

By Senator Saunders

37-1421-05

See HB

1   A bill to be entitled

2           An act relating to the Nurse Licensure Compact;

3           creating ss. 464.100, 464.102, 464.103,

4           464.104, 464.107, 464.108, 464.109, 464.110,

5           464.112, 464.113, 464.114, 464.115, and

6           464.116, F.S.; incorporating the Nurse

7           Licensure Compact into the Nurse Practice Act;

8           providing for implementation of the Nurse

9           Licensure Compact; requiring the Board of

10          Nursing to adopt rules to conform with the

11          compact; providing legislative intent,

12          findings, and purpose; providing definitions;

13          providing jurisdiction; providing for

14          applications for licensure; providing for

15          adverse actions by the licensing board;

16          providing for additional authority given to

17          licensing boards; providing for a coordinated

18          licensure information system; providing for

19          compact administration and interchange of

20          information; providing for the state's ability

21          to withdraw and amend the compact; providing

22          for statutory construction and severability;

23          providing for an implementation date to be set;

24          amending s. 464.003, F.S.; revising definitions

25          to include the Nurse Licensure Compact;

26          amending s. 464.012, F.S.; providing for a

27          professional nurse with a multistate licensure

28          privilege from a compact state to be certified

29          as an advanced registered nurse practitioner;

30          amending s. 464.0195, F.S.; creating

31          requirements for submission of employment data,

1 education, and other workforce information to  
2 the Board of Nursing; amending s. 464.014,  
3 F.S.; creating provisions for retired nurse  
4 status; amending s. 464.015, F.S.; revising  
5 restrictions on use of professional titles;  
6 amending s. 464.022, F.S.; providing an  
7 exception to practice nursing for licensees  
8 from a compact state and providing for a  
9 temporary license for successful examination  
10 candidates without a social security number;  
11 amending s. 464.201, F.S.; providing a  
12 definition of the practice of certified nursing  
13 assistant; amending s. 464.202, F.S.; revising  
14 the powers and duties of the board; amending s.  
15 464.204, F.S.; revising grounds for  
16 disciplinary actions against certified nursing  
17 assistants; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Sections 464.100, 464.102, 464.103,  
22 464.104, 464.107, 464.108, 464.109, 464.110, 464.112, 464.113,  
23 464.114, 464.115, and 464.116, Florida Statutes, are created  
24 to read:

25 464.100 Nurse Licensure Compact.--Sections  
26 464.100-464.116 may be referred to as the "Nurse Licensure  
27 Compact."

28 (1) The Nurse Licensure Compact is hereby enacted and  
29 entered into with all other jurisdictions that legally join in  
30 the compact, which is substantially as follows:  
31

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

4           (3) Upon the effective date of this compact, the  
5 licensing board shall participate in a compact evaluation  
6 initiative, designed to evaluate the effectiveness and  
7 operability of the compact. Such compact evaluation initiative  
8 shall be conducted by an outside researcher. A component of  
9 the evaluation shall include a remote state identification  
10 system through which nurses shall designate those remote  
11 states in which the nurse is practicing. A nurse's practice  
12 information in such identification system shall be updated  
13 upon issuance and renewal of the nurse's license. The  
14 evaluation shall continue until the year 2009, after which  
15 time a report shall be produced for comment by the  
16 participating licensing boards and shall be submitted to the  
17 legislature in the form of a Nurse Licensure Compact  
18 evaluation report. The board shall by rule establish  
19 requirements for submission of employment data, education, and  
20 other information that may be required to evaluate the  
21 effectiveness of this compact.

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

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

30           (6) This compact does not supersede existing state  
31 labor laws.

1           464.102 Findings and declaration of purpose.--  
2           (1) The party states find that:  
3           (a) The health and safety of the public are affected  
4 by the degree of compliance with and the effectiveness of  
5 enforcement activities related to state nurse licensure laws.  
6           (b) Violations of nurse licensure and other laws  
7 regulating the practice of nursing may result in injury or  
8 harm to the public.  
9           (c) The expanded mobility of nurses and the use of  
10 advanced communication technologies as part of our nation's  
11 healthcare delivery system require greater coordination and  
12 cooperation among states in the areas of nurse licensure and  
13 regulation.  
14           (d) New practice modalities and technology make  
15 compliance with individual state nurse licensure laws  
16 difficult and complex.  
17           (e) The current system of duplicative licensure for  
18 nurses practicing in multiple states is cumbersome and  
19 redundant to both nurses and states.  
20           (2) The general purposes of this compact are to:  
21           (a) Facilitate the states' responsibility to protect  
22 the public's health and safety.  
23           (b) Ensure and encourage the cooperation of party  
24 states in the areas of nurse licensure and regulation.  
25           (c) Facilitate the exchange of information between  
26 party states in the areas of nurse regulation, investigation,  
27 and adverse actions.  
28           (d) Promote compliance with the laws governing the  
29 practice of nursing in each jurisdiction.  
30           (e) Invest all party states with the authority to hold  
31 a nurse accountable for meeting all state practice laws in the

1 state in which the patient is located at the time care is  
2 rendered through the mutual recognition of party state  
3 licenses.

4 464.103 Definitions.--As used in this compact:

5 (1) "Adverse action" means a home or remote state  
6 action.

7 (2) "Alternative program" means a voluntary,  
8 nondisciplinary monitoring program approved by a nurse  
9 licensing board.

10 (3) "Coordinated licensure information system" means  
11 an integrated process for collecting, storing, and sharing  
12 information on nurse licensure and enforcement activities  
13 related to nurse licensure laws, which is administered by a  
14 nonprofit organization composed of and controlled by state  
15 nurse licensing boards.

16 (4) "Current significant investigative information"  
17 means investigative information that a licensing board, after  
18 a preliminary inquiry that includes notification and an  
19 opportunity for the nurse to respond if required by state law,  
20 has reason to believe is not groundless and, if proved true,  
21 would indicate more than a minor infraction; or investigative  
22 information that indicates that the nurse represents an  
23 immediate threat to public health and safety regardless of  
24 whether the nurse has been notified and has had an opportunity  
25 to respond.

26 (5) "Home state" means the party state that is the  
27 nurse's primary state of residence.

28 (6) "Home state action" means any administrative,  
29 civil, equitable, or criminal action permitted by the home  
30 state's laws that are imposed on a nurse by the home state's  
31 licensing board or other authority, including actions against

1 an individual's license such as revocation, suspension,  
2 probation, or any other action that affects a nurse's  
3 authorization to practice.

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

6 (8) "Multistate licensure privilege" means current,  
7 official authority from a remote state permitting the practice  
8 of nursing as either a registered nurse or a licensed  
9 practical/vocational nurse in such party state. All party  
10 states have the authority, in accordance with existing state  
11 due process law, to take actions against the nurse's  
12 privilege, such as revocation, suspension, probation, or any  
13 other action that affects a nurse's authorization to practice.

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

17 (10) "Party state" means any state that has adopted  
18 this compact.

19 (11) "Remote state" means a party state, other than  
20 the home state, where the patient is located at the time  
21 nursing care is provided or, in the case of the practice of  
22 nursing not involving a patient, in such party state where the  
23 recipient of nursing practice is located.

24 (12) "Remote state action" means any administrative,  
25 civil, equitable, or criminal action permitted by a remote  
26 state's laws that are imposed on a nurse by the remote state's  
27 licensing board or other authority, including actions against  
28 an individual's multistate licensure privilege to practice in  
29 the remote state, cease and desist orders, and other  
30 injunctive or equitable orders issued by remote states or the  
31 licensing boards thereof.

1           (13) "State" means a state, territory, or possession  
2 of the United States, the District of Columbia, or the  
3 Commonwealth of Puerto Rico.

4           (14) "State practice laws" means those individual  
5 party state's laws and regulations that govern the practice of  
6 nursing, define the scope of nursing practice, and create the  
7 methods and grounds for imposing discipline.

8           (15) "State practice laws" does not include the  
9 initial qualifications for licensure or requirements necessary  
10 to obtain and retain a license, except for qualifications or  
11 requirements of the home state.

12           464.104 General provisions and jurisdiction.--

13           (1) A license to practice registered nursing issued by  
14 a home state to a resident in that state shall be recognized  
15 by each party state as authorizing a multistate licensure  
16 privilege to practice as a registered nurse in such party  
17 state. A license to practice licensed practical/vocational  
18 nursing issued by a home state to a resident in that state  
19 shall be recognized by each party state as authorizing a  
20 multistate licensure privilege to practice as a licensed  
21 practical/vocational nurse in such party state. In order to  
22 obtain or retain a license, an applicant shall meet the home  
23 state's qualifications for licensure and license renewal as  
24 well as all other applicable state laws.

25           (2) Party states may, in accordance with state due  
26 process laws, limit or revoke the multistate licensure  
27 privilege of any nurse to practice in their state and may take  
28 any other actions under their applicable state laws necessary  
29 to protect the health and safety of their citizens. If a party  
30 state takes such action, it shall promptly notify the  
31 administrator of the coordinated licensure information system.

1 The administrator of the coordinated licensure information  
2 system shall promptly notify the home state of any such  
3 actions by remote states.

4 (3) Every nurse practicing in a party state shall  
5 comply with the state practice laws of the state in which the  
6 patient is located at the time care is rendered. In addition,  
7 the practice of nursing is not limited to patient care, but  
8 shall include all nursing practice as defined by the state  
9 practice laws of a party state. The practice of nursing shall  
10 subject a nurse to the jurisdiction of the nurse licensing  
11 board and the courts, as well as the laws, in that party  
12 state.

13 (4) This compact does not affect additional  
14 requirements imposed by states for advanced practice  
15 registered nursing. However, a multistate licensure privilege  
16 to practice registered nursing granted by a party state shall  
17 be recognized by other party states as a license to practice  
18 registered nursing if one is required by state law as a  
19 precondition for qualifying for advanced practice registered  
20 nurse authorization.

21 (5) Individuals not residing in a party state shall  
22 continue to be able to apply for nurse licensure as provided  
23 for under the laws of each party state. However, the license  
24 granted to these individuals shall not be recognized as  
25 granting the privilege to practice nursing in any other party  
26 state unless explicitly agreed to by that party state.

27 464.107 Applications for licensure in a party state.--

28 (1) Upon application for a license, the licensing  
29 board in a party state shall ascertain, through the  
30 coordinated licensure information system, whether the  
31 applicant has ever held, or is the holder of, a license issued



1 by any other state, whether there are any restrictions on the  
2 multistate licensure privilege, and whether any other adverse  
3 action by any state has been taken against the license.

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

6 (3) A nurse who intends to change his or her primary  
7 state of residence may apply for licensure in the new home  
8 state in advance of such change. However, new licenses shall  
9 not be issued by a party state until after a nurse provides  
10 evidence of change in primary state of residence satisfactory  
11 to the new home state's licensing board.

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

14 (a) Moving between two party states, and obtains a  
15 license from the new home state, the license from the former  
16 home state is no longer valid.

17 (b) Moving from a nonparty state to a party state, and  
18 obtains a license from the new home state, the individual  
19 state license issued by the nonparty state is not affected and  
20 shall remain in full force if so provided by the laws of the  
21 nonparty state.

22 (c) Moving from a party state to a nonparty state, the  
23 license issued by the prior home state converts to an  
24 individual state license, valid only in the former home state,  
25 without the multistate licensure privilege to practice in  
26 other party states.

27 464.108 Adverse actions.--In addition to the general  
28 provisions described in s. 464.104, the following provisions  
29 apply:

30 (1) The licensing board of a remote state shall  
31 promptly report to the administrator of the coordinated

1 licensure information system any remote state actions  
2 including the factual and legal basis for such action, if  
3 known. The licensing board of a remote state shall also  
4 promptly report any significant current investigative  
5 information yet to result in a remote state action. The  
6 administrator of the coordinated licensure information system  
7 shall promptly notify the home state of any such reports.

8 (2) The licensing board of a party state shall have  
9 the authority to complete any pending investigations for a  
10 nurse who changes primary state of residence during the course  
11 of such investigations. It shall also have the authority to  
12 take appropriate action, and shall promptly report the  
13 conclusions of such investigations to the administrator of the  
14 coordinated licensure information system. The administrator of  
15 the coordinated licensure information system shall promptly  
16 notify the new home state of any such action.

17 (3) A remote state may take adverse action affecting  
18 the multistate licensure privilege to practice within that  
19 party state. However, only the home state shall have the power  
20 to impose adverse action against the license issued by the  
21 home state.

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

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

1           (6) Nothing in this compact shall override a party  
2 state's decision that participation in an alternative program  
3 may be used in lieu of licensure action and that such  
4 participation shall remain nonpublic if required by the party  
5 state's laws. Party states shall require nurses who enter any  
6 alternative programs to agree not to practice in any other  
7 party state during the term of the alternative program without  
8 prior authorization from such other party state.

9           464.109 Additional authorities invested in party state  
10 nurse licensing boards.--Notwithstanding any other powers,  
11 party state nurse licensing boards shall have the authority  
12 to:

13           (1) If otherwise permitted by state law, recover from  
14 the affected nurse the costs of investigations and disposition  
15 of cases resulting from any adverse action taken against that  
16 nurse.

17           (2) Issue subpoenas for both hearings and  
18 investigations that require the attendance and testimony of  
19 witnesses and the production of evidence. Subpoenas issued by  
20 a nurse licensing board in a party state for the attendance  
21 and testimony of witnesses, and the production of evidence  
22 from another party state, shall be enforced in the latter  
23 state by any court of competent jurisdiction, according to the  
24 practice and procedure of that court applicable to subpoenas  
25 issued in proceedings pending before it. The issuing authority  
26 shall pay any witness fees, travel expenses, mileage, and  
27 other fees required by the service statutes of the state where  
28 the witnesses and evidence are located.

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

31

1           (4) Promulgate uniform rules and regulations as  
2 provided for in s. 464.112(3).

3           464.110 Coordinated licensure information system.--

4           (1) All party states shall participate in a  
5 cooperative effort to create a coordinated database of all  
6 licensed registered nurses and licensed practical/vocational  
7 nurses. This system shall include information on the licensure  
8 and disciplinary history of each nurse, as contributed by  
9 party states, to assist in the coordination of nurse licensure  
10 and enforcement efforts.

11           (2) Notwithstanding any other provision of law, all  
12 party states' licensing boards shall promptly report adverse  
13 actions, actions against multistate licensure privileges, any  
14 current significant investigative information yet to result in  
15 adverse action, denials of applications, and the reasons for  
16 such denials to the coordinated licensure information system.

17           (3) Current significant investigative information  
18 shall be transmitted through the coordinated licensure  
19 information system only to party state licensing boards.

20           (4) Notwithstanding any other provision of law, all  
21 party states' licensing boards contributing information to the  
22 coordinated licensure information system may designate  
23 information that may not be shared with nonparty states or  
24 disclosed to other entities or individuals without the express  
25 permission of the contributing state.

26           (5) Any personally identifying information obtained by  
27 a party states' licensing board from the coordinated licensure  
28 information system may not be shared with nonparty states or  
29 disclosed to other entities or individuals except to the  
30 extent permitted by the laws of the party state contributing  
31 the information.

1           (6) Any information contributed to the coordinated  
2 licensure information system that is subsequently required to  
3 be expunged by the laws of the party state contributing that  
4 information shall also be expunged from the coordinated  
5 licensure information system.

6           (7) The compact administrators, acting jointly with  
7 each other and in consultation with the administrator of the  
8 coordinated licensure information system, shall formulate  
9 necessary and proper procedures for the identification,  
10 collection, and exchange of information under this compact.

11           464.112 Compact administration and interchange of  
12 information.--

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

16           (2) The compact administrator of each party state  
17 shall furnish to the compact administrator of each other party  
18 state any information and documents, including, but not  
19 limited to, a uniform data set of investigations, identifying  
20 information, licensure data, and disclosable alternative  
21 program participation information to facilitate the  
22 administration of this compact.

23           (3) Compact administrators shall have the authority to  
24 develop uniform rules to facilitate and coordinate  
25 implementation of this compact. These uniform rules shall be  
26 adopted by party states, under the authority invested under s.  
27 464.109(4).

28           464.113 Immunity.--No party state or the officers or  
29 employees or agents of a party state's nurse licensing board  
30 who act in accordance with the provisions of this compact  
31 shall be liable on account of any act or omission in good

1 faith while engaged in the performance of their duties under  
2 this compact. Good faith in this section shall not include  
3 willful misconduct, gross negligence, or recklessness.

4 464.114 Entry into force, withdrawal, and amendment.--

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

12 (2) No withdrawal shall affect the validity or  
13 applicability by the licensing boards of states remaining  
14 party to the compact of any report of adverse action occurring  
15 prior to the withdrawal.

16 (3) Nothing contained in this compact shall be  
17 construed to invalidate or prevent any nurse licensure  
18 agreement or other cooperative arrangement between a party  
19 state and a nonparty state that is made in accordance with the  
20 other provisions of this compact.

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

25 464.115 Construction and severability.--

26 (1) This compact shall be liberally construed so as to  
27 effectuate the purposes thereof. The provisions of this  
28 compact shall be severable, and if any phrase, clause,  
29 sentence, or provision of this compact is declared to be  
30 contrary to the constitution of any party state or of the  
31 United States or the applicability thereof to any government,

1 agency, person, or circumstance is held invalid, the validity  
2 of the remainder of this compact and the applicability thereof  
3 to any government, agency, person, or circumstance shall not  
4 be affected thereby. If this compact shall be held contrary to  
5 the constitution of any state party thereto, the compact shall  
6 remain in full force and effect as to the remaining party  
7 states and in full force and effect as to the party state  
8 affected as to all severable matters.

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

11 (a) The party states may submit the issues in dispute  
12 to an arbitration panel which shall be comprised of an  
13 individual appointed by the compact administrator in the home  
14 state; an individual appointed by the compact administrator in  
15 the remote state or states involved; and an individual  
16 mutually agreed upon by the compact administrators of all the  
17 party states involved in the dispute.

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

20 464.116 Implementation date of entry into the  
21 compact.--The board shall set an implementation date for ss.  
22 464.110-464.116 that is not later than October 1, 2006.

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

25 464.003 Definitions.--As used in this part:

26 (8) "Nurse Licensure Compact" or "compact" means the  
27 provisions of the multistate Nurse Licensure Compact contained  
28 in ss. 464.100-464.116.

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

31

1           464.012 Certification of advanced registered nurse  
2 practitioners; fees.--

3           (1) Any nurse desiring to be certified as an advanced  
4 registered nurse practitioner shall apply to the department  
5 and submit proof that he or she holds a current license to  
6 practice professional nursing in this state or has a  
7 multistate licensure privilege to practice professional  
8 nursing in a state that is a member of the Nurse Licensure  
9 Compact and that he or she meets one or more of the following  
10 requirements as determined by the board:

11           (a) Satisfactory completion of a formal postbasic  
12 educational program of at least one academic year, the primary  
13 purpose of which is to prepare nurses for advanced or  
14 specialized practice.

15           (b) Certification by an appropriate specialty board.  
16 Such certification shall be required for initial state  
17 certification and any recertification as a registered nurse  
18 anesthetist or nurse midwife. The board may by rule provide  
19 for provisional state certification of graduate nurse  
20 anesthetists and nurse midwives for a period of time  
21 determined to be appropriate for preparing for and passing the  
22 national certification examination.

23           (c) Graduation from a program leading to a master's  
24 degree in a nursing clinical specialty area with preparation  
25 in specialized practitioner skills. For applicants graduating  
26 on or after October 1, 1998, graduation from a master's degree  
27 program shall be required for initial certification as a nurse  
28 practitioner under paragraph (4)(c). For applicants graduating  
29 on or after October 1, 2001, graduation from a master's degree  
30 program shall be required for initial certification as a  
31 registered nurse anesthetist under paragraph (4)(a).



1           Section 4. Subsection (4) is added to section  
2 464.0195, Florida Statutes, to read:

3           464.0195 Florida Center for Nursing; goals.--

4           (4) The Board of Nursing shall by rule establish  
5 requirements for submission of employment data, education, and  
6 other workforce information that may be required at initial  
7 licensure and at renewal. The board may provide a form to  
8 employers to collect data on the employment of nurses  
9 practicing nursing in the state on a compact state license.  
10 The board may provide such workforce information to the  
11 Florida Center for Nursing to assist the center in achieving  
12 the goals specified in this section.

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

15           464.014 Inactive status.--

16           (3) A registered nurse or a licensed practical nurse  
17 who has retired from the practice of nursing may request and  
18 be granted by the board retired nurse status, provided the  
19 nurse holds a current unencumbered license to practice nursing  
20 in the state and is not currently the subject of an  
21 investigation by the department for possible violation of the  
22 provisions of part I of chapter 464.

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

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

28           (c) The nurse may use the title "Retired Registered  
29 Nurse" or "Retired Licensed Practical Nurse" once issued  
30 retired status.

31

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

6           Section 6. Subsections (1), (2), and (6) of section  
7 464.015, Florida Statutes, are amended to read:

8           464.015 Titles and abbreviations; restrictions;  
9 penalty.--

10           (1) Only persons who hold licenses to practice  
11 professional nursing in this state or who are performing  
12 nursing services pursuant to the exception set forth in s.  
13 464.022(8), (14), or (15), shall have the right to use the  
14 title "Registered Nurse" and the abbreviation "R.N."

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

21           (6) No person shall practice or advertise as, or  
22 assume the title of, registered nurse, licensed practical  
23 nurse, or advanced registered nurse practitioner or use the  
24 abbreviation "R.N.," "L.P.N.," or "A.R.N.P." or take any other  
25 action that would lead the public to believe that person was  
26 certified as such or is performing nursing services pursuant  
27 to the exception set forth in s. 464.022(8), (14), or (15),  
28 unless that person is licensed or certified to practice as  
29 such.

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

1           464.022 Exceptions.--No provision of this part shall  
2 be construed to prohibit:

3           (14) The practice of nursing under the laws of this  
4 state by an individual who is licensed in a state that is a  
5 member of the Nurse Licensure Compact as defined in ss.  
6 464.100-464.116 of this chapter and who has been authorized  
7 for multistate licensure privilege to practice nursing under  
8 ss. 464.100-464.116.

9           (15) An applicant for licensure by examination who has  
10 passed the licensing examination and who otherwise has met all  
11 requirements in s. 464.008 but who does not have a social  
12 security number at the time of application from performing  
13 nursing services in this state for a period of one year with a  
14 temporary license issued by the board. The board may extend  
15 this time for administrative purposes when necessary.

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

18           464.201 Definitions.--As used in this part, the term:

19           (6) "Practice of a certified nursing assistant" means  
20 providing care and assisting persons with tasks relating to  
21 the activities of daily living. Such tasks are those  
22 associated with personal care, maintaining mobility, nutrition  
23 and hydration, toileting and elimination, assistive devices,  
24 safety and cleanliness, data gathering, reporting abnormal  
25 signs and symptoms, postmortem care, patient socialization and  
26 reality orientation, end-of-life care, CPR and emergency care,  
27 residents' or patients' rights, documentation of nursing  
28 assistant services, and other tasks that a certified nurse  
29 assistant may perform after training beyond that required for  
30 initial certification and upon validation of competence in  
31 that skill by a registered nurse. This subsection shall not

1 restrict the ability of any person who is otherwise trained  
2 and educated from performing such tasks.

3 Section 9. Section 464.202, Florida Statutes, is  
4 amended to read:

5 464.202 Duties and powers of the board.--The board  
6 shall maintain, or contract with or approve another entity to  
7 maintain, a state registry of certified nursing assistants.  
8 The registry must consist of the name of each certified  
9 nursing assistant in this state; other identifying information  
10 defined by board rule; certification status; the effective  
11 date of certification; other information required by state or  
12 federal law; information regarding any crime or any abuse,  
13 neglect, or exploitation as provided under chapter 435; and  
14 any disciplinary action taken against the certified nursing  
15 assistant. The registry shall be accessible to the public, the  
16 certificateholder, employers, and other state agencies. The  
17 board shall adopt by rule testing procedures for use in  
18 certifying nursing assistants and shall adopt rules regulating  
19 the practice of certified nursing assistants that specify the  
20 scope of practice authorized and level of supervision required  
21 for the practice of certified nursing assistants to enforce  
22 ~~this part~~. The board may contract with or approve another  
23 entity or organization to provide the examination services,  
24 including the development and administration of examinations.  
25 The board shall require that the contract provider offer  
26 certified nursing assistant applications via the Internet, and  
27 may require the contract provider to accept certified nursing  
28 assistant applications for processing via the Internet. The  
29 board shall require the contract provider to provide the  
30 preliminary results of the certified nursing examination on  
31 the date the test is administered. The provider shall pay all

1 reasonable costs and expenses incurred by the board in  
2 evaluating the provider's application and performance during  
3 the delivery of services, including examination services and  
4 procedures for maintaining the certified nursing assistant  
5 registry.

6 Section 10. Paragraph (b) of subsection (1) of section  
7 464.204, Florida Statutes, is amended to read:

8 464.204 Denial, suspension, or revocation of  
9 certification; disciplinary actions.--

10 (1) The following acts constitute grounds for which  
11 the board may impose disciplinary sanctions as specified in  
12 subsection (2):

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

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

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