

By Senator Burgess

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1 A bill to be entitled
2 An act relating to the delegation of medication
3 administration; amending s. 400.506, F.S.; requiring
4 licensed nurse registries to ensure specified
5 requirements are met if they allow registered nurses
6 to delegate certain tasks to certified nursing
7 assistants or home health aides; amending s. 464.0156,
8 F.S.; authorizing registered nurses to delegate to
9 certified nursing assistants and home health aides the
10 administration of certain medications to nurse
11 registry patients under certain circumstances;
12 amending s. 464.2035, F.S.; authorizing certified
13 nursing assistants to administer certain medication to
14 nurse registry patients under certain circumstances;
15 conforming a provision to changes made by the act;
16 providing an effective date.

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

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

22 400.506 Licensure of nurse registries; requirements;
23 penalties.—

24 (7) A person who is referred by a nurse registry for
25 contract in private residences and who is not a nurse licensed
26 under part I of chapter 464 may perform only those services or
27 care to clients that the person has been certified to perform or
28 trained to perform as required by law or rules of the Agency for
29 Health Care Administration or the Department of Business and

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30 Professional Regulation. Providing services beyond the scope
31 authorized under this subsection constitutes the unauthorized
32 practice of medicine or a violation of the Nurse Practice Act
33 and is punishable as provided under chapter 458, chapter 459, or
34 part I of chapter 464. If a licensed nurse registry authorizes a
35 registered nurse to delegate tasks, including medication
36 administration, to a certified nursing assistant pursuant to
37 chapter 464 or to a home health aide pursuant to s. 400.490, the
38 licensed nurse registry must ensure that such delegation meets
39 the requirements of this chapter and chapter 464 and the rules
40 adopted thereunder.

41 Section 2. Subsection (2) of section 464.0156, Florida
42 Statutes, is amended to read:

43 464.0156 Delegation of duties.—

44 (2) A registered nurse may delegate to a certified nursing
45 assistant or a home health aide the administration of oral,
46 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
47 topical prescription medications to a patient of a home health
48 agency or nurse registry, if the certified nursing assistant or
49 home health aide meets the requirements of s. 464.2035 or s.
50 400.489, respectively. A registered nurse may not delegate the
51 administration of any controlled substance listed in Schedule
52 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
53 812.

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

56 464.2035 Administration of medication.—

57 (1) A certified nursing assistant may administer oral,
58 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or

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

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

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