

By Senator Carlton

23-307A-04

1 A bill to be entitled
2 An act relating to certified geriatric
3 specialty nursing; providing a short title;
4 requiring the Agency for Workforce Innovation
5 to establish a pilot program for delivery of
6 certified geriatric specialty nursing
7 education; specifying eligibility requirements
8 for certified nursing assistants to obtain
9 certified geriatric specialty nursing
10 education; specifying requirements for the
11 education of certified nursing assistants to
12 prepare for certification as a certified
13 geriatric specialist; creating a Certified
14 Geriatric Specialty Nursing Initiative Steering
15 Committee; providing for the composition of and
16 manner of appointment to the Certified
17 Geriatric Specialty Nursing Initiative Steering
18 Committee; providing responsibilities of the
19 steering committee; providing for reimbursement
20 for per diem and travel expenses; requiring the
21 Agency for Workforce Innovation to conduct or
22 contract for an evaluation of the pilot program
23 for delivery of certified geriatric specialty
24 nursing education; requiring the evaluation to
25 include recommendations regarding the expansion
26 of the delivery of certified geriatric
27 specialty nursing education in nursing homes;
28 requiring the Agency for Workforce Innovation
29 to report to the Governor and Legislature
30 regarding the status and evaluation of the
31 pilot program; creating s. 464.0125, F.S.;

1 providing definitions; providing requirements
2 for persons to become certified geriatric
3 specialists; specifying fees; providing for
4 articulation of geriatric specialty nursing
5 coursework and practical nursing coursework;
6 providing practice standards and grounds for
7 which certified geriatric specialists may be
8 subject to discipline by the Board of Nursing;
9 creating restrictions on the use of
10 professional nursing titles; prohibiting the
11 use of certain professional titles; providing
12 penalties; authorizing approved nursing
13 programs to provide education for the
14 preparation of certified geriatric specialists
15 without further board approval; authorizing
16 certified geriatric specialists to supervise
17 the activities of others in nursing home
18 facilities according to rules by the Board of
19 Nursing; revising terminology relating to
20 nursing to conform to the certification of
21 geriatric specialists; amending s. 381.00315,
22 F.S.; revising requirements for the
23 reactivation of the licenses of specified
24 health care practitioners in the event of a
25 public health emergency to include certified
26 geriatric specialists; amending s. 400.021,
27 F.S.; including services provided by a
28 certified geriatric specialist within the
29 definition of nursing service; amending s.
30 400.211, F.S.; revising requirements for
31 persons employed as nursing assistants to

1 conform to the certification of certified
2 geriatric specialists; amending s. 400.23,
3 F.S.; specifying that certified geriatric
4 specialists shall be considered licensed
5 nursing staff; authorizing licensed practical
6 nurses to supervise the activities of certified
7 geriatric specialists in nursing home
8 facilities according to rules adopted by the
9 Board of Nursing; amending s. 409.908, F.S.;
10 revising the methodology for reimbursement of
11 Medicaid program providers to include services
12 of certified geriatric specialists; amending s.
13 458.303, F.S.; revising exceptions to the
14 practice of medicine to include services
15 delegated to a certified geriatric specialist
16 under specified circumstances; amending s.
17 1009.65, F.S.; revising eligibility for the
18 Medical Education Reimbursement and Loan
19 Repayment Program to include certified
20 geriatric specialists; amending s. 1009.66,
21 F.S.; revising eligibility requirements for the
22 Nursing Student Loan Forgiveness Program to
23 include certified geriatric specialists;
24 providing an appropriation; amending s.
25 464.201, F.S.; defining terms; amending s.
26 464.202, F.S.; authorizing the Board of Nursing
27 to adopt rules regarding the practice and
28 supervision of certified nursing assistants;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. This act may be cited as the "Clara Ramsey
2 Care of the Elderly Act."

3 Section 2. Certified Geriatric Specialist Preparation
4 Pilot Program.--

5 (1) The Agency for Workforce Innovation shall
6 establish a pilot program for delivery of geriatric nursing
7 education to certified nursing assistants who wish to become
8 certified geriatric specialists. The agency shall select two
9 pilot sites in nursing homes that have received the Gold Seal
10 designation under section 400.235, Florida Statutes; have been
11 designated as a teaching nursing home under section 430.80,
12 Florida Statutes; or have not received a class I or class II
13 deficiency within the 30 months preceding application for this
14 program.

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

20 (3) The education shall be provided at the worksite
21 and in coordination with the certified nursing assistant's
22 work schedule.

23 (4) Faculty shall provide the instruction under an
24 approved nursing program pursuant to section 464.019, Florida
25 Statutes.

26 (5) The education must be designed to prepare the
27 certified nursing assistant to meet the requirements for
28 certification as a geriatric specialist. The didactic and
29 clinical education must include all portions of the practical
30 nursing curriculum pursuant to section 464.019, Florida
31 Statutes, except for pediatric and obstetric/maternal-child

1 education, and must include additional education in the care
2 of ill, injured, or infirm geriatric patients and the
3 maintenance of health, the prevention of injury, and the
4 provision of palliative care for geriatric patients.

5 Section 3. Certified Geriatric Specialty Nursing
6 Initiative Steering Committee.--

7 (1) In order to guide the implementation of the
8 Certified Geriatric Specialist Preparation Pilot Program,
9 there is created a Certified Geriatric Specialty Nursing
10 Initiative Steering Committee. The steering committee shall be
11 composed of the following members:

12 (a) The chair of the Board of Nursing or his or her
13 designee;

14 (b) A representative of the Agency for Workforce
15 Innovation, appointed by the Director of Workforce Innovation;

16 (c) A representative of Workforce Florida, Inc.,
17 appointed by the chair of the Board of Directors of Workforce
18 Florida, Inc.;

19 (d) A representative of the Department of Education,
20 appointed by the Secretary of Education;

21 (e) A representative of the Department of Health,
22 appointed by the Secretary of Health;

23 (f) A representative of the Agency for Health Care
24 Administration, appointed by the Secretary of Health Care
25 Administration;

26 (g) The Director of the Florida Center for Nursing;

27 (h) A representative of the Department of Elderly
28 Affairs, appointed by the Secretary of Elderly Affairs; and

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

- 1 (2) The steering committee shall:
2 (a) Provide consultation and guidance to the Agency
3 for Workforce Innovation on matters of policy during the
4 implementation of the pilot program; and
5 (b) Provide oversight to the evaluation of the pilot
6 program.
7 (3) Members of the steering committee are entitled to
8 reimbursement for per diem and travel expenses under section
9 112.061, Florida Statutes.
10 (4) The steering committee shall complete its
11 activities by June 30, 2007, and the authorization for the
12 steering committee ends on that date.

13 Section 4. Evaluation of the Certified Geriatric
14 Specialist Preparation Pilot Program.--The Agency for
15 Workforce Innovation, in consultation with the Certified
16 Geriatric Specialty Nursing Initiative Steering Committee,
17 shall conduct or contract for an evaluation of the pilot
18 program. The agency shall ensure that an evaluation report is
19 submitted to the Governor, the President of the Senate, and
20 the Speaker of the House of Representatives by January 1,
21 2007. The evaluation must address the experience and success
22 of the certified nursing assistants in the pilot program and
23 must contain recommendations regarding the expansion of the
24 delivery of geriatric nursing education in nursing homes.

25 Section 5. Reports.--The Agency for Workforce
26 Innovation shall submit status reports and recommendations
27 regarding legislation necessary to further the implementation
28 of the pilot program to the Governor, the President of the
29 Senate, and the Speaker of the House of Representatives on
30 January 1, 2005, January 1, 2006, and January 1, 2007.

31

1 Section 6. Section 464.0125, Florida Statutes, is
2 created to read:

3 464.0125 Certified geriatric specialists;
4 certification requirements.--

5 (1) DEFINITIONS; RESPONSIBILITIES.--

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

7 1. "Certified geriatric specialist" means a person who
8 meets the qualifications specified in this section and who is
9 certified by the board to practice as a certified geriatric
10 specialist.

11 2. "Geriatric patient" means any patient who is 60
12 years of age or older.

13 3. "Practice of certified geriatric specialty nursing"
14 means the performance of selected acts in facilities licensed
15 under part II or part III of chapter 400, including the
16 administration of treatments and medications, in the care of
17 ill, injured, or infirm geriatric patients and the promotion
18 of wellness, maintenance of health, and prevention of illness
19 of geriatric patients under the direction of a registered
20 nurse, a licensed physician, a licensed osteopathic physician,
21 a licensed podiatric physician, or a licensed dentist. The
22 scope of practice of a certified geriatric specialist includes
23 the practice of practical nursing as defined in s. 464.003 for
24 geriatric patients only, except for any act in which
25 instruction and clinical knowledge of pediatric nursing or
26 obstetric/maternal-child nursing is required. A certified
27 geriatric specialist, while providing nursing services in
28 facilities licensed under part II or part III of chapter 400,
29 may supervise the activities of certified nursing assistants
30 and other unlicensed personnel providing services in such
31 facilities in accordance with rules adopted by the board.

1 (b) The certified geriatric specialist shall be
2 responsible and accountable for making decisions that are
3 based upon the individual's educational preparation and
4 experience in performing certified geriatric specialty
5 nursing.

6 (2) CERTIFICATION.--

7 (a) Any certified nursing assistant desiring to be
8 certified as a certified geriatric specialist must apply to
9 the department and submit proof that he or she holds a current
10 certificate as a certified nursing assistant under part II of
11 this chapter and has satisfactorily completed the following
12 requirements:

13 1. Is in good mental and physical health, is a
14 recipient of a high school diploma or its equivalent, and has
15 completed the requirements for graduation from an approved
16 program for nursing or its equivalent, as determined by the
17 board, for the preparation of licensed practical nurses,
18 except for instruction and clinical knowledge of pediatric
19 nursing or obstetric/maternal-child nursing. Any program that
20 is approved on July 1, 2004, by the board for the preparation
21 of registered nurses or licensed practical nurses may provide
22 education for the preparation of certified geriatric
23 specialists without further board approval.

24 2. Has the ability to communicate in the English
25 language, which may be determined by an examination given by
26 the department.

27 3. Has provided sufficient information, which must be
28 submitted by the department for a statewide criminal records
29 correspondence check through the Department of Law
30 Enforcement.

31

1 (b) Each applicant who meets the requirements of this
2 subsection is, unless denied pursuant to s. 464.018, entitled
3 to certification as a certified geriatric specialist. The
4 board must certify, and the department must issue a
5 certificate to practice as a certified geriatric specialist
6 to, any certified nursing assistant who meets the
7 qualifications set forth in this section. The board shall
8 establish an application fee not to exceed \$100 and a biennial
9 renewal fee not to exceed \$50. The board may adopt rules to
10 administer this section.

11 (c) A person receiving certification under this
12 section shall:

13 1. Work only within the confines of a facility
14 licensed under part II or part III of chapter 400.

15 2. Care for geriatric patients only.

16 3. Comply with the minimum standards of practice for
17 nurses and be subject to disciplinary action for violations of
18 s. 464.018.

19 (3) ARTICULATION.--Any certified geriatric specialist
20 who completes the additional instruction and coursework in an
21 approved nursing program pursuant to s. 464.019 for the
22 preparation of practical nursing in the areas of pediatric
23 nursing and obstetric/maternal-child nursing is, unless denied
24 pursuant to s. 464.018, entitled to licensure as a licensed
25 practical nurse if the applicant otherwise meets the
26 requirements of s. 464.008.

27 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;
28 PENALTIES.--

29 (a) Only persons who hold certificates to practice as
30 certified geriatric specialists in this state or who are
31 performing services within the practice of certified geriatric

1 specialty nursing pursuant to the exception set forth in s.
2 464.022(8) may use the title "Certified Geriatric Specialist"
3 and the abbreviation "C.G.S."

4 (b) A person may not practice or advertise as, or
5 assume the title of, certified geriatric specialist or use the
6 abbreviation "C.G.S." or take any other action that would lead
7 the public to believe that person is certified as such or is
8 performing services within the practice of certified geriatric
9 specialty nursing pursuant to the exception set forth in s.
10 464.022(8), unless that person is certified to practice as
11 such.

12 (c) A violation of this subsection is a misdemeanor of
13 the first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 (5) VIOLATIONS AND PENALTIES.--Practicing certified
16 geriatric specialty nursing, as defined in this section,
17 without holding an active certificate to do so constitutes a
18 felony of the third degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 Section 7. Paragraph (b) of subsection (1) of section
21 381.00315, Florida Statutes, is amended to read:

22 381.00315 Public health advisories; public health
23 emergencies.--The State Health Officer is responsible for
24 declaring public health emergencies and issuing public health
25 advisories.

26 (1) As used in this section, the term:

27 (b) "Public health emergency" means any occurrence, or
28 threat thereof, whether natural or man made, which results or
29 may result in substantial injury or harm to the public health
30 from infectious disease, chemical agents, nuclear agents,
31 biological toxins, or situations involving mass casualties or

1 natural disasters. Prior to declaring a public health
2 emergency, the State Health Officer shall, to the extent
3 possible, consult with the Governor and shall notify the Chief
4 of Domestic Security Initiatives as created in s. 943.03. The
5 declaration of a public health emergency shall continue until
6 the State Health Officer finds that the threat or danger has
7 been dealt with to the extent that the emergency conditions no
8 longer exist and he or she terminates the declaration.
9 However, a declaration of a public health emergency may not
10 continue for longer than 60 days unless the Governor concurs
11 in the renewal of the declaration. The State Health Officer,
12 upon declaration of a public health emergency, may take
13 actions that are necessary to protect the public health. Such
14 actions include, but are not limited to:

15 1. Directing manufacturers of prescription drugs or
16 over-the-counter drugs who are permitted under chapter 499 and
17 wholesalers of prescription drugs located in this state who
18 are permitted under chapter 499 to give priority to the
19 shipping of specified drugs to pharmacies and health care
20 providers within geographic areas that have been identified by
21 the State Health Officer. The State Health Officer must
22 identify the drugs to be shipped. Manufacturers and
23 wholesalers located in the state must respond to the State
24 Health Officer's priority shipping directive before shipping
25 the specified drugs.

26 2. Notwithstanding chapters 465 and 499 and rules
27 adopted thereunder, directing pharmacists employed by the
28 department to compound bulk prescription drugs and provide
29 these bulk prescription drugs to physicians and nurses of
30 county health departments or any qualified person authorized
31

1 by the State Health Officer for administration to persons as
2 part of a prophylactic or treatment regimen.

3 3. Notwithstanding s. 456.036, temporarily
4 reactivating the inactive license of the following health care
5 practitioners, when such practitioners are needed to respond
6 to the public health emergency: physicians licensed under
7 chapter 458 or chapter 459; physician assistants licensed
8 under chapter 458 or chapter 459; certified geriatric
9 specialists certified under part I of chapter 464; licensed
10 practical nurses, registered nurses, and advanced registered
11 nurse practitioners licensed under part I of chapter 464;
12 respiratory therapists licensed under part V of chapter 468;
13 and emergency medical technicians and paramedics certified
14 under part III of chapter 401. Only those health care
15 practitioners specified in this paragraph who possess an
16 unencumbered inactive license and who request that such
17 license be reactivated are eligible for reactivation. An
18 inactive license that is reactivated under this paragraph
19 shall return to inactive status when the public health
20 emergency ends or prior to the end of the public health
21 emergency if the State Health Officer determines that the
22 health care practitioner is no longer needed to provide
23 services during the public health emergency. Such licenses may
24 only be reactivated for a period not to exceed 90 days without
25 meeting the requirements of s. 456.036 or chapter 401, as
26 applicable.

27 4. Ordering an individual to be examined, tested,
28 vaccinated, treated, or quarantined for communicable diseases
29 that have significant morbidity or mortality and present a
30 severe danger to public health. Individuals who are unable or
31 unwilling to be examined, tested, vaccinated, or treated for

1 reasons of health, religion, or conscience may be subjected to
2 quarantine.

3 a. Examination, testing, vaccination, or treatment may
4 be performed by any qualified person authorized by the State
5 Health Officer.

6 b. If the individual poses a danger to the public
7 health, the State Health Officer may subject the individual to
8 quarantine. If there is no practical method to quarantine the
9 individual, the State Health Officer may use any means
10 necessary to vaccinate or treat the individual.

11

12 Any order of the State Health Officer given to effectuate this
13 paragraph shall be immediately enforceable by a law
14 enforcement officer under s. 381.0012.

15 Section 8. Subsection (14) of section 400.021, Florida
16 Statutes, is amended to read:

17 400.021 Definitions.--When used in this part, unless
18 the context otherwise requires, the term:

19 (14) "Nursing service" means such services or acts as
20 may be rendered, directly or indirectly, to and in behalf of a
21 person by individuals as defined in ss.s-464.003 and
22 464.0125.

23 Section 9. Subsection (1) of section 400.211, Florida
24 Statutes, is amended to read:

25 400.211 Persons employed as nursing assistants;
26 certification requirement.--

27 (1) To serve as a nursing assistant in any nursing
28 home, a person must be certified as a nursing assistant under
29 part II of chapter 464, unless the person is a registered
30 nurse, a or practical nurse, or a certified geriatric
31 specialist certified or licensed in accordance with part I of

1 chapter 464 or an applicant for such licensure who is
2 permitted to practice nursing in accordance with rules adopted
3 by the Board of Nursing pursuant to part I of chapter 464.

4 Section 10. Paragraphs (a) and (c) of subsection (3)
5 of section 400.23, Florida Statutes, are amended to read:

6 400.23 Rules; evaluation and deficiencies; licensure
7 status.--

8 (3)(a) The agency shall adopt rules providing for the
9 minimum staffing requirements for nursing homes. These
10 requirements shall include, for each nursing home facility, a
11 minimum certified nursing assistant staffing of 2.3 hours of
12 direct care per resident per day beginning January 1, 2002,
13 increasing to 2.6 hours of direct care per resident per day
14 beginning January 1, 2003, and increasing to 2.9 hours of
15 direct care per resident per day beginning May 1, 2004.
16 Beginning January 1, 2002, no facility shall staff below one
17 certified nursing assistant per 20 residents, and a minimum
18 licensed nursing staffing of 1.0 hour of direct resident care
19 per resident per day but never below one licensed nurse per 40
20 residents. For purposes of computing nursing staffing minimums
21 and ratios, certified geriatric specialists shall be
22 considered licensed nursing staff.~~Nursing assistants employed~~
23 ~~never below one licensed nurse per 40 residents.~~Nursing
24 assistants employed under s. 400.211(2) may be included in
25 computing the staffing ratio for certified nursing assistants
26 only if they provide nursing assistance services to residents
27 on a full-time basis. Each nursing home must document
28 compliance with staffing standards as required under this
29 paragraph and post daily the names of staff on duty for the
30 benefit of facility residents and the public. The agency shall
31 recognize the use of licensed nurses for compliance with

1 minimum staffing requirements for certified nursing
2 assistants, provided that the facility otherwise meets the
3 minimum staffing requirements for licensed nurses and that the
4 licensed nurses so recognized are performing the duties of a
5 certified nursing assistant. Unless otherwise approved by the
6 agency, licensed nurses counted towards the minimum staffing
7 requirements for certified nursing assistants must exclusively
8 perform the duties of a certified nursing assistant for the
9 entire shift and shall not also be counted towards the minimum
10 staffing requirements for licensed nurses. If the agency
11 approved a facility's request to use a licensed nurse to
12 perform both licensed nursing and certified nursing assistant
13 duties, the facility must allocate the amount of staff time
14 specifically spent on certified nursing assistant duties for
15 the purpose of documenting compliance with minimum staffing
16 requirements for certified and licensed nursing staff. In no
17 event may the hours of a licensed nurse with dual job
18 responsibilities be counted twice.

19 (c) Licensed practical nurses licensed under chapter
20 464 who are providing nursing services in nursing home
21 facilities under this part may supervise the activities of
22 other licensed practical nurses, certified geriatric
23 specialists, certified nursing assistants, and other
24 unlicensed personnel providing services in such facilities in
25 accordance with rules adopted by the Board of Nursing.

26 Section 11. Paragraph (b) of subsection (2) of section
27 409.908, Florida Statutes, is amended to read:

28 409.908 Reimbursement of Medicaid providers.--Subject
29 to specific appropriations, the agency shall reimburse
30 Medicaid providers, in accordance with state and federal law,
31 according to methodologies set forth in the rules of the

1 agency and in policy manuals and handbooks incorporated by
2 reference therein. These methodologies may include fee
3 schedules, reimbursement methods based on cost reporting,
4 negotiated fees, competitive bidding pursuant to s. 287.057,
5 and other mechanisms the agency considers efficient and
6 effective for purchasing services or goods on behalf of
7 recipients. If a provider is reimbursed based on cost
8 reporting and submits a cost report late and that cost report
9 would have been used to set a lower reimbursement rate for a
10 rate semester, then the provider's rate for that semester
11 shall be retroactively calculated using the new cost report,
12 and full payment at the recalculated rate shall be affected
13 retroactively. Medicare-granted extensions for filing cost
14 reports, if applicable, shall also apply to Medicaid cost
15 reports. Payment for Medicaid compensable services made on
16 behalf of Medicaid eligible persons is subject to the
17 availability of moneys and any limitations or directions
18 provided for in the General Appropriations Act or chapter 216.
19 Further, nothing in this section shall be construed to prevent
20 or limit the agency from adjusting fees, reimbursement rates,
21 lengths of stay, number of visits, or number of services, or
22 making any other adjustments necessary to comply with the
23 availability of moneys and any limitations or directions
24 provided for in the General Appropriations Act, provided the
25 adjustment is consistent with legislative intent.

26 (2)

27 (b) Subject to any limitations or directions provided
28 for in the General Appropriations Act, the agency shall
29 establish and implement a Florida Title XIX Long-Term Care
30 Reimbursement Plan (Medicaid) for nursing home care in order
31 to provide care and services in conformance with the

1 applicable state and federal laws, rules, regulations, and
2 quality and safety standards and to ensure that individuals
3 eligible for medical assistance have reasonable geographic
4 access to such care.

5 1. Changes of ownership or of licensed operator do not
6 qualify for increases in reimbursement rates associated with
7 the change of ownership or of licensed operator. The agency
8 shall amend the Title XIX Long Term Care Reimbursement Plan to
9 provide that the initial nursing home reimbursement rates, for
10 the operating, patient care, and MAR components, associated
11 with related and unrelated party changes of ownership or
12 licensed operator filed on or after September 1, 2001, are
13 equivalent to the previous owner's reimbursement rate.

14 2. The agency shall amend the long-term care
15 reimbursement plan and cost reporting system to create direct
16 care and indirect care subcomponents of the patient care
17 component of the per diem rate. These two subcomponents
18 together shall equal the patient care component of the per
19 diem rate. Separate cost-based ceilings shall be calculated
20 for each patient care subcomponent. The direct care
21 subcomponent of the per diem rate shall be limited by the
22 cost-based class ceiling, and the indirect care subcomponent
23 shall be limited by the lower of the cost-based class ceiling,
24 by the target rate class ceiling, or by the individual
25 provider target. The agency shall adjust the patient care
26 component effective January 1, 2002. The cost to adjust the
27 direct care subcomponent shall be net of the total funds
28 previously allocated for the case mix add-on. The agency shall
29 make the required changes to the nursing home cost reporting
30 forms to implement this requirement effective January 1, 2002.

31

1 3. The direct care subcomponent shall include salaries
2 and benefits of direct care staff providing nursing services
3 including registered nurses, licensed practical nurses,
4 certified geriatric specialists certified under part I of
5 chapter 464, and certified nursing assistants who deliver care
6 directly to residents in the nursing home facility. This
7 excludes nursing administration, MDS, and care plan
8 coordinators, staff development, and staffing coordinator.

9 4. All other patient care costs shall be included in
10 the indirect care cost subcomponent of the patient care per
11 diem rate. There shall be no costs directly or indirectly
12 allocated to the direct care subcomponent from a home office
13 or management company.

14 5. On July 1 of each year, the agency shall report to
15 the Legislature direct and indirect care costs, including
16 average direct and indirect care costs per resident per
17 facility and direct care and indirect care salaries and
18 benefits per category of staff member per facility.

19 6. In order to offset the cost of general and
20 professional liability insurance, the agency shall amend the
21 plan to allow for interim rate adjustments to reflect
22 increases in the cost of general or professional liability
23 insurance for nursing homes. This provision shall be
24 implemented to the extent existing appropriations are
25 available.

26
27 It is the intent of the Legislature that the reimbursement
28 plan achieve the goal of providing access to health care for
29 nursing home residents who require large amounts of care while
30 encouraging diversion services as an alternative to nursing
31 home care for residents who can be served within the

1 community. The agency shall base the establishment of any
2 maximum rate of payment, whether overall or component, on the
3 available moneys as provided for in the General Appropriations
4 Act. The agency may base the maximum rate of payment on the
5 results of scientifically valid analysis and conclusions
6 derived from objective statistical data pertinent to the
7 particular maximum rate of payment.

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

10 458.303 Provisions not applicable to other
11 practitioners; exceptions, etc.--

12 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
13 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.
14 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
15 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347
16 shall be construed to prohibit any service rendered by a
17 registered nurse, ~~or~~ a licensed practical nurse, or a
18 certified geriatric specialist certified under part I of
19 chapter 464, if such service is rendered under the direct
20 supervision and control of a licensed physician who provides
21 specific direction for any service to be performed and gives
22 final approval to all services performed. Further, nothing in
23 this or any other chapter shall be construed to prohibit any
24 service rendered by a medical assistant in accordance with the
25 provisions of s. 458.3485.

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

29 1009.65 Medical Education Reimbursement and Loan
30 Repayment Program.--

31

1 (1) To encourage qualified medical professionals to
2 practice in underserved locations where there are shortages of
3 such personnel, there is established the Medical Education
4 Reimbursement and Loan Repayment Program. The function of the
5 program is to make payments that offset loans and educational
6 expenses incurred by students for studies leading to a medical
7 or nursing degree, medical or nursing licensure, or advanced
8 registered nurse practitioner certification or physician
9 assistant licensure. The following licensed or certified
10 health care professionals are eligible to participate in this
11 program: medical doctors with primary care specialties,
12 doctors of osteopathic medicine with primary care specialties,
13 physician's assistants, certified geriatric specialists
14 certified under part I of chapter 464, licensed practical
15 nurses and registered nurses, and advanced registered nurse
16 practitioners with primary care specialties such as certified
17 nurse midwives. Primary care medical specialties for
18 physicians include obstetrics, gynecology, general and family
19 practice, internal medicine, pediatrics, and other specialties
20 which may be identified by the Department of Health.

21 (2) From the funds available, the Department of Health
22 shall make payments to selected medical professionals as
23 follows:

24 (a) Up to \$4,000 per year for certified geriatric
25 specialists certified under part I of chapter 464, licensed
26 practical nurses, and registered nurses, up to \$10,000 per
27 year for advanced registered nurse practitioners and
28 physician's assistants, and up to \$20,000 per year for
29 physicians. Penalties for noncompliance shall be the same as
30 those in the National Health Services Corps Loan Repayment
31 Program. Educational expenses include costs for tuition,

1 matriculation, registration, books, laboratory and other fees,
2 other educational costs, and reasonable living expenses as
3 determined by the Department of Health.

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

6 1009.66 Nursing Student Loan Forgiveness Program.--

7 (2) To be eligible, a candidate must have graduated
8 from an accredited or approved nursing program and have
9 received a Florida license as a licensed practical nurse, a
10 certified geriatric specialist certified under part I of
11 chapter 464, or a registered nurse or a Florida certificate as
12 an advanced registered nurse practitioner.

13 Section 15. The sum of \$157,017 is appropriated from
14 the General Revenue Fund to the Agency for Workforce
15 Innovation to support the work of the Certified Geriatric
16 Specialty Nursing Initiative Steering Committee, to administer
17 the pilot sites, contract for an evaluation, and to provide,
18 if necessary, nursing faculty, substitute certified nursing
19 assistants for those who are in clinical education, and
20 technical support to the pilot sites during the 2004-2005
21 fiscal year.

22 Section 16. Subsection (6) is added to section
23 464.201, Florida Statutes, to read:

24 464.201 Definitions.--As used in this part, the term:

25 (6) "Practice of a certified nursing assistant" means
26 providing care and assisting persons with tasks relating to
27 the activities of daily living. Such tasks are those
28 associated with personal care, maintaining mobility, nutrition
29 and hydration, toileting and elimination, assistive devices,
30 safety and cleanliness, data gathering, reporting abnormal
31 signs and symptoms, post mortem care, patient socialization

1 and reality orientation, end-of-life care, CPR and emergency
2 care, residents' or patients' rights, documentation of nursing
3 assistant services, and other tasks that a certified nurse
4 assistant may perform after training beyond that required for
5 initial certification and upon validation of competence in
6 that skill by a registered nurse. This section does not
7 restrict the ability of any person who is otherwise trained
8 and educated from performing such tasks.

9 Section 17. Section 464.202, Florida Statutes, is
10 amended to read:

11 464.202 Duties and powers of the board.--The board
12 shall maintain, or contract with or approve another entity to
13 maintain, a state registry of certified nursing assistants.
14 The registry must consist of the name of each certified
15 nursing assistant in this state; other identifying information
16 defined by board rule; certification status; the effective
17 date of certification; other information required by state or
18 federal law; information regarding any crime or any abuse,
19 neglect, or exploitation as provided under chapter 435; and
20 any disciplinary action taken against the certified nursing
21 assistant. The registry shall be accessible to the public, the
22 certificateholder, employers, and other state agencies. The
23 board shall adopt by rule testing procedures for use in
24 certifying nursing assistants and shall adopt rules regulating
25 the practice of certified nursing assistants which specify the
26 scope of practice authorized and level of supervision required
27 for the practice of certified nursing assistants ~~to enforce~~
28 ~~this part~~. The board may contract with or approve another
29 entity or organization to provide the examination services,
30 including the development and administration of examinations.
31 The board shall require that the contract provider offer

1 certified nursing assistant applications via the Internet, and
2 may require the contract provider to accept certified nursing
3 assistant applications for processing via the Internet. The
4 board shall require the contract provider to provide the
5 preliminary results of the certified nursing examination on
6 the date the test is administered. The provider shall pay all
7 reasonable costs and expenses incurred by the board in
8 evaluating the provider's application and performance during
9 the delivery of services, including examination services and
10 procedures for maintaining the certified nursing assistant
11 registry.

12 Section 18. This act shall take effect upon becoming a
13 law.

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15 SENATE SUMMARY

16 Creates the "Clara Ramsey Care of the Elderly Act."
17 Requires the Agency for Workforce Innovation to establish
18 a pilot program for the delivery of certified geriatric
19 specialty nursing education. Creates a steering
20 committee. Requires the agency to conduct or contract for
21 an evaluation of the pilot program and to report to the
22 Governor and the Legislature. Includes the services
23 provided by a certified geriatric specialist within the
24 definition of nursing service. Provides guidelines for
25 the practice and supervision of certified geriatric
26 specialists. (See bill for details.)
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