

By the Committee on Health Policy; and Senator Burgess

588-02927-22

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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 and patients in county detention
12 facilities under certain circumstances; amending s.
13 464.2035, F.S.; authorizing certified nursing
14 assistants to administer certain medication to nurse
15 registry patients and patients in county detention
16 facilities under certain circumstances; conforming a
17 provision to changes made by the act; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

24 400.506 Licensure of nurse registries; requirements;
25 penalties.—

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

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

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

45 464.0156 Delegation of duties.—

46 (2) A registered nurse may delegate to a certified nursing
47 assistant or a home health aide the administration of oral,
48 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
49 topical prescription medications to a patient of a home health
50 agency or nurse registry or to a patient in a county detention
51 facility as defined in s. 951.23(1)~~7~~ if the certified nursing
52 assistant or home health aide meets the requirements of s.
53 464.2035 or s. 400.489, respectively. A registered nurse may not
54 delegate the administration of any controlled substance listed
55 in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21
56 U.S.C. s. 812.

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

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59 464.2035 Administration of medication.—

60 (1) A certified nursing assistant may administer oral,
61 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
62 topical prescription medication to a patient of a home health
63 agency or nurse registry or to a patient in a county detention
64 facility as defined in s. 951.23(1) if the certified nursing
65 assistant has been delegated such task by a registered nurse
66 licensed under part I of this chapter, has satisfactorily
67 completed an initial 6-hour training course approved by the
68 board, and has been found competent to administer medication to
69 a patient in a safe and sanitary manner. The training,
70 determination of competency, and initial and annual validation
71 required under this section must be conducted by a registered
72 nurse licensed under this chapter or a physician licensed under
73 chapter 458 or chapter 459.

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

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