

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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

393.506 Administration of medication.--

(1) ~~A Notwithstanding the provisions of part I of chapter 464, the Nurse Practice Act, unlicensed~~ direct service provider who is not currently licensed to administer medication ~~care services staff providing services to persons with developmental disabilities~~ may supervise the self-administration of or may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, or topical prescription medications to a client as provided in this section.

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

(a) Supervised the self-administration of medication by a client.

(b) Administered medication to a client.

(3) A direct service provider may supervise the self-administration of medication by a client or may administer medication to a client only if the client, or the client's

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52 | guardian or legal representative, has given his or her informed
53 | consent to self-administering medication under the supervision
54 | of an unlicensed direct service provider or to receiving
55 | medication administered by an unlicensed direct service
56 | provider. Such informed consent must be based on a description
57 | of the medication routes and procedures that the direct service
58 | provider is authorized to supervise or administer. Only a direct
59 | service provider who has received appropriate training and has
60 | been validated as competent may supervise the self-
61 | administration of medication by a client or may administer
62 | medication to a client.

63 | (4) The determination of competency and annual validation
64 | required under this section shall be conducted by a registered
65 | nurse licensed pursuant to chapter 464 or a physician licensed
66 | pursuant to chapter 458 or chapter 459.

67 | (5) The agency shall establish by rule standards and
68 | procedures that a direct service provider must follow when
69 | supervising the self-administration of medication by a client
70 | and when administering medication to a client. Such rules must,
71 | at a minimum, address requirements for labeling medication,
72 | documentation and recordkeeping, the storage and disposal of
73 | medication, instructions concerning the safe administration of
74 | medication or supervision of self-administered medication,
75 | informed-consent requirements and records, and the training
76 | curriculum and validation procedures.

77 | ~~(a) For day programs, as defined in s. 393.063, the~~
78 | ~~director of the facility or program shall designate in writing~~
79 | ~~unlicensed direct care services staff who are eligible to be~~

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80 ~~trained to assist in the administration of or to administer~~
81 ~~medication.~~

82 ~~(b) For intermediate care facilities for the~~
83 ~~developmentally disabled licensed pursuant to part XI of chapter~~
84 ~~400, unlicensed staff designated by the director may provide~~
85 ~~medication assistance under the general supervision of a~~
86 ~~registered nurse licensed pursuant to chapter 464.~~

87 ~~(2) Each facility, institution, or program must include in~~
88 ~~its policies and procedures a plan for training designated staff~~
89 ~~to ensure the safe handling, storage, and administration of~~
90 ~~prescription medication. These policies and procedures must be~~
91 ~~approved by the agency before unlicensed direct care services~~
92 ~~staff assist with medication.~~

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

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

96 ~~(b) The director of the facility, program, or provider~~
97 ~~must maintain a copy of the written prescription, and that~~
98 ~~prescription must include the name of the medication, the dosage~~
99 ~~and administration schedule, the reason for the prescription,~~
100 ~~and the termination date.~~

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

103 ~~(4) The training required in this section shall be~~
104 ~~conducted by a registered nurse or a physician licensed pursuant~~
105 ~~to chapter 458 or chapter 459.~~

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