

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senator Passidomo

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1 A bill to be entitled
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 if specified requirements
7 are met; providing validation requirements for the
8 competency and skills of unlicensed direct service
9 providers; providing that an unlicensed direct service
10 provider may administer medication to a client only if
11 he or she has met specified training requirements and
12 has been validated as competent; prohibiting such
13 administration and the supervision of self-
14 administration without specified informed written
15 consent; requiring unlicensed direct service providers
16 to complete an annual inservice training course in
17 medication administration and medication error
18 prevention developed by the Agency for Persons with
19 Disabilities; providing that such training counts
20 toward training required by agency or Agency for
21 Health Care Administration rule; providing
22 construction; providing that training, the
23 determination of competency, and initial and annual
24 validations be conducted by a registered nurse or by a
25 licensed practical nurse; providing that certain
26 physicians may validate or revalidate competency;
27 requiring the Agency for Persons with Disabilities to
28 adopt certain rules; providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 393.506, Florida Statutes, is amended to
33 read:

34 393.506 Administration of medication.—

35 (1) An unlicensed ~~A~~ direct service provider ~~who is not~~
36 ~~currently licensed to administer medication~~ may supervise the
37 self-administration of medication or may administer oral,
38 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
39 topical prescription medications to a client if the unlicensed
40 direct service provider meets the requirements of ~~as provided in~~
41 this section.

42 (2) In order to supervise the self-administration of
43 medication or to administer medications as provided in
44 subsection (1), an unlicensed ~~a~~ direct service provider must
45 satisfactorily complete an initial ~~a~~ training course conducted
46 by an agency-approved trainer of not less than 6 ~~4~~ hours in
47 medication administration and be found competent to supervise
48 the self-administration of medication by a client and ~~or~~ to
49 administer medication to a client in a safe and sanitary manner.
50 ~~Competency must be assessed and validated at least annually in~~
51 ~~an onsite setting and must include personally observing the~~
52 ~~direct service provider satisfactorily:~~

53 (a) The competency of the unlicensed direct service
54 provider to supervise and administer otic, transdermal, and
55 topical medication must be assessed and validated using
56 simulation during the initial training course, and need not be
57 revalidated annually. ~~Supervising the self-administration of~~
58 ~~medication by a client; and~~

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59 (b) Competency must be validated initially and revalidated
60 annually for oral, enteral, ophthalmic, rectal, and inhaled
61 medication administration. The initial validation and annual
62 revalidations of medication administration must be performed
63 onsite with an actual client using the client's actual
64 medication and must include the validating practitioner
65 personally observing the unlicensed direct service provider
66 satisfactorily:

- 67 1. Supervising the oral, enteral, ophthalmic, rectal, or
68 inhaled self-administration of medication by a client; and
69 2. Administering medication to a client by oral, enteral,
70 ophthalmic, rectal, or inhaled medication routes.

71 (c)1. An unlicensed direct service provider who completes
72 the required initial training course and is validated in the
73 oral or enteral route of medication administration is not
74 required to retake the initial training course unless he or she
75 fails to maintain annual validation in the oral or enteral
76 route, in which case, the provider must complete the initial 6-
77 hour training course again and obtain all required validations
78 before he or she may supervise the self-administration of
79 medication by a client or administer medication to a client.

80 2. If the unlicensed direct service provider has already
81 completed an initial training course of at least 4 hours and has
82 a current validation for oral or enteral routes of medication
83 administration on or before July 1, 2018, he or she is not
84 required to complete the initial 6-hour training course. If for
85 any reason the unlicensed direct service provider fails to meet
86 the annual validation requirement for oral or enteral medication
87 administration, or the annual inservice training requirement in

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88 subsection (4), the unlicensed direct service provider must
89 satisfactorily complete the initial training course again and
90 obtain all required validations before he or she may supervise
91 the self-administration of medication by a client or administer
92 medication to a client.

93 3. If an unlicensed direct service provider has completed
94 an initial training course of at least 4 hours but has not
95 obtained validation for otic, transdermal, or topical medication
96 administration before July 1, 2018, that direct service provider
97 must obtain validation before administering otic, transdermal,
98 and topical medication, which may be performed through
99 simulation.

100 (3) An unlicensed direct service provider may administer
101 medication to a client only if the provider has met the training
102 requirements of this section and has been validated as
103 competent. An unlicensed direct service provider may not
104 supervise the self-administration of medication by a client or
105 administer medication to a client unless the client or the
106 client's guardian or legal representative has given his or her
107 informed written consent.

108 (4) An unlicensed direct service provider must annually and
109 satisfactorily complete a 2-hour agency-developed inservice
110 training course in medication administration and medication
111 error prevention conducted by an agency-approved trainer. The
112 inservice training course shall count toward annual inservice
113 training hours required by agency rule or by Agency for Health
114 Care Administration rule. This subsection may not be construed
115 to require an increase in the total number of hours required for
116 annual inservice training for direct service providers

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117 ~~Administering medication to a client.~~

118 ~~(3) A direct service provider may supervise the self-~~
119 ~~administration of medication by a client or may administer~~
120 ~~medication to a client only if the client, or the client's~~
121 ~~guardian or legal representative, has given his or her informed~~
122 ~~consent to self-administering medication under the supervision~~
123 ~~of an unlicensed direct service provider or to receiving~~
124 ~~medication administered by an unlicensed direct service~~
125 ~~provider. Such informed consent must be based on a description~~
126 ~~of the medication routes and procedures that the direct service~~
127 ~~provider is authorized to supervise or administer. Only a~~
128 ~~provider who has received appropriate training and has been~~
129 ~~validated as competent may supervise the self-administration of~~
130 ~~medication by a client or may administer medication to a client.~~

131 ~~(5)~~(4) The training, determination of competency, and
132 initial and annual validations ~~validation~~ required in this
133 section shall be conducted by a registered nurse licensed
134 pursuant to chapter 464 or by a licensed practical nurse in
135 accordance with the requirements of chapter 464. A physician
136 licensed pursuant to chapter 458 or chapter 459 may validate or
137 revalidate competency.

138 ~~(6)~~(5) The agency shall establish by rule standards and
139 procedures that an unlicensed ~~a~~ direct service provider must
140 follow when supervising the self-administration of medication by
141 a client and when administering medication to a client. Such
142 rules must, at a minimum, address qualification requirements for
143 trainers, requirements for labeling medication, documentation
144 and recordkeeping, the storage and disposal of medication,
145 instructions concerning the safe administration of medication or

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146 supervision of self-administered medication, informed-consent
147 requirements and records, and the training curriculum and
148 validation procedures. The agency shall adopt rules to establish
149 methods of enforcement to ensure compliance with this section.

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