

1 A bill to be entitled
2 An act relating to patient care in health care
3 facilities; amending s. 400.488, F.S.; revising the
4 definitions of the terms "informed consent" and
5 "unlicensed person"; authorizing unlicensed persons to
6 assist patients with other specified tasks; revising
7 provisions relating to medications and devices with
8 which unlicensed persons may assist patients in self-
9 administration under certain circumstances; amending
10 s. 401.252, F.S.; specifying staffing requirements for
11 advanced life support ambulances during interfacility
12 transfers; providing that the person occupying the
13 ambulance who has the highest medical certification in
14 this state is in charge of patient care during the
15 transfer; amending s. 464.0156, F.S.; revising the
16 list of medications that a registered nurse may
17 delegate the administration of to a certified nursing
18 assistant or home health aide; amending ss. 401.25,
19 401.27, and 429.256, F.S.; conforming provisions to
20 changes made by the act; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 400.488, Florida Statutes, is amended
25 to read:

26 400.488 Assistance with self-administration of medication
 27 and with other tasks.—

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

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

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

38 (2) Patients who are capable of self-administering their
 39 own medications and performing other tasks without assistance
 40 shall be encouraged and allowed to do so. However, an unlicensed
 41 person may, consistent with a dispensed prescription's label or
 42 the package directions of an over-the-counter medication, assist
 43 a patient whose condition is medically stable with the self-
 44 administration of routine, regularly scheduled medications that
 45 are intended to be self-administered. An unlicensed person may
 46 also provide assistance with other tasks specified in subsection
 47 (6). Assistance with self-administration of medication or such
 48 other tasks ~~self-medication~~ by an unlicensed person may occur
 49 only upon a documented request by, and the written informed
 50 consent of, a patient or the patient's surrogate, guardian, or

51 attorney in fact. For purposes of this section, self-
52 administered medications include both legend and over-the-
53 counter oral dosage forms, topical dosage forms, transdermal
54 patches, and topical ophthalmic, otic, and nasal dosage forms,
55 including solutions, suspensions, sprays, inhalers, and
56 nebulizer treatments.

57 (3) Assistance with self-administration of medication
58 includes:

59 (a) Taking the medication, in its previously dispensed,
60 properly labeled container, from where it is stored and bringing
61 it to the patient. For purposes of this paragraph, an insulin
62 syringe that is prefilled with the proper dosage by a pharmacist
63 and an insulin pen that is prefilled by the manufacturer are
64 considered medications in previously dispensed, properly labeled
65 containers.

66 (b) In the presence of the patient, confirming that the
67 medication is intended for that patient, orally advising the
68 patient of the medication name and purpose, opening the
69 container, removing a prescribed amount of medication from the
70 container, and closing the container.

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

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

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

78 ~~(f) For nebulizer treatments, assisting with setting up~~
 79 ~~and cleaning the device in the presence of the patient,~~
 80 ~~confirming that the medication is intended for that patient,~~
 81 ~~orally advising the patient of the medication name and purpose,~~
 82 ~~opening the container, removing the prescribed amount for a~~
 83 ~~single treatment dose from a properly labeled container, and~~
 84 ~~assisting the patient with placing the dose into the medicine~~
 85 ~~receptacle or mouthpiece.~~

86 (f)-(g) Keeping a record of when a patient receives
 87 assistance with self-administration under this section.

88 (g) Assisting with the use of a nebulizer, including
 89 removing the cap of a nebulizer, opening the unit dose of
 90 nebulizer solutions, and pouring the prescribed premeasured dose
 91 of medication into the dispensing cup of the nebulizer.

92 (4) Assistance with self-administration of medication does
 93 not include:

94 (a) Mixing, compounding, converting, or calculating
 95 medication doses, except for measuring a prescribed amount of
 96 liquid medication or breaking a scored tablet or crushing a
 97 tablet as prescribed.

98 (b) The preparation of syringes for injection or the
 99 administration of medications by any injectable route.
 100 ~~(c) Administration of medications through intermittent~~
 101 ~~positive pressure breathing machines or a nebulizer.~~
 102 (c)~~(d)~~ Administration of medications by way of a tube
 103 inserted in a cavity of the body.
 104 (d)~~(e)~~ Administration of parenteral preparations.
 105 (e)~~(f)~~ The use of irrigations or debriding agents used in
 106 the treatment of a skin condition.
 107 (f)~~(g)~~ Assisting with rectal, urethral, or vaginal
 108 preparations.
 109 (g)~~(h)~~ Assisting with medications ordered by the physician
 110 or health care professional with prescriptive authority to be
 111 given "as needed," unless the order is written with specific
 112 parameters that preclude independent judgment on the part of the
 113 unlicensed person, and at the request of a competent patient.
 114 (h)~~(i)~~ Medications for which the time of administration,
 115 the amount, the strength of dosage, the method of
 116 administration, or the reason for administration requires
 117 judgment or discretion on the part of the unlicensed person.
 118 (5) Assistance with the self-administration of medication
 119 by an unlicensed person as described in this section does not
 120 constitute administration as defined in s. 465.003.
 121 (6) Assistance with other tasks includes:

122 (a) Assisting with the use of a glucometer to perform
 123 blood-glucose level checks.

124 (b) Assisting with putting on and taking off antiembolism
 125 stockings.

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

128 (d) Assisting with the use of a continuous positive airway
 129 pressure device but not with titrating the prescribed setting of
 130 the device.

131 (e) Assisting with measuring vital signs.

132 (f) Assisting with colostomy bags.

133 ~~(7)~~~~(6)~~ The agency may by rule establish procedures and
 134 interpret terms as necessary to administer this section.

135 Section 2. Section 401.252, Florida Statutes, is amended
 136 to read:

137 401.252 Interfacility transfer.—

138 (1) When conducting an interfacility transfer, a permitted
 139 advanced life support ambulance must be occupied by at least two
 140 persons: one patient attendant who is a certified paramedic, a
 141 registered nurse authorized under subsection (2), or a licensed
 142 physician; and one who is a certified emergency medical
 143 technician, a certified paramedic, a licensed physician, or an
 144 ambulance driver who meets the driver requirements of s.

145 401.281. The person occupying the ambulance who has the highest
 146 medical certification in this state is in charge of patient care

147 | during the interfacility transfer.

148 | (2) A licensed basic or advanced life support ambulance
149 | service may conduct interfacility transfers in a permitted
150 | ambulance~~7~~ using a registered nurse in place of an emergency
151 | medical technician or paramedic~~7~~ if:

152 | (a) The registered nurse holds a current certificate of
153 | successful course completion in advanced cardiac life support;

154 | (b) The physician in charge has granted permission for
155 | such a transfer, has designated the level of service required
156 | for such transfer, and has deemed the patient to be in such a
157 | condition appropriate to this type of ambulance staffing; and

158 | (c) The registered nurse operates within the scope of part
159 | I of chapter 464.

160 | (3)~~(2)~~ A licensed basic or advanced life support service
161 | may conduct interfacility transfers in a permitted ambulance if
162 | the patient's treating physician certifies that the transfer is
163 | medically appropriate and the physician provides reasonable
164 | transfer orders. An interfacility transfer must be conducted in
165 | a permitted ambulance if it is determined that the patient
166 | needs, or is likely to need, medical attention during transport.
167 | If the emergency medical technician or paramedic believes the
168 | level of patient care required during the transfer is beyond his
169 | or her capability, the medical director, or his or her designee,
170 | must be contacted for clearance prior to conducting the
171 | transfer. If necessary, the medical director, or his or her

172 designee, shall attempt to contact the treating physician for
 173 consultation to determine the appropriateness of the transfer.

174 ~~(4)-(3)~~ Infants younger ~~less~~ than 28 days old or ~~infants~~
 175 weighing less than 5 kilograms, who require critical care
 176 interfacility transport to a neonatal intensive care unit must~~7~~
 177 ~~shall~~ be transported in a permitted advanced life support or
 178 basic life support transport ambulance, or in a permitted
 179 advanced life support or basic life support ambulance that is
 180 recognized by the department as meeting designated criteria for
 181 neonatal interfacility critical care transport.

182 Section 3. Subsection (2) of section 464.0156, Florida
 183 Statutes, is amended to read:

184 464.0156 Delegation of duties.—

185 (2) A registered nurse may delegate to a certified nursing
 186 assistant or a home health aide the administration of oral,
 187 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
 188 topical prescription medications to a patient of a home health
 189 agency, if the certified nursing assistant or home health aide
 190 meets the requirements of s. 464.2035 or s. 400.489,
 191 respectively. A registered nurse may not delegate the
 192 administration of any controlled substance listed in Schedule
 193 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
 194 812, except for the administration of an insulin syringe that is
 195 prefilled with the proper dosage by a pharmacist or an insulin
 196 pen that is prefilled by the manufacturer.

197 Section 4. Subsection (7) of section 401.25, Florida
 198 Statutes, is amended to read:

199 401.25 Licensure as a basic life support or an advanced
 200 life support service.—

201 (7)(a) Each permitted basic life support ambulance not
 202 specifically exempted from this part, when transporting a person
 203 who is sick, injured, wounded, incapacitated, or helpless, must
 204 be occupied by at least two persons: one patient attendant who
 205 is a certified emergency medical technician, certified
 206 paramedic, or licensed physician; and one ambulance driver who
 207 meets the requirements of s. 401.281. This paragraph does not
 208 apply to interfacility transfers governed by s. 401.252 ~~s.~~
 209 ~~401.252(1)~~.

210 (b) Each permitted advanced life support ambulance not
 211 specifically exempted from this part, when transporting a person
 212 who is sick, injured, wounded, incapacitated, or helpless, must
 213 be occupied by at least two persons: one who is a certified
 214 paramedic or licensed physician; and one who is a certified
 215 emergency medical technician, certified paramedic, or licensed
 216 physician who also meets the requirements of s. 401.281 for
 217 drivers. The person with the highest medical certifications
 218 shall be in charge of patient care. This paragraph does not
 219 apply to interfacility transfers governed by s. 401.252 ~~s.~~
 220 ~~401.252(1)~~.

221 Section 5. Subsection (1) of section 401.27, Florida

222 Statutes, is amended to read:

223 401.27 Personnel; standards and certification.—

224 (1) Each permitted ambulance not specifically exempted
 225 from this part, when transporting a person who is sick, injured,
 226 wounded, incapacitated, or helpless, must be occupied by at
 227 least two persons, one of whom must be a certified emergency
 228 medical technician, certified paramedic, or licensed physician
 229 and one of whom must be a driver who meets the requirements for
 230 ambulance drivers. This subsection does not apply to
 231 interfacility transfers governed by s. 401.252 ~~s. 401.252(1)~~.

232 Section 6. Section 429.256, Florida Statutes, is amended
 233 to read:

234 429.256 Assistance with self-administration of medication
 235 and with other tasks.—

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

237 (a) "Informed consent" means advising the resident, or the
 238 resident's surrogate, guardian, or attorney in fact, that an
 239 assisted living facility is not required to have a licensed
 240 nurse on staff, that the resident may be receiving assistance
 241 with self-administration of medication or other tasks from an
 242 unlicensed person, and that such assistance, if provided by an
 243 unlicensed person, will or will not be overseen by a licensed
 244 nurse.

245 (b) "Unlicensed person" means an individual not currently
 246 licensed to practice nursing or medicine who is employed by or

247 | under contract to an assisted living facility and who has
 248 | received training with respect to assisting with the self-
 249 | administration of medication or other tasks in an assisted
 250 | living facility as provided under s. 429.52 prior to providing
 251 | such assistance as described in this section.

252 | (2) Residents who are capable of self-administering their
 253 | own medications and performing other tasks without assistance
 254 | shall be encouraged and allowed to do so. However, an unlicensed
 255 | person may, consistent with a dispensed prescription's label or
 256 | the package directions of an over-the-counter medication, assist
 257 | a resident whose condition is medically stable with the self-
 258 | administration of routine, regularly scheduled medications that
 259 | are intended to be self-administered. An unlicensed person may
 260 | also provide assistance with other tasks specified in subsection
 261 | (6). Assistance with self-administration of medication or such
 262 | other tasks ~~self-medication~~ by an unlicensed person may occur
 263 | only upon a documented request by, and the written informed
 264 | consent of, a resident or the resident's surrogate, guardian, or
 265 | attorney in fact. For the purposes of this section, self-
 266 | administered medications include both legend and over-the-
 267 | counter oral dosage forms, topical dosage forms, transdermal
 268 | patches, and topical ophthalmic, otic, and nasal dosage forms
 269 | including solutions, suspensions, sprays, and inhalers.

270 | (3) Assistance with self-administration of medication
 271 | includes:

272 (a) Taking the medication, in its previously dispensed,
273 properly labeled container, ~~including an insulin syringe that is~~
274 ~~prefilled with the proper dosage by a pharmacist and an insulin~~
275 ~~pen that is prefilled by the manufacturer,~~ from where it is
276 stored, and bringing it to the resident. For purposes of this
277 paragraph, an insulin syringe that is prefilled with the proper
278 dosage by a pharmacist and an insulin pen that is prefilled by
279 the manufacturer are considered medications in previously
280 dispensed, properly labeled containers.

281 (b) In the presence of the resident, confirming that the
282 medication is intended for that resident, orally advising the
283 resident of the medication name and dosage, opening the
284 container, removing a prescribed amount of medication from the
285 container, and closing the container. The resident may sign a
286 written waiver to opt out of being orally advised of the
287 medication name and dosage. The waiver must identify all of the
288 medications intended for the resident, including names and
289 dosages of such medications, and must immediately be updated
290 each time the resident's medications or dosages change.

291 (c) Placing an oral dosage in the resident's hand or
292 placing the dosage in another container and helping the resident
293 by lifting the container to his or her mouth.

294 (d) Applying topical medications.

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

296 (f) Keeping a record of when a resident receives
 297 assistance with self-administration under this section.

298 (g) Assisting with the use of a nebulizer, including
 299 removing the cap of a nebulizer, opening the unit dose of
 300 nebulizer solution, and pouring the prescribed premeasured dose
 301 of medication into the dispensing cup of the nebulizer.

302 ~~(h) Using a glucometer to perform blood-glucose level~~
 303 ~~checks.~~

304 ~~(i) Assisting with putting on and taking off antiembolism~~
 305 ~~stockings.~~

306 ~~(j) Assisting with applying and removing an oxygen cannula~~
 307 ~~but not with titrating the prescribed oxygen settings.~~

308 ~~(k) Assisting with the use of a continuous positive airway~~
 309 ~~pressure device but not with titrating the prescribed setting of~~
 310 ~~the device.~~

311 ~~(l) Assisting with measuring vital signs.~~

312 ~~(m) Assisting with colostomy bags.~~

313 (4) Assistance with self-administration of medication does
 314 not include:

315 (a) Mixing, compounding, converting, or calculating
 316 medication doses, except for measuring a prescribed amount of
 317 liquid medication or breaking a scored tablet or crushing a
 318 tablet as prescribed.

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

321 (c) Administration of medications by way of a tube
 322 inserted in a cavity of the body.

323 (d) Administration of parenteral preparations.

324 (e) The use of irrigations or debriding agents used in the
 325 treatment of a skin condition.

326 (f) Assisting with rectal, urethral, or vaginal
 327 preparations.

328 (g) Assisting with medications ordered by the physician or
 329 health care professional with prescriptive authority to be given
 330 "as needed," unless the order is written with specific
 331 parameters that preclude independent judgment on the part of the
 332 unlicensed person, and the resident requesting the medication is
 333 aware of his or her need for the medication and understands the
 334 purpose for taking the medication.

335 (h) Medications for which the time of administration, the
 336 amount, the strength of dosage, the method of administration, or
 337 the reason for administration requires judgment or discretion on
 338 the part of the unlicensed person.

339 (5) Assistance with the self-administration of medication
 340 by an unlicensed person as described in this section shall not
 341 be considered administration as defined in s. 465.003.

342 (6) Assistance with other tasks includes:

343 (a) Assisting with the use of a glucometer to perform
 344 blood-glucose level checks.

345 (b) Assisting with putting on and taking off antiembolism
 346 stockings.

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

349 (d) Assisting with the use of a continuous positive airway
 350 pressure device but not with titrating the prescribed setting of
 351 the device.

352 (e) Assisting with measuring vital signs.

353 (f) Assisting with colostomy bags.

354 (7)-(6) The agency may by rule establish facility
 355 procedures and interpret terms as necessary to implement this
 356 section.

357 Section 7. This act shall take effect July 1, 2022.