

1 A bill to be entitled
 2 An act relating to delegation of the administration of
 3 prescription medications; amending s. 400.506, F.S.;
 4 requiring a nurse registry that authorizes a
 5 registered nurse to delegate tasks to a certified
 6 nursing assistant or a home health aide to ensure that
 7 certain requirements are met; amending s. 464.0156,
 8 F.S.; authorizing a registered nurse to delegate the
 9 administration of certain duties for the care of a
 10 patient of a nurse registry; amending s. 464.2035,
 11 F.S.; authorizing certified nursing assistants to
 12 administer certain medication to patients of nurse
 13 registries under certain circumstances; providing an
 14 effective date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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 18 Section 1. Subsection (7) of section 400.506, Florida
 19 Statutes, is amended to read:

20 400.506 Licensure of nurse registries; requirements;
 21 penalties.—

22 (7) A person who is referred by a nurse registry for
 23 contract in private residences and who is not a nurse licensed
 24 under part I of chapter 464 may perform only those services or
 25 care to clients that the person has been certified to perform or

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26 | trained to perform as required by law or rules of the Agency for
27 | Health Care Administration or the Department of Business and
28 | Professional Regulation. Providing services beyond the scope
29 | authorized under this subsection constitutes the unauthorized
30 | practice of medicine or a violation of the Nurse Practice Act
31 | and is punishable as provided under chapter 458, chapter 459, or
32 | part I of chapter 464. If a nurse registry authorizes a
33 | registered nurse to delegate tasks, including medication
34 | administration, to a certified nursing assistant under chapter
35 | 464 or to a home health aide under s. 400.490, the nurse
36 | registry must ensure that such delegation meets the requirements
37 | of this chapter and chapter 464 and the rules adopted
38 | thereunder.

39 | Section 2. Subsection (2) of section 464.0156, Florida
40 | Statutes, is amended to read:

41 | 464.0156 Delegation of duties.—

42 | (2) A registered nurse may delegate to a certified nursing
43 | assistant or a home health aide the administration of oral,
44 | transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
45 | topical prescription medications to a patient of a home health
46 | agency or nurse registry, if the certified nursing assistant or
47 | home health aide meets the requirements of s. 464.2035 or s.
48 | 400.489, respectively. A registered nurse may not delegate the
49 | administration of any controlled substance listed in Schedule
50 | II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.

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51 812.

52 Section 3. Subsections (1) and (3) of section 464.2035,
53 Florida Statutes, are amended to read:

54 464.2035 Administration of medication.—

55 (1) A certified nursing assistant may administer oral,
56 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
57 topical prescription medication to a patient of a home health
58 agency or nurse registry if the certified nursing assistant has
59 been delegated such task by a registered nurse licensed under
60 part I of this chapter, has satisfactorily completed an initial
61 6-hour training course approved by the board, and has been found
62 competent to administer medication to a patient in a safe and
63 sanitary manner. The training, determination of competency, and
64 initial and annual validation required under this section must
65 be conducted by a registered nurse licensed under this chapter
66 or a physician licensed under chapter 458 or chapter 459.

67 (3) The board, in consultation with the Agency for Health
68 Care Administration, shall establish by rule standards and
69 procedures that a certified nursing assistant must follow when
70 administering medication to a patient of a home health agency or
71 nurse registry. Such rules must, at a minimum, address
72 qualification requirements for trainers, requirements for
73 labeling medication, documentation and recordkeeping, the
74 storage and disposal of medication, instructions concerning the
75 safe administration of medication, informed-consent requirements

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76 | and records, and the training curriculum and validation
77 | procedures.

78 | Section 4. This act shall take effect July 1, 2022.