

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Finance & Facilities
2 Subcommittee

3 Representative Trabulsy offered the following:

4

5 **Amendment**

6 Remove lines 22-111 and insert:

7 Section 1. Section 400.488, Florida Statutes, is amended
8 to read:

9 400.488 Assistance with self-administration of medication
10 and with other tasks.-

11 (1) For purposes of this section, the term:

12 (a) "Informed consent" means advising the patient, or the
13 patient's surrogate, guardian, or attorney in fact, that the
14 patient may be receiving assistance with self-administration of
15 medication or other tasks from an unlicensed person.

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16 (b) "Unlicensed person" means an individual not currently
17 licensed to practice nursing or medicine who is employed by or
18 under contract to a home health agency and who has received
19 training with respect to assisting with the self-administration
20 of medication or other tasks as provided by agency rule.

21 (2) Patients who are capable of self-administering their
22 own medications and performing other tasks without assistance
23 shall be encouraged and allowed to do so. However, an unlicensed
24 person may, consistent with a dispensed prescription's label or
25 the package directions of an over-the-counter medication, assist
26 a patient whose condition is medically stable with the self-
27 administration of routine, regularly scheduled medications that
28 are intended to be self-administered. An unlicensed person may
29 also provide assistance with other tasks specified in subsection
30 (6). Assistance with self-administration of medication or such
31 other tasks ~~self-medication~~ by an unlicensed person may occur
32 only upon a documented request by, and the written informed
33 consent of, a patient or the patient's surrogate, guardian, or
34 attorney in fact. For purposes of this section, self-
35 administered medications include both legend and over-the-
36 counter oral dosage forms, topical dosage forms, transdermal
37 patches, and topical ophthalmic, otic, and nasal dosage forms,
38 including solutions, suspensions, sprays, inhalers, and
39 nebulizer treatments.

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40 (3) Assistance with self-administration of medication
41 includes:

42 (a) Taking the medication, in its previously dispensed,
43 properly labeled container, from where it is stored and bringing
44 it to the patient. For purposes of this paragraph, an insulin
45 syringe that is prefilled with the proper dosage by a pharmacist
46 and an insulin pen that is prefilled by the manufacturer are
47 considered medications in previously dispensed, properly labeled
48 containers.

49 (b) In the presence of the patient, confirming that the
50 medication is intended for that patient, orally advising the
51 patient of the medication name and purpose, opening the
52 container, removing a prescribed amount of medication from the
53 container, and closing the container.

54 (c) Placing an oral dosage in the patient's hand or
55 placing the dosage in another container and helping the patient
56 by lifting the container to his or her mouth.

57 (d) ~~Applying topical medications, including routine~~
58 ~~preventive skin care and applying and replacing bandages for~~
59 ~~minor cuts and abrasions as provided by the agency in rule.~~

60 (e) Returning the medication container to proper storage.

61 (f) ~~For nebulizer treatments, assisting with setting up~~
62 ~~and cleaning the device in the presence of the patient,~~
63 ~~confirming that the medication is intended for that patient,~~
64 ~~orally advising the patient of the medication name and purpose,~~

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65 ~~opening the container, removing the prescribed amount for a~~
66 ~~single treatment dose from a properly labeled container, and~~
67 ~~assisting the patient with placing the dose into the medicine~~
68 ~~receptacle or mouthpiece.~~

69 ~~(g)~~ Keeping a record of when a patient receives assistance
70 with self-administration under this section.

71 (g) Assisting with the use of a nebulizer, including
72 removing the cap of a nebulizer, opening the unit dose of
73 nebulizer solutions, and pouring the prescribed premeasured dose
74 of medication into the dispensing cup of the nebulizer.

75 (4) Assistance with self-administration of medication does
76 not include:

77 (a) Mixing, compounding, converting, or calculating
78 medication doses, except for measuring a prescribed amount of
79 liquid medication or breaking a scored tablet or crushing a
80 tablet as prescribed.

81 (b) The preparation of syringes for injection or the
82 administration of medications by any injectable route.

83 ~~(c) Administration of medications through intermittent~~
84 ~~positive pressure breathing machines or a nebulizer.~~

85 ~~(d)~~ Administration of medications by way of a tube
86 inserted in a cavity of the body.

87 (d)-(e) Administration of parenteral preparations.

88 (e)-(f) The use of irrigations ~~Irrigations~~ or debriding
89 agents used in the treatment of a skin condition.

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90 (f)-(g) Assisting with rectal ~~Rectal~~, urethral, or vaginal
91 preparations.

92 (g)-(h) Assisting with medications ~~Medications~~ ordered by
93 the physician or health care professional with prescriptive
94 authority to be given "as needed," unless the order is written
95 with specific parameters that preclude independent judgment on
96 the part of the unlicensed person, and at the request of a
97 competent patient.

98 (h)-(i) Medications for which the time of administration,
99 the amount, the strength of dosage, the method of
100 administration, or the reason for administration requires
101 judgment or discretion on the part of the unlicensed person.

102 (5) Assistance with the self-administration of medication
103 by an unlicensed person as described in this section does not
104 constitute administration as defined in s. 465.003.

105 (6) Assistance with other tasks includes:

106 (a) Assisting with using a glucometer to perform blood-
107 glucose level checks.

108 (b) Assisting with putting on and taking off antiembolism
109 stockings.

110 (c) Assisting with applying and removing an oxygen cannula
111 but not with titrating the prescribed oxygen settings.

112 (d) Assisting with the use of a continuous positive airway
113 pressure device but not with titrating the prescribed setting of
114 the device.

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115 | (e) Assisting with measuring vital signs.
116 | (f) Assisting with colostomy bags.
117 | ~~(7)-(6)~~ The agency may by rule establish procedures and
118 | interpret terms as necessary to administer this section.
119 |