the
80 outcome of such reviews. The inservice training must:

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

84 (b) Include, at a minimum:

85 1. Techniques for assisting with eating and proper
86 feeding.;

87 2. Principles of adequate nutrition and hydration.;

88 3. Techniques for assisting and responding to the
89 cognitively impaired resident or the resident with difficult
90 behaviors.;

91 4. Techniques for caring for the resident at the end-of-
92 life.~~;~~~~and~~

93 5. Recognizing changes that place a resident at risk for
94 pressure ulcers and falls.~~;~~~~and~~

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

98

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

101 Section 3. Subsection (5) of section 400.215, Florida
102 Statutes, is amended to read:

103 400.215 Personnel screening requirement.--

104 (5) Any provision of law to the contrary notwithstanding,
105 persons who have been screened and qualified as required by this
106 section or s. 464.203 and who have not been unemployed for more

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107 | than 180 days thereafter, and who under penalty of perjury
108 | attest to not having been convicted of a disqualifying offense
109 | since the completion of such screening, shall not be required to
110 | be rescreened. An employer may obtain, pursuant to s. 435.10,
111 | written verification of qualifying screening results from the
112 | previous employer or other entity which caused such screening to
113 | be performed.

114 | Section 4. This act shall take effect upon becoming a law.