

By the Committee on Children, Families, and Elder Affairs; and  
Senator Storms

586-03207-11

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1                   A bill to be entitled  
2           An act relating to the Agency for Persons with  
3           Disabilities; amending s. 393.125, F.S.; requiring the  
4           Department of Children and Family Services to submit  
5           its recommended order to the Agency for Persons with  
6           Disabilities at the conclusion of an administrative  
7           hearing; requiring that the agency issue the final  
8           agency order; amending s. 393.506, F.S.; requiring a  
9           registered nurse or physician to assess and validate a  
10          direct service provider's competency in all routes of  
11          medication administration at an onsite setting with an  
12          actual client; providing an exception; providing an  
13          effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Paragraph (a) of subsection (1) of section  
18           393.125, Florida Statutes, is amended to read:

19           393.125 Hearing rights.—

20           (1) REVIEW OF AGENCY DECISIONS.—

21           (a) For Medicaid programs administered by the agency, any  
22           developmental services applicant or client, or his or her  
23           parent, guardian advocate, or authorized representative, may  
24           request a hearing in accordance with federal law and rules  
25           applicable to Medicaid cases and has the right to request an  
26           administrative hearing pursuant to ss. 120.569 and 120.57. These  
27           hearings shall be provided by the Department of Children and  
28           Family Services pursuant to s. 409.285 and shall follow  
29           procedures consistent with federal law and rules applicable to

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30 Medicaid cases. At the conclusion of the hearing, the department  
31 shall submit its recommended order to the agency as provided in  
32 s. 120.57(1)(k) and the agency shall issue the final order as  
33 provided in s. 120.57(1)(l).

34 Section 2. Subsection (4) of section 393.506, Florida  
35 Statutes, is amended to read:

36 393.506 Administration of medication.-

37 (4) A registered nurse licensed under chapter 464 or a  
38 physician licensed under chapter 458 or chapter 459 shall  
39 annually assess and validate a direct service provider's  
40 competency in all routes of medication administration as  
41 provided in subsection (1), except for the topical, transdermal,  
42 and otic routes, in an onsite setting with an actual client. The  
43 topical, transdermal, and otic routes of medication  
44 administration may be validated by simulation during the  
45 required training course and do not require annual revalidation.  
46 ~~The determination of competency and annual validation required~~  
47 ~~in this section shall be conducted by a registered nurse~~  
48 ~~licensed pursuant to chapter 464 or a physician licensed~~  
49 ~~pursuant to chapter 458 or chapter 459.~~

50 Section 3. This act shall take effect July 1, 2011.