

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Bean offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (2) of section 456.013, Florida  
6 Statutes, is amended to read:

7 456.013 Department; general licensing provisions.--

8 (2) Before the issuance of any license, the department  
9 shall charge an initial license fee as determined by the  
10 applicable board or, if there is no ~~such~~ board ~~exists~~, by rule  
11 of the department. Upon receipt of the appropriate license fee,  
12 the department shall issue a license to any person certified by  
13 the appropriate board, or its designee, as having met the  
14 licensure requirements imposed by law or rule. The license shall  
15 consist of a wallet-size identification card and a wall card

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16 measuring 6 1/2 inches by 5 inches. ~~In addition to the two part~~  
17 ~~license, the department, at the time of initial licensure, shall~~  
18 ~~issue a wall certificate suitable for conspicuous display, which~~  
19 ~~shall be no smaller than 8 1/2 inches by 14 inches.~~ The licensee  
20 shall surrender to the department the wallet-size identification  
21 card and, the wall card, ~~and the wall certificate, if one has~~  
22 ~~been issued by the department,~~ if the licensee's license was  
23 issued in error or is revoked.

24 Section 2. Paragraph (c) of subsection (1) and subsection  
25 (2) of section 456.017, Florida Statutes, are amended, and  
26 subsection (7) is added to said section, to read:

27 456.017 Examinations.--

28 (1)

29 (c)~~1~~. The board, or the department when there is no board,  
30 shall approve by rule the use of one or more national  
31 examinations which the department has certified as meeting  
32 requirements of national examinations and generally accepted  
33 testing standards pursuant to department rules.

34 1. Providers of examinations seeking certification ~~by the~~  
35 ~~department~~ shall pay the actual costs incurred by the department  
36 in making a determination regarding the certification. The name  
37 and number of a candidate may be provided to a national  
38 contractor for the limited purpose of preparing the grade tape  
39 and information to be returned to the board or department; or,  
40 to the extent otherwise specified by rule, the candidate may  
41 apply directly to the vendor of the national examination and  
42 supply test score information to the department. The department

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43 may delegate to the board the duty to provide and administer the  
44 examination. Any national examination approved by a board, or  
45 the department when there is no board, prior to October 1, 1997,  
46 is deemed certified under this paragraph.

47 2. ~~The board, or the department when there is no board,~~  
48 ~~shall approve and begin administering a national examination no~~  
49 ~~later than December 31, 2001.~~ Neither the board nor the  
50 department may administer a state-developed written examination  
51 if a national examination has been certified by the department  
52 ~~after December 31, 2001, notwithstanding any other provision of~~  
53 ~~law.~~ The examination may be administered electronically if  
54 adequate security measures are used, as determined by rule of  
55 the department.

56 3. The board, or the department when there is no board,  
57 may administer a state-developed practical or clinical  
58 examination, as required by the applicable practice act, if all  
59 costs of development, purchase, validation, administration,  
60 review, and defense are paid by the examination candidate prior  
61 to the administration of the examination. If a national  
62 practical or clinical examination is available and certified by  
63 the department pursuant to this section, the board, or the  
64 department when there is no board, may administer the national  
65 examination.

66 4. It is the intent of the Legislature to reduce the costs  
67 associated with state examinations and to encourage the use of  
68 national examinations whenever possible.

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69           (2) For each examination developed by the department or a  
70 contracted vendor, the board, or the department when there is no  
71 board, shall adopt rules providing for reexamination of any  
72 applicants who failed an examination developed by the department  
73 or a contracted vendor. If both a written and a practical  
74 examination are given, an applicant shall be required to retake  
75 only the portion of the examination on which the applicant  
76 failed to achieve a passing grade, if the applicant successfully  
77 passes that portion within a reasonable time, as determined by  
78 rule of the board, or the department when there is no board, of  
79 passing the other portion. Except for national examinations  
80 approved and administered pursuant to this section, the  
81 department shall provide procedures for applicants who fail an  
82 examination developed by the department or a contracted vendor  
83 to review their examination questions, answers, papers, grades,  
84 and grading key for the questions the candidate answered  
85 incorrectly or, if not feasible, the parts of the examination  
86 failed. Applicants shall bear the actual cost for the department  
87 to provide examination review pursuant to this subsection. An  
88 applicant may waive in writing the confidentiality of the  
89 applicant's examination grades. Notwithstanding any other  
90 provisions, only candidates who fail an examination with a score  
91 that is by less than 10 percent below the minimum score required  
92 to pass the examination shall be entitled to challenge the  
93 validity of the examination at hearing.

94           (7) The department may post examination scores  
95 electronically on the Internet in lieu of mailing the scores to

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96 each applicant. Such electronic posting of the examination  
97 scores meets the requirements of chapter 120 if the department  
98 also posts with the examination scores a notification of rights  
99 as set forth in chapter 120. The date of receipt for purposes of  
100 chapter 120 shall be the date the examination scores are posted  
101 electronically. The department shall also notify the examinee  
102 when scores are posted electronically of the availability of a  
103 postexamination review, if applicable.

104 Section 3. Subsections (5) through (11) of section  
105 456.025, Florida Statutes, are renumbered as subsections (4)  
106 through (10), respectively, and present subsection (4) of said  
107 section is amended to read:

108 456.025 Fees; receipts; disposition.--

109 ~~(4) Each board, or the department if there is no board,~~  
110 ~~may charge a fee not to exceed \$25, as determined by rule, for~~  
111 ~~the issuance of a wall certificate pursuant to s. 456.013(2)~~  
112 ~~requested by a licensee who was licensed prior to July 1, 1998,~~  
113 ~~or for the issuance of a duplicate wall certificate requested by~~  
114 ~~any licensee.~~

115 Section 4. Subsections (1), (2), and (4) of section  
116 456.036, Florida Statutes, are amended, subsections (10), (12),  
117 and (13) are renumbered as subsections (11), (14), and (15),  
118 respectively, present subsection (11) is renumbered as  
119 subsection (13) and amended, and new subsections (10) and (12)  
120 are added to said section, to read:

121 456.036 Licenses; active, and inactive, and retired  
122 status; delinquency.--

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123 (1) A licensee may practice a profession only if the  
124 licensee has an active status license. A licensee who practices  
125 a profession with an inactive status, retired status, or  
126 delinquent ~~without an active status~~ license is in violation of  
127 this section and s. 456.072, and the board, or the department if  
128 there is no board, may impose discipline on the licensee.

129 (2) Each board, or the department if there is no board,  
130 shall permit a licensee to choose, at the time of licensure  
131 renewal, an active, ~~or~~ inactive, or retired status.

132 (4) Notwithstanding any other provision of law to the  
133 contrary, a licensee may change licensure status at any time.

134 (a) Active status licensees choosing inactive status at  
135 the time of license renewal must pay the inactive status renewal  
136 fee, and, if applicable, the delinquency fee and the fee to  
137 change licensure status. Active status licensees choosing  
138 inactive status at any other time than at the time of license  
139 renewal must pay the fee to change licensure status.

140 (b) Active status or inactive status licensees choosing  
141 retired status at the time of license renewal must pay the  
142 retired status fee, not to exceed \$50, as established by rule of  
143 the board, or the department if there is no board. Active status  
144 or inactive status licensees choosing retired status at any  
145 other time than at the time of license renewal must pay the  
146 retired status fee plus the fee to change licensure status.

147 (c)-(b) An inactive status licensee may change to active  
148 status at any time, if the licensee meets all requirements for  
149 active status. Inactive status licensees choosing active status

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150 at the time of license renewal must pay the active status  
151 renewal fee, any applicable reactivation fees as set by the  
152 board, or the department if there is no board, and, if  
153 applicable, the delinquency fee and the fee to change licensure  
154 status. Inactive status licensees choosing active status at any  
155 other time than at the time of license renewal must pay the  
156 difference between the inactive status renewal fee and the  
157 active status renewal fee, if any exists, any applicable  
158 reactivation fees as set by the board, or the department if  
159 there is no board, and the fee to change licensure status.

160 (10) Each board, or the department if there is no board,  
161 may by rule impose reasonable conditions, including full  
162 reexamination to assess current competency, necessary to ensure  
163 that a licensee who has been on retired status for more than 5  
164 years or a licensee from another state who has not been in  
165 active practice within the past 5 years and who applies for  
166 active status is able to practice with the care and skill  
167 sufficient to protect the health, safety, and welfare of the  
168 public. Reactivation requirements may differ depending on the  
169 length of time licensees are retired.

170 (12) Before reactivation, a retired status licensee must  
171 meet the same continuing education requirements, if any, and pay  
172 any renewal fees imposed on active status licensees for all  
173 biennial licensure periods in which the licensee was in retired  
174 status.

175 (13)~~(11)~~ The status or a change in status of a licensee  
176 does not alter in any way the right of the board, or of the

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177 department if there is no board, to impose discipline or to  
178 enforce discipline previously imposed on a licensee for acts or  
179 omissions committed by the licensee while holding a license,  
180 whether active, inactive, retired, or delinquent.

181 Section 5. Subsection (5) of section 464.201, Florida  
182 Statutes, is renumbered as subsection (6), and a new subsection  
183 (5) is added to said section to read:

184 464.201 Definitions.--As used in this part, the term:

185 (5) "Practice of a certified nursing assistant" means the  
186 provision of care and assistance with tasks relating to the  
187 activities of daily living. Such tasks are those associated with  
188 personal care, maintaining mobility, nutrition and hydration,  
189 toileting and elimination, assistive devices, safety and  
190 cleanliness, data gathering, reporting abnormal signs and  
191 symptoms, postmortem care, patient socialization and reality  
192 orientation, end-of-life care, cardiopulmonary resuscitation and  
193 emergency care, residents' or patients' rights, documentation of  
194 nursing assistant services, and other tasks that a certified  
195 nursing assistant may perform after training beyond that  
196 required for initial certification and upon validation of  
197 competence in that skill by the registered nurse. This  
198 subsection does not restrict the ability of any person who is  
199 otherwise trained and educated from performing such tasks.

200 Section 6. Section 464.202, Florida Statutes, is amended  
201 to read:

202 464.202 Duties and powers of the board.--The board shall  
203 maintain, or contract with or approve another entity to

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204 maintain, a state registry of certified nursing assistants. The  
205 registry must consist of the name of each certified nursing  
206 assistant in this state; other identifying information defined  
207 by board rule; certification status; the effective date of  
208 certification; other information required by state or federal  
209 law; information regarding any crime or any abuse, neglect, or  
210 exploitation as provided under chapter 435; and any disciplinary  
211 action taken against the certified nursing assistant. The  
212 registry shall be accessible to the public, the  
213 certificateholder, employers, and other state agencies. The  
214 board shall adopt by rule testing procedures for use in  
215 certifying nursing assistants and shall adopt rules regulating  
216 the practice of certified nursing assistants that specify the  
217 scope of practice authorized and the level of supervision  
218 required for the practice of certified nursing assistants ~~to~~  
219 ~~enforce this part~~. The board may contract with or approve  
220 another entity or organization to provide the examination  
221 services, including the development and administration of  
222 examinations. The board shall require that the contract provider  
223 offer certified nursing assistant applications via the Internet,  
224 and may require the contract provider to accept certified  
225 nursing assistant applications for processing via the Internet.  
226 The board shall require the contract provider to provide the  
227 preliminary results of the certified nursing examination on the  
228 date the test is administered. The provider shall pay all  
229 reasonable costs and expenses incurred by the board in  
230 evaluating the provider's application and performance during the

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231 delivery of services, including examination services and  
232 procedures for maintaining the certified nursing assistant  
233 registry.

234 Section 7. Subsections (5) and (7) of section 464.203,  
235 Florida Statutes, are amended, and subsection (8) is added to  
236 said section, to read:

237 464.203 Certified nursing assistants; certification  
238 requirement.--

239 (5) Certification as a nursing assistant, in accordance  
240 with this part, may be renewed ~~continues in effect~~ until such  
241 time as the nursing assistant allows a period of 24 consecutive  
242 months to pass during which period the nursing assistant fails  
243 to perform any nursing-related services for monetary  
244 compensation. When a nursing assistant fails to perform any  
245 nursing-related services for monetary compensation for a period  
246 of 24 consecutive months, the nursing assistant must complete a  
247 new training and competency evaluation program or a new  
248 competency evaluation program.

249 (7) A certified nursing assistant shall complete 12 ~~18~~  
250 hours of inservice training during each calendar year. The  
251 certified nursing assistant shall be responsible for maintaining  
252 documentation demonstrating compliance with these provisions.  
253 The Council on Certified Nursing Assistants, in accordance with  
254 s. 464.2085(2)(b), shall propose rules to implement this  
255 subsection.

256 (8) The department shall renew a certificate upon receipt  
257 of the renewal application and receipt of a fee. The department

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258 shall adopt rules establishing a procedure for the biennial  
259 renewal of certificates and the imposition of a fee of not less  
260 than \$20 and not more than \$50 biennially. Any certificate not  
261 renewed by July 1, 2006, is void.

262 Section 8. This act shall take effect July 1, 2005.

263

264 ===== T I T L E A M E N D M E N T =====

265 Remove the entire title and insert:

266 A bill to be entitled  
267 An act relating to the regulation of health care  
268 professionals; amending s. 456.013, F.S.; deleting the  
269 requirement that the Department of Health issue wall  
270 certificates; requiring licensees with licenses issued in  
271 error to surrender certain documents to the department;  
272 amending s. 456.017, F.S.; specifying that a state-  
273 developed test is not permitted if a national examination  
274 has been certified by the department; clarifying the  
275 limitation on who may challenge the validity of an  
276 examination; permitting the department to post examination  
277 scores on the Internet; amending s. 456.025, F.S.;  
278 deleting an obsolete provision; amending s. 456.036, F.S.;  
279 providing for a retired license status and providing a fee  
280 for such status; authorizing the department to reexamine  
281 certain licensees under certain circumstances; providing  
282 requirements for retired status licensees to reactivate  
283 their licenses; amending s. 464.201, F.S.; defining  
284 "practice of a certified nursing assistant"; amending s.

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285 464.202, F.S.; requiring the Board of Nursing to adopt  
286 rules to specify the scope of practice for certified  
287 nursing assistants; amending s. 464.203, F.S.; providing  
288 for the renewal of nursing assistant certification;  
289 providing for a fee; reducing the hours of inservice  
290 training required of certified nursing assistants;  
291 requiring certification as a nursing assistant to be  
292 renewed and authorizing a fee for such renewal; requiring  
293 the department to adopt rules regarding such renewal;  
294 providing that certificates not renewed by a specified  
295 date are void; providing an effective date.

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