

By Senator Margolis

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1 A bill to be entitled

2 An act relating to human immunodeficiency virus and
3 acquired immune deficiency syndrome educational
4 requirements; amending s. 381.0035, F.S.; revising
5 requirements relating to educational courses on HIV and
6 AIDS for certain employees and clients of specified
7 licensed health care facilities; specifying applicability;
8 amending s. 400.506, F.S.; revising requirements with
9 respect to educational courses on HIV and AIDS for nurse
10 registries; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 381.0035, Florida Statutes, is amended
15 to read:

16 381.0035 Educational course on HIV and AIDS; employees and
17 clients of certain health care facilities.--

18 (1) The Department of Health shall require all employees
19 and clients of facilities licensed under chapter ~~chapters~~ 393,
20 chapter 394, or chapter ~~and~~ 397 and employees of facilities
21 licensed under chapter 395, part ~~parts~~ II, part III, or part ~~and~~
22 IV of chapter 400, or ~~and~~ part I of chapter 429 to complete,
23 ~~biennially,~~ a one-time ~~continuing~~ educational course on the modes
24 of transmission, infection control procedures, clinical
25 management, and prevention of human immunodeficiency virus and
26 acquired immune deficiency syndrome with an emphasis on
27 appropriate behavior and attitude change. Such instruction shall
28 include information on current Florida law and its impact on
29 testing, confidentiality of test results, and treatment of

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30 patients and any protocols and procedures applicable to human
31 immunodeficiency counseling and testing, reporting, the offering
32 of HIV testing to pregnant women, and partner notification issues
33 pursuant to ss. 381.004 and 384.25.

34 (2) New employees shall be required to complete or provide
35 proof that they have completed a course on human immunodeficiency
36 virus and acquired immune deficiency syndrome, with instruction
37 to include information on current Florida law and its impact on
38 testing, confidentiality of test results, and treatment of
39 patients. A certificate shall be issued to a new employee upon
40 completing training on human immunodeficiency virus and acquired
41 immune deficiency syndrome. The certificate shall be evidence of
42 completion of training, and the employee is not required to
43 repeat training in that topic upon changing employment to a
44 different facility licensed under chapter 393, chapter 394,
45 chapter 395, or chapter 397, part II, part III, or part IV of
46 chapter 400, or part I of chapter 429.

47 (3) Facilities licensed under chapter ~~chapters~~ 393, chapter
48 394, chapter 395, or chapter ~~and~~ 397, part ~~parts~~ II, part III, or
49 part ~~and~~ IV of chapter 400, or ~~and~~ part I of chapter 429 shall
50 maintain a record of employees and dates of attendance at human
51 immunodeficiency virus and acquired immune deficiency syndrome
52 educational courses.

53 (4) The department shall have the authority to review the
54 records of each facility to determine compliance with the
55 requirements of this section. The department may adopt rules to
56 carry out the provisions of this section.

57 (5) This section does not apply to an employee who is
58 licensed or certified under chapter 458, chapter 459, chapter

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59 461, part I of chapter 464, part II of chapter 468, or chapter
60 486. However, the employee must comply with the human
61 immunodeficiency virus and acquired immune deficiency syndrome
62 educational requirements for the employee's profession.

63 Section 2. Paragraph (e) is added to subsection (8) of
64 section 400.506, Florida Statutes, to read:

65 400.506 Licensure of nurse registries; requirements;
66 penalties.--

67 (8) Each nurse registry must require every applicant for
68 contract to complete an application form providing the following
69 information:

70 (e) Proof of completion of a continuing educational course
71 on modes of transmission, infection control procedures, clinical
72 management, and prevention of human immunodeficiency virus and
73 acquired immune deficiency syndrome with an emphasis on
74 appropriate behavior and attitude change. Such instruction shall
75 include information on current Florida law and its effect on
76 testing, confidentiality of test results, and treatment of
77 patients and any protocols and procedures applicable to human
78 immunodeficiency counseling and testing, reporting, offering HIV
79 testing to pregnant women, and partner notification issues
80 pursuant to ss. 381.004 and 384.25.

81 Section 3. This act shall take effect July 1, 2008.