

ENROLLED

CS/CS/HB 1373

2018 Legislature

1
 2 An act relating to medication administration; amending
 3 s. 393.506, F.S.; revising training requirements for
 4 unlicensed direct service providers to assist with the
 5 administration of or to supervise the self-
 6 administration of medication under certain
 7 circumstances; providing validation requirements for
 8 the competency and skills of unlicensed direct service
 9 providers; requiring unlicensed direct service
 10 providers to complete an annual inservice training
 11 course in medication administration and medication
 12 error prevention developed by the Agency for Persons
 13 with Disabilities; providing construction; requiring
 14 the validation and revalidation of competency for
 15 certain medication administrations to be performed
 16 with an actual client; requiring the agency to adopt
 17 rules; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 393.506, Florida Statutes, is amended
 22 to read:

23 393.506 Administration of medication.—

24 (1) An unlicensed A direct service provider ~~who is not~~
 25 ~~currently licensed to administer medication~~ may supervise the

ENROLLED

CS/CS/HB 1373

2018 Legislature

26 self-administration of medication or may administer oral,
 27 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
 28 topical prescription medications to a client if the unlicensed
 29 direct service provider meets the requirements of ~~as provided in~~
 30 this section.

31 (2) In order to supervise the self-administration of
 32 medication or to administer medications as provided in
 33 subsection (1), an unlicensed ~~a~~ direct service provider must
 34 satisfactorily complete an initial ~~a~~ training course conducted
 35 by an agency-approved trainer of not less than 6 ~~4~~ hours in
 36 medication administration and be found competent to supervise
 37 the self-administration of medication by a client and ~~or~~ to
 38 administer medication to a client in a safe and sanitary manner.
 39 ~~Competency must be assessed and validated at least annually in~~
 40 ~~an onsite setting and must include personally observing the~~
 41 ~~direct service provider satisfactorily:~~

42 (a) The competency of the unlicensed direct service
 43 provider to supervise and administer otic, transdermal, and
 44 topical medication must be assessed and validated using
 45 simulation during the initial training course, and need not be
 46 revalidated annually. ~~Supervising the self-administration of~~
 47 ~~medication by a client; and~~

48 (b) Competency must be validated initially and revalidated
 49 annually for oral, enteral, ophthalmic, rectal, and inhaled
 50 medication administration. The initial validation and annual

ENROLLED

CS/CS/HB 1373

2018 Legislature

51 revalidations of medication administration must be performed
 52 onsite with an actual client using the client's actual
 53 medication and must include the validating practitioner
 54 personally observing the unlicensed direct service provider
 55 satisfactorily:

56 1. Supervising the oral, enteral, ophthalmic, rectal, or
 57 inhaled self-administration of medication by a client; and

58 2. Administering medication to a client by oral, enteral,
 59 ophthalmic, rectal, or inhaled medication routes.

60 (c)1. An unlicensed direct service provider who completes
 61 the required initial training course and is validated in the
 62 oral or enteral route of medication administration is not
 63 required to retake the initial training course unless he or she
 64 fails to maintain annual validation in the oral or enteral
 65 route, in which case, the provider must complete the initial 6-
 66 hour training course again and obtain all required validations
 67 before he or she may supervise the self-administration of
 68 medication by a client or administer medication to a client.

69 2. If the unlicensed direct service provider has already
 70 completed an initial training course of at least 4 hours and has
 71 a current validation for oral or enteral routes of medication
 72 administration on or before July 1, 2018, he or she is not
 73 required to complete the initial 6-hour training course. If for
 74 any reason the unlicensed direct service provider fails to meet
 75 the annual validation requirement for oral or enteral medication

ENROLLED

CS/CS/HB 1373

2018 Legislature

76 administration, or the annual inservice training requirement in
 77 subsection (4), the unlicensed direct service provider must
 78 satisfactorily complete the initial training course again and
 79 obtain all required validations before he or she may supervise
 80 the self-administration of medication by a client or administer
 81 medication to a client.

82 3. If an unlicensed direct service provider has completed
 83 an initial training course of at least 4 hours but has not
 84 obtained validation for otic, transdermal, or topical medication
 85 administration before July 1, 2018, that direct service provider
 86 must obtain validation before administering otic, transdermal,
 87 and topical medication, which may be performed through
 88 simulation.

89 (3) Only an unlicensed direct service provider who has met
 90 the training requirements of this section and who has been
 91 validated as competent may administer medication to a client. In
 92 addition, a direct service provider who is not currently
 93 licensed to administer medication may supervise the self-
 94 administration of medication by a client or may administer
 95 medication to a client only if the client, or the client's
 96 guardian or legal representative, has given his or her informed
 97 written consent.

98 (4) An unlicensed direct service provider must annually
 99 and satisfactorily complete a 2-hour agency-developed inservice
 100 training course in medication administration and medication

ENROLLED

CS/CS/HB 1373

2018 Legislature

101 error prevention conducted by an agency-approved trainer. The
102 in-service training course shall count toward annual in-service
103 training hours required by agency rules or by the rules of the
104 Agency for Health Care Administration. This subsection may not
105 be construed to require an increase in the total number of hours
106 required for annual in-service training for direct service
107 providers. Administering medication to a client.

108 ~~(3) A direct service provider may supervise the self-~~
109 ~~administration of medication by a client or may administer~~
110 ~~medication to a client only if the client, or the client's~~
111 ~~guardian or legal representative, has given his or her informed~~
112 ~~consent to self-administering medication under the supervision~~
113 ~~of an unlicensed direct service provider or to receiving~~
114 ~~medication administered by an unlicensed direct service~~
115 ~~provider. Such informed consent must be based on a description~~
116 ~~of the medication routes and procedures that the direct service~~
117 ~~provider is authorized to supervise or administer. Only a~~
118 ~~provider who has received appropriate training and has been~~
119 ~~validated as competent may supervise the self-administration of~~
120 ~~medication by a client or may administer medication to a client.~~

121 (5)(4) The training, determination of competency, and
122 initial and annual validations validation required in this
123 section shall be conducted by a registered nurse licensed
124 pursuant to chapter 464 or by a licensed practical nurse in
125 accordance with the requirements of chapter 464. A physician

ENROLLED

CS/CS/HB 1373

2018 Legislature

126 | licensed pursuant to chapter 458 or chapter 459 may validate or
127 | revalidate competency.

128 | ~~(6)-(5)~~ The agency shall establish by rule standards and
129 | procedures that an unlicensed a direct service provider must
130 | follow when supervising the self-administration of medication by
131 | a client and when administering medication to a client. Such
132 | rules must, at a minimum, address qualification requirements for
133 | trainers, requirements for labeling medication, documentation
134 | and recordkeeping, the storage and disposal of medication,
135 | instructions concerning the safe administration of medication or
136 | supervision of self-administered medication, informed-consent
137 | requirements and records, and the training curriculum and
138 | validation procedures. The agency shall adopt rules to establish
139 | methods of enforcement to ensure compliance with this section.

140 | Section 2. This act shall take effect July 1, 2018.