



1 minimum competency to read and write and successfully passes  
2 the required background ~~Level I or Level II~~ screening in  
3 subsection (8) ~~pursuant to s. 400.215~~ and who meets one of the  
4 following requirements:

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

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

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

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

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

29 (8) For purposes of this section, background screening  
30 shall include:

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1        (a) A determination whether the person seeking the  
 2 certificate has committed any act that would constitute  
 3 grounds for disciplinary sanctions as provided in s.  
 4 464.204(1); and

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

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

11        (9) Beginning January 1, 2005, the Department of  
 12 Health and the Agency for Health Care Administration shall,  
 13 after certification of an applicant, post information relating  
 14 to background screening on the agency's background-screening  
 15 database, which shall be available only to employers and  
 16 prospective employers, who, as a condition of employment, are  
 17 required by law to conduct a background check for the  
 18 employment of certified nursing assistants.

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

21        400.211 Persons employed as nursing assistants;  
 22 certification requirement.--

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

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

- 1 (b) Include, at a minimum:
- 2 1. Techniques for assisting with eating and proper
- 3 feeding;
- 4 2. Principles of adequate nutrition and hydration;
- 5 3. Techniques for assisting and responding to the
- 6 cognitively impaired resident or the resident with difficult
- 7 behaviors;
- 8 4. Techniques for caring for the resident at the
- 9 end-of-life; and
- 10 5. Recognizing changes that place a resident at risk
- 11 for pressure ulcers and falls; and

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

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

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

21 400.215 Personnel screening requirement.--

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

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

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

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