

By the Committee on Health, Aging, and Long-Term Care; and
 Senator Saunders

317-2197-04

1 A bill to be entitled
 2 An act relating to certified nursing
 3 assistants; amending s. 464.203, F.S.;
 4 providing that a person must pass the required
 5 background screening as a part of the
 6 certification process for certified nursing
 7 assistants; revising the requirements for
 8 conducting the background screening; requiring
 9 the Agency for Health Care Administration to
 10 post information relating to background
 11 screening in its database; requiring that the
 12 database be available to employers and
 13 prospective employers; amending s. 400.211,
 14 F.S.; correcting a cross-reference; amending s.
 15 400.215, F.S.; providing that a person who has
 16 been screened under certain provisions of law
 17 is not required to be rescreened to be employed
 18 in a nursing home; providing an effective date.

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

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 22 Section 1. Subsection (1) of section 464.203, Florida
 23 Statutes, is amended, and subsections (8) and (9) are added to
 24 that section, to read:

25 464.203 Certified nursing assistants; certification
 26 requirement.--

27 (1) The board shall issue a certificate to practice as
 28 a certified nursing assistant to any person who demonstrates a
 29 minimum competency to read and write and successfully passes
 30 the required background ~~Level I or Level II~~ screening in

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1 subsection (8)~~pursuant to s. 400.215~~ and who meets one of the
2 following requirements:

3 (a) Has successfully completed an approved training
4 program and achieved a minimum score, established by rule of
5 the board, on the nursing assistant competency examination,
6 which consists of a written portion and skills-demonstration
7 portion approved by the board and administered at a site and
8 by personnel approved by the department.

9 (b) Has achieved a minimum score, established by rule
10 of the board, on the nursing assistant competency examination,
11 which consists of a written portion and skills-demonstration
12 portion, approved by the board and administered at a site and
13 by personnel approved by the department and:

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

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

20 (d) Has completed the curriculum developed under the
21 Enterprise Florida Jobs and Education Partnership Grant and
22 achieved a minimum score, established by rule of the board, on
23 the nursing assistant competency examination, which consists
24 of a written portion and skills-demonstration portion,
25 approved by the board and administered at a site and by
26 personnel approved by the department.

27 (8) For purposes of this section, background screening
28 shall include:

29 (a) A determination whether the person seeking the
30 certificate has committed any act that would constitute

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1 grounds for disciplinary sanctions as provided in s.

2 464.204(1); and

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

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

9 (9) After a certificate to practice as a certified
10 nursing assistant has been issued, the department and the
11 Agency for Health Care Administration shall post the
12 information relating to background screening on the agency's
13 background-screening database, which shall be available only
14 to employers and prospective employers, who, as a condition of
15 employment, are required by law to conduct a background check
16 for the employment of certified nursing assistants.

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

19 400.211 Persons employed as nursing assistants;
20 certification requirement.--

21 (4) When employed by a nursing home facility for a
22 12-month period or longer, a nursing assistant, to maintain
23 certification, shall submit to a performance review every 12
24 months and must receive regular inservice education based on
25 the outcome of these ~~such~~ reviews. The inservice training
26 must:

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

30 (b) Include, at a minimum:

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1 1. Techniques for assisting with eating and proper
2 feeding;

3 2. Principles of adequate nutrition and hydration;

4 3. Techniques for assisting and responding to the
5 cognitively impaired resident or the resident with difficult
6 behaviors;

7 4. Techniques for caring for the resident at the
8 end-of-life; and

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

11 (c) Address areas of weakness as determined in nursing
12 assistant performance reviews and may address the special
13 needs of residents as determined by the nursing home facility
14 staff.

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

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

20 400.215 Personnel screening requirement.--

21 (5) Any provision of law to the contrary
22 notwithstanding, persons who have been screened and qualified
23 as required by this section or s. 464.203 and who have not
24 been unemployed for more than 180 days thereafter, and who
25 under penalty of perjury attest to not having been convicted
26 of a disqualifying offense since the completion of such
27 screening, shall not be required to be rescreened. For
28 purposes of this subsection, screened and qualified under s.
29 464.203 means that the person subject to such screening at the
30 time of certification by the Board of Nursing does not have
31 any disqualifying offense under chapter 435 or has received an

1 exemption from any disqualification under chapter 435 from the
2 Board of Nursing. An employer may obtain, under ~~pursuant to~~ s.
3 435.10, written verification of qualifying screening results
4 from the previous employer or other entity which caused the
5 ~~such~~ screening to be performed.

6 Section 4. This act shall take effect upon becoming a
7 law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 694

12 The committee substitute revises the requirements for
13 conducting the criminal background screening for certification
14 of a certified nursing assistant by the Board of Nursing.
15 After a certificate to practice as a certified nursing
16 assistant has been issued, the Department of Health and the
17 Agency for Health Care Administration must post the
18 information relating to background screening on the
19 background-screening database of the Agency for Health Care
20 Administration, which shall be available only to employers and
21 prospective employers, who, as a condition of employment, are
22 required by law to conduct a background check of certified
23 nursing assistants. The committee substitute provides an
24 exemption to entities required to conduct a background
25 screening of certain employees, from rescreening certified
26 nursing assistants who have been screened and qualified by the
27 Board of Nursing under specified circumstances.
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