

1 A bill to be entitled
2 An act relating to the Nurse Licensure Compact; creating
3 ss. 464.100-464.116, F.S.; incorporating the Nurse
4 Licensure Compact into the Nurse Practice Act; providing
5 for implementation of the Nurse Licensure Compact;
6 requiring the Board of Nursing to adopt rules to conform
7 with the compact; providing legislative intent, findings,
8 and purpose; providing definitions; providing
9 jurisdiction; providing for licensure; providing for
10 adverse actions by the licensing board; providing for
11 additional authority given to licensing boards; providing
12 for a coordinated licensure information system; providing
13 for compact administration and interchange of information;
14 providing for immunity; providing for the state's ability
15 to withdraw and amend the compact; providing for
16 construction and severability; providing for an
17 implementation date to be set; amending s. 464.003, F.S.;
18 revising definitions to include the Nurse Licensure
19 Compact; amending s. 464.012, F.S.; providing for a
20 professional nurse with a multistate licensure privilege
21 from a compact state to be certified as an advanced
22 registered nurse practitioner; amending s. 464.0195, F.S.;
23 creating requirements for submission of employment data,
24 education, and other workforce information to the Board of
25 Nursing; amending s. 464.014, F.S.; creating provisions
26 for retired nurse status; amending s. 464.015, F.S.;
27 revising restrictions on use of professional titles;
28 amending s. 464.022, F.S.; providing an exception to

29 practice nursing for licensees from a compact state and
 30 providing for a temporary license for successful
 31 examination candidates without a social security number;
 32 amending s. 464.201, F.S.; providing a definition of the
 33 practice of certified nursing assistant; amending s.
 34 464.202, F.S.; revising the powers and duties of the board
 35 with respect to certified nursing assistants; amending s.
 36 464.204, F.S.; revising grounds for disciplinary actions
 37 against certified nursing assistants; providing penalties;
 38 providing an effective date.

39

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

41

42 Section 1. Sections 464.100, 464.102, 464.103, 464.104,
 43 464.107, 464.108, 464.109, 464.110, 464.112, 464.113, 464.114,
 44 464.115, and 464.116, Florida Statutes, are created to read:

45 464.100 Nurse Licensure Compact.--Sections 464.100-464.116
 46 may be referred to as the "Nurse Licensure Compact."

47 (1) The Nurse Licensure Compact is hereby enacted and
 48 entered into with all other jurisdictions that legally join in
 49 the compact, which is substantially as follows:

50 (2) "The head of the nurse licensing board" as used to
 51 define the compact administrator in s. 464.112(1) shall mean the
 52 executive director of the Board of Nursing.

53 (3) Upon the effective date of this compact, the licensing
 54 board shall participate in a compact evaluation initiative,
 55 designed to evaluate the effectiveness and operability of the
 56 compact. Such compact evaluation initiative shall be conducted

57 by an outside researcher. A component of the evaluation shall
58 include a remote state identification system through which
59 nurses shall designate those remote states in which the nurse is
60 practicing. A nurse's practice information in such
61 identification system shall be updated upon issuance and renewal
62 of the nurse's license. The evaluation shall continue until the
63 year 2009, after which time a report shall be produced for
64 comment by the participating licensing boards and shall be
65 submitted to the legislature in the form of a Nurse Licensure
66 Compact evaluation report. The board shall by rule establish
67 requirements for submission of employment data, education, and
68 other information that may be required to evaluate the
69 effectiveness of this compact.

70 (4) To facilitate cross-state enforcement efforts, the
71 Legislature finds that it is necessary for this state to have
72 the power to recover from the affected nurse the costs of
73 investigations and disposition of cases resulting from adverse
74 actions taken by this state against that nurse.

75 (5) This compact is designed to facilitate the regulation
76 of nurses and does not relieve employers from complying with
77 statutorily imposed obligations.

78 (6) This compact does not supersede existing state labor
79 laws.

80 464.102 Findings and declaration of purpose.--

81 (1) The party states find that:

82 (a) The health and safety of the public are affected by
83 the degree of compliance with and the effectiveness of
84 enforcement activities related to state nurse licensure laws.

85 (b) Violations of nurse licensure and other laws
86 regulating the practice of nursing may result in injury or harm
87 to the public.

88 (c) The expanded mobility of nurses and the use of
89 advanced communication technologies as part of our nation's
90 healthcare delivery system require greater coordination and
91 cooperation among states in the areas of nurse licensure and
92 regulation.

93 (d) New practice modalities and technology make compliance
94 with individual state nurse licensure laws difficult and
95 complex.

96 (e) The current system of duplicative licensure for nurses
97 practicing in multiple states is cumbersome and redundant to
98 both nurses and states.

99 (2) The general purposes of this compact are to:

100 (a) Facilitate the states' responsibility to protect the
101 public's health and safety.

102 (b) Ensure and encourage the cooperation of party states
103 in the areas of nurse licensure and regulation.

104 (c) Facilitate the exchange of information between party
105 states in the areas of nurse regulation, investigation, and
106 adverse actions.

107 (d) Promote compliance with the laws governing the
108 practice of nursing in each jurisdiction.

109 (e) Invest all party states with the authority to hold a
110 nurse accountable for meeting all state practice laws in the
111 state in which the patient is located at the time care is
112 rendered through the mutual recognition of party state licenses.

113 464.103 Definitions.--As used in this compact:
 114 (1) "Adverse action" means a home or remote state action.
 115 (2) "Alternative program" means a voluntary,
 116 nondisciplinary monitoring program approved by a nurse licensing
 117 board.
 118 (3) "Coordinated licensure information system" means an
 119 integrated process for collecting, storing, and sharing
 120 information on nurse licensure and enforcement activities
 121 related to nurse licensure laws, which is administered by a
 122 nonprofit organization composed of and controlled by state nurse
 123 licensing boards.
 124 (4) "Current significant investigative information" means:
 125 (a) Investigative information that a licensing board,
 126 after a preliminary inquiry that includes notification and an
 127 opportunity for the nurse to respond if required by state law,
 128 has reason to believe is not groundless and, if proved true,
 129 would indicate more than a minor infraction; or
 130 (b) Investigative information that indicates that the
 131 nurse represents an immediate threat to public health and safety
 132 regardless of whether the nurse has been notified and had an
 133 opportunity to respond.
 134 (5) "Home state" means the party state which is the
 135 nurse's primary state of residence.
 136 (6) "Home state action" means any administrative, civil,
 137 equitable, or criminal action permitted by the home state's laws
 138 which are imposed on a nurse by the home state's licensing board
 139 or other authority, including actions against an individual's

140 license, such as revocation, suspension, probation, or any other
 141 action which affects a nurse's authorization to practice.

142 (7) "Licensing board" means a party state's regulatory
 143 body responsible for issuing nurse licenses.

144 (8) "Multistate licensure privilege" means current,
 145 official authority from a remote state permitting the practice
 146 of nursing as either a registered nurse or a licensed
 147 practical/vocational nurse in such party state. All party states
 148 have the authority, in accordance with existing state due
 149 process law, to take actions against the nurse's privilege, such
 150 as revocation, suspension, probation, or any other action which
 151 affects a nurse's authorization to practice.

152 (9) "Nurse" means a registered nurse or licensed
 153 practical/vocational nurse, as those terms are defined by each
 154 party's state practice laws.

155 (10) "Party state" means any state that has adopted this
 156 compact.

157 (11) "Remote state" means a party state, other than the
 158 home state, where the patient is located at the time nursing
 159 care is provided or, in the case of the practice of nursing not
 160 involving a patient, in such party state where the recipient of
 161 nursing practice is located.

162 (12) "Remote state action" means any administrative,
 163 civil, equitable, or criminal action permitted by a remote
 164 state's laws which are imposed on a nurse by the remote state's
 165 licensing board or other authority including actions against an
 166 individual's multistate licensure privilege to practice in the
 167 remote state, and cease and desist and other injunctive or

168 equitable orders issued by remote states or the licensing boards
 169 thereof.

170 (13) "State" means a state, territory, or possession of
 171 the United States, the District of Columbia, or the Commonwealth
 172 of Puerto Rico.

173 (14) "State practice laws" means those individual party's
 174 state laws and regulations that govern the practice of nursing,
 175 define the scope of nursing practice, and create the methods and
 176 grounds for imposing discipline.

177 (15) "State practice laws" does not include the initial
 178 qualifications for licensure or requirements necessary to obtain
 179 and retain a license, except for qualifications or requirements
 180 of the home state.

181 464.104 General provisions and jurisdiction.--

182 (1) A license to practice registered nursing issued by a
 183 home state to a resident in that state shall be recognized by
 184 each party state as authorizing a multistate licensure privilege
 185 to practice as a registered nurse in such party state. A license
 186 to practice licensed practical/vocational nursing issued by a
 187 home state to a resident in that state shall be recognized by
 188 each party state as authorizing a multistate licensure privilege
 189 to practice as a licensed practical/vocational nurse in such
 190 party state. In order to obtain or retain a license, an
 191 applicant shall meet the home state's qualifications for
 192 licensure and license renewal as well as all other applicable
 193 state laws.

194 (2) Party states may, in accordance with state due process
 195 laws, limit or revoke the multistate licensure privilege of any

196 nurse to practice in their state and may take any other actions
197 under their applicable state laws necessary to protect the
198 health and safety of their citizens. If a party state takes such
199 action, it shall promptly notify the administrator of the
200 coordinated licensure information system. The administrator of
201 the coordinated licensure information system shall promptly
202 notify the home state of any such actions by remote states.

203 (3) Every nurse practicing in a party state shall comply
204 with the state practice laws of the state in which the patient
205 is located at the time care is rendered. In addition, the
206 practice of nursing is not limited to patient care, but shall
207 include all nursing practice as defined by the state practice
208 laws of a party state. The practice of nursing shall subject a
209 nurse to the jurisdiction of the nurse licensing board and the
210 courts, as well as the laws, in that party state.

211 (4) This compact does not affect additional requirements
212 imposed by states for advanced practice registered nursing.
213 However, a multistate licensure privilege to practice registered
214 nursing granted by a party state shall be recognized by other
215 party states as a license to practice registered nursing if one
216 is required by state law as a precondition for qualifying for
217 advanced practice registered nurse authorization.

218 (5) Individuals not residing in a party state shall
219 continue to be able to apply for nurse licensure as provided for
220 under the laws of each party state. However, the license granted
221 to these individuals shall not be recognized as granting the
222 privilege to practice nursing in any other party state unless
223 explicitly agreed to by that party state.

224 464.107 Applications for licensure in a party state.--

225 (1) Upon application for a license, the licensing board in
226 a party state shall ascertain, through the coordinated licensure
227 information system, whether the applicant has ever held, or is
228 the holder of, a license issued by any other state, whether
229 there are any restrictions on the multistate licensure
230 privilege, and whether any other adverse action by any state has
231 been taken against the license.

232 (2) A nurse in a party state shall hold a license in only
233 one party state at a time, issued by the home state.

234 (3) A nurse who intends to change his or her primary state
235 of residence may apply for licensure in the new home state in
236 advance of such change. However, new licenses shall not be
237 issued by a party state until after a nurse provides evidence of
238 change in primary state of residence satisfactory to the new
239 home state's licensing board.

240 (4) When a nurse changes primary state of residence by:

241 (a) Moving between two party states, and obtains a license
242 from the new home state, the license from the former home state
243 is no longer valid;

244 (b) Moving from a nonparty state to a party state, and
245 obtains a license from the new home state, the individual state
246 license issued by the nonparty state is not affected and shall
247 remain in full force if so provided by the laws of the nonparty
248 state; or

249 (c) Moving from a party state to a nonparty state, the
250 license issued by the prior home state converts to an individual
251 state license, valid only in the former home state, without the

252 multistate licensure privilege to practice in other party
 253 states.

254 464.108 Adverse actions.--In addition to the general
 255 provisions described in s. 464.104, the following provisions
 256 apply:

257 (1) The licensing board of a remote state shall promptly
 258 report to the administrator of the coordinated licensure
 259 information system any remote state actions including the
 260 factual and legal basis for such action, if known. The licensing
 261 board of a remote state shall also promptly report any
 262 significant current investigative information yet to result in a
 263 remote state action. The administrator of the coordinated
 264 licensure information system shall promptly notify the home
 265 state of any such reports.

266 (2) The licensing board of a party state shall have the
 267 authority to complete any pending investigations for a nurse who
 268 changes primary state of residence during the course of such
 269 investigations. It shall also have the authority to take
 270 appropriate action, and shall promptly report the conclusions of
 271 such investigations to the administrator of the coordinated
 272 licensure information system. The administrator of the
 273 coordinated licensure information system shall promptly notify
 274 the new home state of any such action.

275 (3) A remote state may take adverse action affecting the
 276 multistate licensure privilege to practice within that party
 277 state. However, only the home state shall have the power to
 278 impose adverse action against the license issued by the home
 279 state.

280 (4) For purposes of imposing adverse action, the licensing
 281 board of the home state shall give the same priority and effect
 282 to reported conduct received from a remote state as it would if
 283 such conduct had occurred within the home state. In so doing, it
 284 shall apply its own state laws to determine appropriate action.

285 (5) The home state may take adverse action based on the
 286 factual findings of the remote state, so long as each state
 287 follows its own procedures for imposing such adverse action.

288 (6) Nothing in this compact shall override a party state's
 289 decision that participation in an alternative program may be
 290 used in lieu of licensure action and that such participation
 291 shall remain nonpublic if required by the party state's laws.
 292 Party states shall require nurses who enter any alternative
 293 programs to agree not to practice in any other party state
 294 during the term of the alternative program without prior
 295 authorization from such other party state.

296 464.109 Additional authorities invested in party state
 297 nurse licensing boards.--Notwithstanding any other powers, party
 298 state nurse licensing boards shall have the authority to:

299 (1) If otherwise permitted by state law, recover from the
 300 affected nurse the costs of investigations and disposition of
 301 cases resulting from any adverse action taken against that
 302 nurse.

303 (2) Issue subpoenas for both hearings and investigations
 304 which require the attendance and testimony of witnesses and the
 305 production of evidence. Subpoenas issued by a nurse licensing
 306 board in a party state for the attendance and testimony of
 307 witnesses, and the production of evidence from another party

308 state, shall be enforced in the latter state by any court of
309 competent jurisdiction, according to the practice and procedure
310 of that court applicable to subpoenas issued in proceedings
311 pending before it. The issuing authority shall pay any witness
312 fees, travel expenses, mileage, and other fees required by the
313 service statutes of the state where the witnesses and evidence
314 are located.

315 (3) Issue cease and desist orders to limit or revoke a
316 nurse's authority to practice in their state.

317 (4) Promulgate uniform rules as provided for in s.
318 464.112(3).

319 464.110 Coordinated licensure information system.--

320 (1) All party states shall participate in a cooperative
321 effort to create a coordinated data base of all licensed
322 registered nurses and licensed practical/vocational nurses. This
323 system shall include information on the licensure and
324 disciplinary history of each nurse, as contributed by party
325 states, to assist in the coordination of nurse licensure and
326 enforcement efforts.

327 (2) Notwithstanding any other provision of law, all party
328 states' licensing boards shall promptly report adverse actions,
329 actions against multistate licensure privileges, any current
330 significant investigative information yet to result in adverse
331 action, denials of applications, and the reasons for such
332 denials to the coordinated licensure information system.

333 (3) Current significant investigative information shall be
334 transmitted through the coordinated licensure information system
335 only to party state licensing boards.

336 (4) Notwithstanding any other provision of law, all party
337 states' licensing boards contributing information to the
338 coordinated licensure information system may designate
339 information that may not be shared with nonparty states or
340 disclosed to other entities or individuals without the express
341 permission of the contributing state.

342 (5) Any personally identifiable information obtained by a
343 party states' licensing board from the coordinated licensure
344 information system may not be shared with nonparty states or
345 disclosed to other entities or individuals except to the extent
346 permitted by the laws of the party state contributing the
347 information.

348 (6) Any information contributed to the coordinated
349 licensure information system that is subsequently required to be
350 expunged by the laws of the party state contributing that
351 information shall also be expunged from the coordinated
352 licensure information system.

353 (7) The compact administrators, acting jointly with each
354 other and in consultation with the administrator of the
355 coordinated licensure information system, shall formulate
356 necessary and proper procedures for the identification,
357 collection, and exchange of information under this compact.

358 464.112 Compact administration and interchange of
359 information.--

360 (1) The head of the nurse licensing board, or his or her
361 designee, of each party state shall be the administrator of this
362 compact for his or her state.

363 (2) The compact administrator of each party state shall
 364 furnish to the compact administrator of each other party state
 365 any information and documents, including, but not limited to, a
 366 uniform data set of investigations, identifying information,
 367 licensure data, and disclosable alternative program
 368 participation information to facilitate the administration of
 369 this compact.

370 (3) Compact administrators shall have the authority to
 371 develop uniform rules to facilitate and coordinate
 372 implementation of this compact. These uniform rules shall be
 373 adopted by party states, under the authority invested under s.
 374 464.109(4).

375 464.113 Immunity.--No party state or the officers or
 376 employees or agents of a party state's nurse licensing board who
 377 acts in accordance with the provisions of this compact shall be
 378 liable on account of any act or omission in good faith while
 379 engaged in the performance of their duties under this compact.
 380 Good faith in this section shall not include willful misconduct,
 381 gross negligence, or recklessness.

382 464.114 Entry into force, withdrawal, and amendment.--

383 (1) This compact shall enter into force and become
 384 effective as to any state when it has been enacted into the laws
 385 of that state. Any party state may withdraw from this compact by
 386 enacting a statute repealing the same, but no such withdrawal
 387 shall take effect until 6 months after the withdrawing state has
 388 given notice of the withdrawal to the executive heads of all
 389 other party states.

390 (2) No withdrawal shall affect the validity or
391 applicability by the licensing boards of states remaining party
392 to the compact of any report of adverse action occurring prior
393 to the withdrawal.

394 (3) Nothing contained in this compact shall be construed
395 to invalidate or prevent any nurse licensure agreement or other
396 cooperative arrangement between a party state and a nonparty
397 state that is made in accordance with the other provisions of
398 this compact.

399 (4) This compact may be amended by the party states. No
400 amendment to this compact shall become effective and binding
401 upon the party states unless and until it is enacted into the
402 laws of all party states.

403 464.115 Construction and severability.--

404 (1) This compact shall be liberally construed so as to
405 effectuate the purposes thereof. The provisions of this compact
406 shall be severable and if any phrase, clause, sentence, or
407 provision of this compact is declared to be contrary to the
408 constitution of any party state or of the United States or the
409 applicability thereof to any government, agency, person, or
410 circumstance is held invalid, the validity of the remainder of
411 this compact and the applicability thereof to any government,
412 agency, person, or circumstance shall not be affected thereby.
413 If this compact shall be held contrary to the constitution of
414 any state party thereto, the compact shall remain in full force
415 and effect as to the remaining party states and in full force
416 and effect as to the party state affected as to all severable
417 matters.

418 (2) In the event party states find a need for settling
 419 disputes arising under this compact:

420 (a) The party states may submit the issues in dispute to
 421 an arbitration panel which shall be comprised of an individual
 422 appointed by the compact administrator in the home state; an
 423 individual appointed by the compact administrator in the remote
 424 state or states involved; and an individual mutually agreed upon
 425 by the compact administrators of all the party states involved
 426 in the dispute.

427 (b) The decision of a majority of the arbitrators shall be
 428 final and binding.

429 464.116 Implementation date of entry into the
 430 compact.--The board shall set an implementation date for ss.
 431 464.110-464.116 that is not later than October 1, 2006.

432 Section 2. Subsection (8) is added to section 464.003,
 433 Florida Statutes, to read:

434 464.003 Definitions.--As used in this part:

435 (8) "Nurse Licensure Compact" or "compact" means the
 436 provisions of the multistate Nurse Licensure Compact contained
 437 in ss. 464.100-464.116.

438 Section 3. Subsection (1) of section 464.012, Florida
 439 Statutes, is amended to read:

440 464.012 Certification of advanced registered nurse
 441 practitioners; fees.--

442 (1) Any nurse desiring to be certified as an advanced
 443 registered nurse practitioner shall apply to the department and
 444 submit proof that he or she holds a current license to practice
 445 professional nursing in this state or has a multistate licensure

446 privilege to practice professional nursing in a state that is a
447 member of the Nurse Licensure Compact and that he or she meets
448 one or more of the following requirements as determined by the
449 board:

450 (a) Satisfactory completion of a formal postbasic
451 educational program of at least one academic year, the primary
452 purpose of which is to prepare nurses for advanced or
453 specialized practice.

454 (b) Certification by an appropriate specialty board. Such
455 certification shall be required for initial state certification
456 and any recertification as a registered nurse anesthetist or
457 nurse midwife. The board may by rule provide for provisional
458 state certification of graduate nurse anesthetists and nurse
459 midwives for a period of time determined to be appropriate for
460 preparing for and passing the national certification
461 examination.

462 (c) Graduation from a program leading to a master's degree
463 in a nursing clinical specialty area with preparation in
464 specialized practitioner skills. For applicants graduating on or
465 after October 1, 1998, graduation from a master's degree program
466 shall be required for initial certification as a nurse
467 practitioner under paragraph (4)(c). For applicants graduating
468 on or after October 1, 2001, graduation from a master's degree
469 program shall be required for initial certification as a
470 registered nurse anesthetist under paragraph (4)(a).

471 Section 4. Subsection (4) is added to section 464.0195,
472 Florida Statutes, to read:

473 464.0195 Florida Center for Nursing; goals.--

474 (4) The Board of Nursing shall by rule establish
475 requirements for submission of employment data, education, and
476 other workforce information which may be required at initial
477 licensure and at renewal. The board may provide a form to
478 employers to collect data on the employment of nurses practicing
479 nursing in the state on a compact state license. The board may
480 provide such workforce information to the Florida Center for
481 Nursing to assist the center in achieving the goals specified in
482 this section.

483 Section 5. Subsection (3) is added section 464.014,
484 Florida Statutes, to read:

485 464.014 Inactive status.--

486 (3) A registered nurse or a licensed practical nurse who
487 has retired from the practice of nursing may request and be
488 granted by the board retired nurse status, provided the nurse
489 holds a current unencumbered license to practice nursing in the
490 state and is not currently the subject of an investigation by
491 the department for possible violation of the provisions of this
492 part.

493 (a) The scope of practice for a retired nurse shall be
494 limited to primary and preventive health care, or as further
495 defined by board rule.

496 (b) While remaining on retired status, the nurse shall not
497 be subject to payment of the license renewal fee.

498 (c) The nurse may use the title "Retired Registered Nurse"
499 or "Retired Licensed Practical Nurse" once issued retired
500 status.

501 (d) A nurse whose licensure status is retired and who
 502 desires to resume the practice of nursing shall apply for
 503 reinstatement of a license to practice nursing and meet the same
 504 reinstatement requirements for a nurse on inactive status as set
 505 forth in subsections (1) and (2).

506 Section 6. Subsections (1), (2), and (6) of section
 507 464.015, Florida Statutes, are amended to read:

508 464.015 Titles and abbreviations; restrictions; penalty.--

509 (1) Only persons who hold licenses to practice
 510 professional nursing in this state or who are performing nursing
 511 services pursuant to the exception set forth in s. 464.022(8),
 512 (14), or (15) shall have the right to use the title "Registered
 513 Nurse" and the abbreviation "R.N."

514 (2) Only persons who hold licenses to practice as licensed
 515 practical nurses in this state or who are performing practical
 516 nursing services pursuant to the exception set forth in s.
 517 464.022(8), (14), or (15) shall have the right to use the title
 518 "Licensed Practical Nurse" and the abbreviation "L.P.N."

519 (6) No person shall practice or advertise as, or assume
 520 the title of, registered nurse, licensed practical nurse, or
 521 advanced registered nurse practitioner or use the abbreviation
 522 "R.N.," "L.P.N.," or "A.R.N.P." or take any other action that
 523 would lead the public to believe that person was certified as
 524 such or is performing nursing services pursuant to the exception
 525 set forth in s. 464.022(8), (14), or (15), unless that person is
 526 licensed or certified to practice as such.

527 Section 7. Subsections (14) and (15) are added to section
 528 464.022, Florida Statutes, to read:

529 464.022 Exceptions.--No provision of this part shall be
 530 construed to prohibit:

531 (14) The practice of nursing under the laws of this state
 532 by an individual who is licensed in a state which is a member of
 533 the Nurse Licensure Compact under ss. 464.100-464.116 and who
 534 has been authorized for multistate licensure privilege to
 535 practice nursing under ss. 464.100-464.116.

536 (15) An applicant for licensure by examination who has
 537 passed the licensing examination and who otherwise has met all
 538 requirements in s. 464.008, but who does not have a social
 539 security number at the time of application, from performing
 540 nursing services in this state for a period of 1 year with a
 541 temporary license issued by the board. The board may extend this
 542 time for administrative purposes when necessary.

543 Section 8. Subsection (6) is added to section 464.201,
 544 Florida Statutes, to read:

545 464.201 Definitions.--As used in this part, the term:

546 (6) "Practice of a certified nursing assistant" means
 547 providing care and assisting persons with tasks relating to the
 548 activities of daily living. Such tasks are those associated with
 549 personal care, maintaining mobility, nutrition and hydration,
 550 toileting and elimination, assistive devices, safety and
 551 cleanliness, data gathering, reporting abnormal signs and
 552 symptoms, postmortem care, patient socialization and reality
 553 orientation, end-of-life care, CPR and emergency care,
 554 residents' or patients' rights, documentation of nursing
 555 assistant services, and other tasks that a certified nurse
 556 assistant may perform after training beyond that required for

557 initial certification and upon validation of competence in that
 558 skill by a registered nurse. This subsection shall not restrict
 559 the ability of any person who is otherwise trained and educated
 560 from performing such tasks.

561 Section 9. Section 464.202, Florida Statutes, is amended
 562 to read:

563 464.202 Duties and powers of the board.--The board shall
 564 maintain, or contract with or approve another entity to
 565 maintain, a state registry of certified nursing assistants. The
 566 registry must consist of the name of each certified nursing
 567 assistant in this state; other identifying information defined
 568 by board rule; certification status; the effective date of
 569 certification; other information required by state or federal
 570 law; information regarding any crime or any abuse, neglect, or
 571 exploitation as provided under chapter 435; and any disciplinary
 572 action taken against the certified nursing assistant. The
 573 registry shall be accessible to the public, the
 574 certificateholder, employers, and other state agencies. The
 575 board shall adopt by rule testing procedures for use in
 576 certifying nursing assistants and shall adopt rules regulating
 577 the practice of certified nursing assistants that specify the
 578 scope of practice authorized and level of supervision required
 579 for the practice of certified nursing assistants ~~to enforce this~~
 580 ~~part~~. The board may contract with or approve another entity or
 581 organization to provide the examination services, including the
 582 development and administration of examinations. The board shall
 583 require that the contract provider offer certified nursing
 584 assistant applications via the Internet, and may require the

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585 contract provider to accept certified nursing assistant
586 applications for processing via the Internet. The board shall
587 require the contract provider to provide the preliminary results
588 of the certified nursing examination on the date the test is
589 administered. The provider shall pay all reasonable costs and
590 expenses incurred by the board in evaluating the provider's
591 application and performance during the delivery of services,
592 including examination services and procedures for maintaining
593 the certified nursing assistant registry.

594 Section 10. Paragraph (b) of subsection (1) of section
595 464.204, Florida Statutes, is amended to read:

596 464.204 Denial, suspension, or revocation of
597 certification; disciplinary actions.--

598 (1) The following acts constitute grounds for which the
599 board may impose disciplinary sanctions as specified in
600 subsection (2):

601 (b) ~~Intentionally~~ Violating any provision of this chapter,
602 chapter 456, or the rules adopted by the board.

603 Section 11. This act shall take effect July 1, 2005.