

By Senator Passidomo

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1                   A bill to be entitled  
2       An act relating to the Agency for Persons with  
3       Disabilities; amending s. 393.18, F.S.; prohibiting  
4       the agency from issuing a license to a new  
5       comprehensive transitional education program after a  
6       specified date; prohibiting the agency from renewing  
7       the license of an existing comprehensive transitional  
8       education program after a specified date; amending s.  
9       393.506, F.S.; revising competency assessment and  
10      validation requirements for direct service providers  
11      who administer or supervise the self-administration of  
12      medication; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16       Section 1. Subsection (2) of section 393.18, Florida  
17       Statutes, is amended to read:

18       393.18 Comprehensive transitional education program.—A  
19       comprehensive transitional education program serves individuals  
20       who have developmental disabilities, severe maladaptive  
21       behaviors, severe maladaptive behaviors and co-occurring complex  
22       medical conditions, or a dual diagnosis of developmental  
23       disability and mental illness. Services provided by the program  
24       must be temporary in nature and delivered in a manner designed  
25       to achieve the primary goal of incorporating the principles of  
26       self-determination and person-centered planning to transition  
27       individuals to the most appropriate, least restrictive community  
28       living option of their choice which is not operated as a  
29       comprehensive transitional education program. The supervisor of

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30 the clinical director of the program licensee must hold a  
31 doctorate degree with a primary focus in behavior analysis from  
32 an accredited university, be a certified behavior analyst  
33 pursuant to s. 393.17, and have at least 1 year of experience in  
34 providing behavior analysis services for individuals in  
35 developmental disabilities. The staff must include behavior  
36 analysts and teachers, as appropriate, who must be available to  
37 provide services in each component center or unit of the  
38 program. A behavior analyst must be certified pursuant to s.  
39 393.17.

40 (2) Components of a comprehensive transitional education  
41 program are subject to the license issued under s. 393.067 to a  
42 comprehensive transitional education program and may be located  
43 on a single site or multiple sites as long as such components  
44 are located within the same agency region.

45  
46 After July 1, 2018, the agency may not issue a license to a new  
47 comprehensive transitional education program. After December 31,  
48 2020, the agency may not renew the license of any existing  
49 comprehensive transitional education program.

50 Section 2. Subsections (2) and (4) of section 393.506,  
51 Florida Statutes, are amended, and subsections (1), (3), and (5)  
52 of that section are republished, to read:

53 393.506 Administration of medication.—

54 (1) A direct service provider who is not currently licensed  
55 to administer medication may supervise the self-administration  
56 of medication or may administer oral, transdermal, ophthalmic,  
57 otic, rectal, inhaled, enteral, or topical prescription  
58 medications to a client as provided in this section.

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59 (2) In order to supervise the self-administration of  
60 medication or to administer medications as provided in  
61 subsection (1), a direct service provider must satisfactorily  
62 complete a training course of not less than 8 4 hours in  
63 medication administration and be found competent to supervise  
64 the self-administration of medication by a client or to  
65 administer medication to a client in a safe and sanitary manner.

66 (a) Competency must be assessed and validated at least  
67 annually if oral or enteral medication administration is  
68 performed in the an onsite setting and must include personally  
69 observing the direct service provider satisfactorily:

70 1. ~~(a)~~ Supervising the oral or enteral self-administration  
71 of medication by a client; and

72 2. ~~(b)~~ Orally or enterally administering medication to a  
73 client.

74  
75 As a prerequisite to revalidation, a direct service provider  
76 must annually and satisfactorily complete a 2-hour course in  
77 medication administration and error prevention provided by the  
78 agency or its designee.

79 (b) Competency must be assessed and validated during the  
80 initial medication administration training course if otic,  
81 transdermal, or topical medication administration is performed  
82 in the onsite setting. The competency assessment must include  
83 personally observing the direct service provider satisfactorily  
84 simulating otic, transdermal, or topical medication  
85 administration.

86 (c) Competency must be assessed and validated and need not  
87 be revalidated if ophthalmic, rectal, or inhaled medication

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88 administration is performed in the onsite setting. The  
89 competency assessment must include the performance of  
90 ophthalmic, rectal, or inhaled medication administration on an  
91 actual client in the onsite setting.

92 (3) A direct service provider may supervise the self-  
93 administration of medication by a client or may administer  
94 medication to a client only if the client, or the client's  
95 guardian or legal representative, has given his or her informed  
96 consent to self-administering medication under the supervision  
97 of an unlicensed direct service provider or to receiving  
98 medication administered by an unlicensed direct service  
99 provider. Such informed consent must be based on a description  
100 of the medication routes and procedures that the direct service  
101 provider is authorized to supervise or administer. Only a  
102 provider who has received appropriate training and has been  
103 validated as competent may supervise the self-administration of  
104 medication by a client or may administer medication to a client.

105 (4) The determination of competency and annual validation  
106 described ~~required~~ in this section shall be conducted by a  
107 registered nurse licensed pursuant to chapter 464 or a physician  
108 licensed pursuant to chapter 458 or chapter 459.

109 (5) The agency shall establish by rule standards and  
110 procedures that a direct service provider must follow when  
111 supervising the self-administration of medication by a client  
112 and when administering medication to a client. Such rules must,  
113 at a minimum, address requirements for labeling medication,  
114 documentation and recordkeeping, the storage and disposal of  
115 medication, instructions concerning the safe administration of  
116 medication or supervision of self-administered medication,

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117 informed-consent requirements and records, and the training  
118 curriculum and validation procedures.

119 Section 3. This act shall take effect July 1, 2018.