

1
2 An act relating to administration of
3 medication; amending s. 393.506, F.S.; deleting
4 requirements for unlicensed staff members of
5 direct care service facilities to administer
6 prescribed medications to persons with
7 developmental disabilities; authorizing direct
8 service providers to administer medication to
9 clients or to supervise the self-administration
10 of medication by clients; providing
11 requirements for direct service providers to
12 demonstrate competency regarding supervising
13 the self-administration of medication by
14 clients or administering medication to clients;
15 requiring the Agency for Persons with
16 Disabilities to adopt rules to establish
17 standards and procedures governing the
18 supervision of self-administered medications
19 and the administration of medications by direct
20 service providers; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 393.506, Florida Statutes, is
25 amended to read:

26 393.506 Administration of medication.--

27 (1) ~~A Notwithstanding the provisions of part I of~~
28 ~~chapter 464, the Nurse Practice Act, unlicensed direct service~~
29 ~~provider who is not currently licensed to administer~~
30 ~~medication care services staff providing services to persons~~
31 ~~with developmental disabilities may supervise the~~

1 self-administration of medication or may administer oral,
2 transdermal, ophthalmic, otic, rectal, inhaled, or topical
3 prescription medications to a client as provided in this
4 section.

5 (2) In order to supervise the self-administration of
6 medication or to administer medications as provided in
7 subsection (1), a direct service provider must satisfactorily
8 complete a training course of not less than 4 hours in
9 medication administration and be found competent to supervise
10 the self-administration of medication by a client or to
11 administer medication to a client in a safe and sanitary
12 manner. Competency must be assessed and validated at least
13 annually in an onsite setting and must include personally
14 observing the direct service provider satisfactorily:

15 (a) Supervising the self-administration of medication
16 by a client; and

17 (b) Administering medication to a client.

18 (3) A direct service provider may supervise the
19 self-administration of medication by a client or may
20 administer medication to a client only if the client, or the
21 client's guardian or legal representative, has given his or
22 her informed consent to self-administering medication under
23 the supervision of an unlicensed direct service provider or to
24 receiving medication administered by an unlicensed direct
25 service provider. Such informed consent must be based on a
26 description of the medication routes and procedures that the
27 direct service provider is authorized to supervise or
28 administer. Only a provider who has received appropriate
29 training and has been validated as competent may supervise the
30 self-administration of medication by a client or may
31 administer medication to a client.

1 ~~(a) For day programs, as defined in s. 393.063, the~~
2 ~~director of the facility or program shall designate in writing~~
3 ~~unlicensed direct care services staff who are eligible to be~~
4 ~~trained to assist in the administration of or to administer~~
5 ~~medication.~~

6 ~~(b) For intermediate care facilities for the~~
7 ~~developmentally disabled licensed pursuant to part XI of~~
8 ~~chapter 400, unlicensed staff designated by the director may~~
9 ~~provide medication assistance under the general supervision of~~
10 ~~a registered nurse licensed pursuant to chapter 464.~~

11 ~~(2) Each facility, institution, or program must~~
12 ~~include in its policies and procedures a plan for training~~
13 ~~designated staff to ensure the safe handling, storage, and~~
14 ~~administration of prescription medication. These policies and~~
15 ~~procedures must be approved by the agency before unlicensed~~
16 ~~direct care services staff assist with medication.~~

17 ~~(3) The policies and procedures must include, at a~~
18 ~~minimum, the following provisions:~~

19 ~~(a) An expressed and informed consent for each client.~~

20 ~~(b) The director of the facility, program, or provider~~
21 ~~must maintain a copy of the written prescription, and that~~
22 ~~prescription must include the name of the medication, the~~
23 ~~dosage and administration schedule, the reason for the~~
24 ~~prescription, and the termination date.~~

25 ~~(c) Each prescribed medication shall be kept in its~~
26 ~~original container and in a secure location.~~

27 (4) The determination of competency and annual
28 validation training required in this section shall be
29 conducted by a registered nurse licensed pursuant to chapter
30 464 or a physician licensed pursuant to chapter 458 or chapter
31 459.

1 (5) The agency shall establish by rule standards and
2 procedures that a direct service provider must follow when
3 supervising the self-administration of medication by a client
4 and when administering medication to a client. Such rules
5 must, at a minimum, address requirements for labeling
6 medication, documentation and recordkeeping, the storage and
7 disposal of medication, instructions concerning the safe
8 administration of medication or supervision of
9 self-administered medication, informed-consent requirements
10 and records, and the training curriculum and validation
11 procedures.

12 Section 2. This act shall take effect upon becoming a
13 law.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31