

CHAMBER ACTION

1 The Committee on Health Care recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to certified nursing assistants; amending  
7 s. 464.203, F.S.; revising requirements for background  
8 screening of applicants for certification as nursing  
9 assistants; providing for posting of information relating  
10 to such background screenings on the Internet website of  
11 the Agency for Health Care Administration; amending s.  
12 400.211, F.S.; correcting a cross reference; amending s.  
13 400.215, F.S.; revising a provision relating to exemption  
14 from rescreening of personnel employed in nursing homes,  
15 to conform; providing for an exemption from screening  
16 disqualification; 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) Beginning January 1, 2005, the Department of Health  
 67 | and the Agency for Health Care Administration shall, after  
 68 | certification of an applicant, ensure that the information  
 69 | related to the background screening of that applicant is posted  
 70 | on the agency's Internet website in its background screening  
 71 | database, which shall be available to employers and prospective  
 72 | employers.

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

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

77 |       (4) When employed by a nursing home facility for a 12-  
 78 | month period or longer, a nursing assistant, to maintain

79 certification, shall submit to a performance review every 12  
80 months and must receive regular inservice education based on the  
81 outcome of such reviews. The inservice training must:

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

85 (b) Include, at a minimum:

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

88 2. Principles of adequate nutrition and hydration.;

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

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

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

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

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

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

104 400.215 Personnel screening requirement.--

105 (5) Any provision of law to the contrary notwithstanding,  
106 persons who have been screened and qualified as required by this

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107 | section or s. 464.203 and who have not been unemployed for more  
108 | than 180 days thereafter, and who under penalty of perjury  
109 | attest to not having been convicted of a disqualifying offense  
110 | since the completion of such screening, shall not be required to  
111 | be rescreened. For purposes of this subsection, screened and  
112 | qualified under s. 464.203 means that the person subject to such  
113 | screening at the time of certification by the Board of Nursing  
114 | does not have any disqualifying offense under chapter 435 or has  
115 | received an exemption from any disqualification under chapter  
116 | 435 from the Board of Nursing. An employer may obtain, pursuant  
117 | to s. 435.10, written verification of qualifying screening  
118 | results from the previous employer or other entity which caused  
119 | such screening to be performed.

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