

By Senator Powell

30-00303A-22

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1 A bill to be entitled
2 An act relating to the family caregiver certified
3 nursing assistant program; amending s. 464.201, F.S.;
4 defining the terms "family caregiver" and "relative";
5 creating s. 464.2031, F.S.; requiring the Board of
6 Nursing, in consultation with the Agency for Health
7 Care Administration, to develop a program to train and
8 certify family caregivers as certified nursing
9 assistants for a specified purpose; specifying
10 requirements for the program; authorizing family
11 caregivers who complete the program to take the
12 nursing assistant competency examination; providing
13 that such caregivers who pass the examination are
14 eligible for certification as a nursing assistant;
15 providing conditions on certification for family
16 caregivers who obtain certification as nursing
17 assistants; providing for the lifting of conditions
18 after a specified period; authorizing the board, in
19 consultation with the agency, to adopt rules; amending
20 s. 464.203, F.S.; revising certification requirements
21 for certified nursing assistants to conform to changes
22 made by the act; providing an effective date.

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

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26 Section 1. Present subsections (5) and (6) of section
27 464.201, Florida Statutes, are redesignated as subsections (6)
28 and (7), respectively, and a new subsection (5) and subsection
29 (8) are added to that section, to read:

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30 464.201 Definitions.—As used in this part, the term:

31 (5) "Family caregiver" means a person who provides or
32 intends to provide significant personal care and assistance to a
33 relative who has an underlying physical or cognitive condition
34 that prevents him or her from safely living independently.

35 (8) "Relative" means a parent, spouse, child, sibling,
36 grandparent, great-grandparent, first cousin, aunt, uncle,
37 great-aunt, great-uncle, niece, or nephew, whether related by
38 whole or half blood, by marriage, or by adoption.

39 Section 2. Section 464.2031, Florida Statutes, is created
40 to read:

41 464.2031 Family caregiver certified nursing assistant
42 program.—

43 (1) The board, in consultation with the Agency for Health
44 Care Administration, shall develop a program in accordance with
45 42 C.F.R. ss. 483.151-483.154 to train and certify family
46 caregivers as certified nursing assistants to increase the
47 health care workforce in this state and authorize persons to
48 provide trained nursing services to their relatives. A person
49 who is a caregiver to a relative and wants to serve as the
50 relative's designated certified nursing assistant may
51 participate in the program.

52 (2) The program must consist of at least 84 hours of
53 training, including all of the following:

54 (a) A minimum of 40 hours of theoretical instruction in
55 nursing, including, but not limited to, instruction on:

56 1. Person-centered care.

57 2. The aging process.

58 3. Communication and interpersonal skills.

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- 59 4. Infection control.
60 5. Safety and emergency procedures.
61 6. Assistance with activities of daily living.
62 7. Dementia care.
63 8. End-of-life care.
64 9. Mental health and social service needs.
65 10. Care of cognitively impaired individuals.
66 11. Basic restorative care and rehabilitation.
67 12. Patient rights and confidentiality of personal
68 information and medical records.
69 13. Relevant legal and ethical issues.

70
71 Such instruction must be offered in various formats, and any
72 interactive instruction must be provided during various times of
73 the day.

74 (b) A minimum of 28 hours of skills training on basic
75 nursing skills, including, but not limited to:

- 76 1. Hygiene, grooming, and toileting.
77 2. Infection control.
78 3. Skin care and pressure sore prevention.
79 4. Nutrition and hydration.
80 5. Measuring vital signs, height, and weight.
81 6. Safe lifting, positioning, and moving of patients.
82 7. Wound care.
83 8. Portable oxygen use and safety and other respiratory
84 procedures.
85 9. Peripheral intravenous assistive activities and
86 alternative feeding methods.
87 10. Urinary catheterization and ostomy care.

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88 (c) At least 16 hours of clinical training under direct
89 supervision of a licensed registered nurse, to be completed in
90 at least two separate shifts and in a board-approved health care
91 facility.

92 (3) A family caregiver who completes the program may take
93 the nursing assistant competency examination and is eligible for
94 certification to practice as a certified nursing assistant under
95 s. 464.203(1)(e) upon passing the examination.

96 (4) A family caregiver who obtains certification under s.
97 464.203(1)(e) after completing the program, as a condition of
98 certification, must serve as a designated certified nursing
99 assistant for his or her relative under contract with a licensed
100 nurse registry for at least 2 years. After 2 years of such
101 practice, a certified nursing assistant may practice in any
102 setting authorized by law and is not required to contract with a
103 licensed nurse registry.

104 (5) The board, in consultation with the Agency for Health
105 Care Administration, may adopt rules to implement this section.

106 Section 3. Paragraph (e) is added to subsection (1) of
107 section 464.203, Florida Statutes, to read:

108 464.203 Certified nursing assistants; certification
109 requirement.—

110 (1) The board shall issue a certificate to practice as a
111 certified nursing assistant to any person who demonstrates a
112 minimum competency to read and write and successfully passes the
113 required background screening pursuant to s. 400.215. If the
114 person has successfully passed the required background screening
115 pursuant to s. 400.215 or s. 408.809 within 90 days before
116 applying for a certificate to practice and the person's

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117 background screening results are not retained in the
118 clearinghouse created under s. 435.12, the board shall waive the
119 requirement that the applicant successfully pass an additional
120 background screening pursuant to s. 400.215. The person must
121 also meet one of the following requirements:

122 (e) Has completed the program developed by the board under
123 s. 464.2031 and achieved a minimum score, established by rule of
124 the board, on the nursing assistant competency examination,
125 which consists of a written portion and skills-demonstration
126 portion, approved by the board and administered at a site and by
127 personnel approved by the department.

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