

By the Committee on Health Policy; and Senator Bradley

588-02345-22

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

27
28 Be It Enacted by the Legislature of the State of Florida:
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588-02345-22

2022718c1

30 Section 1. Section 400.488, Florida Statutes, is amended to
31 read:

32 400.488 Assistance with self-administration of medication
33 and with other tasks.—

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

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

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

44 (2) Patients who are capable of self-administering their
45 own medications and performing other tasks without assistance
46 shall be encouraged and allowed to do so. However, an unlicensed
47 person may, consistent with a dispensed prescription's label or
48 the package directions of an over-the-counter medication, assist
49 a patient whose condition is medically stable with the self-
50 administration of routine, regularly scheduled medications that
51 are intended to be self-administered. An unlicensed person may
52 also provide assistance with other tasks specified in subsection
53 (6). Assistance with self-administration of medication or such
54 other tasks ~~self-medication~~ by an unlicensed person may occur
55 only upon a documented request by, and the written informed
56 consent of, a patient or the patient's surrogate, guardian, or
57 attorney in fact. For purposes of this section, self-
58 administered medications include both legend and over-the-

588-02345-22

2022718c1

59 counter oral dosage forms, topical dosage forms, transdermal
60 patches, and topical ophthalmic, otic, and nasal dosage forms,
61 including solutions, suspensions, sprays, inhalers, and
62 nebulizer treatments.

63 (3) Assistance with self-administration of medication
64 includes:

65 (a) Taking the medication, in its previously dispensed,
66 properly labeled container, from where it is stored and bringing
67 it to the patient. For purposes of this paragraph, an insulin
68 syringe that is prefilled with the proper dosage by a pharmacist
69 and an insulin pen that is prefilled by the manufacturer are
70 considered medications in previously dispensed, properly labeled
71 containers.

72 (b) In the presence of the patient, confirming that the
73 medication is intended for that patient, orally advising the
74 patient of the medication name and purpose, opening the
75 container, removing a prescribed amount of medication from the
76 container, and closing the container.

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

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

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

84 (f) ~~For nebulizer treatments, assisting with setting up and~~
85 ~~cleaning the device in the presence of the patient, confirming~~
86 ~~that the medication is intended for that patient, orally~~
87 ~~advising the patient of the medication name and purpose, opening~~

588-02345-22

2022718c1

88 ~~the container, removing the prescribed amount for a single~~
89 ~~treatment dose from a properly labeled container, and assisting~~
90 ~~the patient with placing the dose into the medicine receptacle~~
91 ~~or mouthpiece.~~

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

94 (g) Assisting with the use of a nebulizer, including
95 removing the cap of a nebulizer, opening the unit dose of
96 nebulizer solutions, and pouring the prescribed premeasured dose
97 of medication into the dispensing cup of the nebulizer.

98 (4) Assistance with self-administration of medication does
99 not include:

100 (a) Mixing, compounding, converting, or calculating
101 medication doses, except for measuring a prescribed amount of
102 liquid medication or breaking a scored tablet or crushing a
103 tablet as prescribed.

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

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

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

110 (d) ~~(e)~~ Administration of parenteral preparations.

111 (e) ~~(f)~~ The use of irrigations or debriding agents used in
112 the treatment of a skin condition.

113 (f) ~~(g)~~ Assisting with rectal, urethral, or vaginal
114 preparations.

115 (g) ~~(h)~~ Assisting with medications ordered by the physician
116 or health care professional with prescriptive authority to be

588-02345-22

2022718c1

117 given "as needed," unless the order is written with specific
118 parameters that preclude independent judgment on the part of the
119 unlicensed person, and at the request of a competent patient.

120 (h) ~~(i)~~ Assisting with medications for which the time of
121 administration, the amount, the strength of dosage, the method
122 of administration, or the reason for administration requires
123 judgment or discretion on the part of the unlicensed person.

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

127 (6) Assistance with other tasks includes:

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

130 (b) Assisting with putting on and taking off antiembolism
131 stockings.

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

134 (d) Assisting with the use of a continuous positive airway
135 pressure device but not with titrating the prescribed setting of
136 the device.

137 (e) Assisting with measuring vital signs.

138 (f) Assisting with colostomy bags.

139 (7) ~~(6)~~ The agency may by rule establish procedures and
140 interpret terms as necessary to administer this section.

141 Section 2. Section 401.252, Florida Statutes, is amended to
142 read:

143 401.252 Interfacility transfer.—

144 (1) When conducting an interfacility transfer, a permitted
145 advanced life support ambulance must be occupied by at least two

588-02345-22

2022718c1

146 persons: one patient attendant who is a certified paramedic, a
147 registered nurse authorized under subsection (2), or a licensed
148 physician; and one person who is a certified emergency medical
149 technician, a certified paramedic, a licensed physician, or an
150 ambulance driver who meets the driver requirements of s.
151 401.281. The person occupying the ambulance who has the highest
152 medical certification in this state is in charge of patient care
153 during the interfacility transfer.

154 (2) A licensed basic or advanced life support ambulance
155 service may conduct interfacility transfers in a permitted
156 ambulance~~7~~ using a registered nurse in place of an emergency
157 medical technician or paramedic~~7~~ if:

158 (a) The registered nurse holds a current certificate of
159 successful course completion in advanced cardiac life support;

160 (b) The physician in charge has granted permission for such
161 a transfer, has designated the level of service required for
162 such transfer, and has deemed the patient to be in such a
163 condition appropriate to this type of ambulance staffing; and

164 (c) The registered nurse operates within the scope of part
165 I of chapter 464.

166 (3)~~(2)~~ A licensed basic or advanced life support service
167 may conduct interfacility transfers in a permitted ambulance if
168 the patient's treating physician certifies that the transfer is
169 medically appropriate and the physician provides reasonable
170 transfer orders. An interfacility transfer must be conducted in
171 a permitted ambulance if it is determined that the patient
172 needs, or is likely to need, medical attention during transport.
173 If the emergency medical technician or paramedic believes the
174 level of patient care required during the transfer is beyond his

588-02345-22

2022718c1

175 or her capability, the medical director, or his or her designee,
176 must be contacted for clearance prior to conducting the
177 transfer. If necessary, the medical director, or his or her
178 designee, shall attempt to contact the treating physician for
179 consultation to determine the appropriateness of the transfer.

180 (4) ~~(3)~~ Infants younger ~~less~~ than 28 days old or ~~infants~~
181 weighing less than 5 kilograms~~,~~ who require critical care
182 interfacility transport to a neonatal intensive care unit must~~,~~
183 ~~shall~~ be transported in a permitted advanced life support or
184 basic life support transport ambulance, or in a permitted
185 advanced life support or basic life support ambulance that is
186 recognized by the department as meeting designated criteria for
187 neonatal interfacility critical care transport.

188 Section 3. Section 429.256, Florida Statutes, is amended to
189 read:

190 429.256 Assistance with self-administration of medication
191 and with other tasks.-

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

193 (a) "Informed consent" means advising the resident, or the
194 resident's surrogate, guardian, or attorney in fact, that an
195 assisted living facility is not required to have a licensed
196 nurse on staff, that the resident may be receiving assistance
197 with self-administration of medication or other tasks from an
198 unlicensed person, and that such assistance, if provided by an
199 unlicensed person, will or will not be overseen by a licensed
200 nurse.

201 (b) "Unlicensed person" means an individual not currently
202 licensed to practice nursing or medicine who is employed by or
203 under contract to an assisted living facility and who has

588-02345-22

2022718c1

204 received training with respect to assisting with the self-
205 administration of medication or other tasks in an assisted
206 living facility as provided under s. 429.52 prior to providing
207 such assistance as described in this section.

208 (2) Residents who are capable of self-administering their
209 own medications and performing other tasks without assistance
210 shall be encouraged and allowed to do so. However, an unlicensed
211 person may, consistent with a dispensed prescription's label or
212 the package directions of an over-the-counter medication, assist
213 a resident whose condition is medically stable with the self-
214 administration of routine, regularly scheduled medications that
215 are intended to be self-administered. An unlicensed person may
216 also provide assistance with other tasks specified in subsection
217 (6). Assistance with self-administration of medication or such
218 other tasks ~~self-medication~~ by an unlicensed person may occur
219 only upon a documented request by, and the written informed
220 consent of, a resident or the resident's surrogate, guardian, or
221 attorney in fact. For the purposes of this section, self-
222 administered medications include both legend and over-the-
223 counter oral dosage forms, topical dosage forms, transdermal
224 patches, and topical ophthalmic, otic, and nasal dosage forms
225 including solutions, suspensions, sprays, and inhalers.

226 (3) Assistance with self-administration of medication
227 includes:

228 (a) Taking the medication, in its previously dispensed,
229 properly labeled container, ~~including an insulin syringe that is~~
230 ~~prefilled with the proper dosage by a pharmacist and an insulin~~
231 ~~pen that is prefilled by the manufacturer,~~ from where it is
232 stored, and bringing it to the resident. For purposes of this

588-02345-22

2022718c1

233 paragraph, an insulin syringe that is prefilled with the proper
234 dosage by a pharmacist and an insulin pen that is prefilled by
235 the manufacturer are considered medications in previously
236 dispensed, properly labeled containers.

237 (b) In the presence of the resident, confirming that the
238 medication is intended for that resident, orally advising the
239 resident of the medication name and dosage, opening the
240 container, removing a prescribed amount of medication from the
241 container, and closing the container. The resident may sign a
242 written waiver to opt out of being orally advised of the
243 medication name and dosage. The waiver must identify all of the
244 medications intended for the resident, including names and
245 dosages of such medications, and must immediately be updated
246 each time the resident's medications or dosages change.

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

250 (d) Applying topical medications.

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

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

254 (g) Assisting with the use of a nebulizer, including
255 removing the cap of a nebulizer, opening the unit dose of
256 nebulizer solution, and pouring the prescribed premeasured dose
257 of medication into the dispensing cup of the nebulizer.

258 ~~(h) Using a glucometer to perform blood-glucose level~~
259 ~~checks.~~

260 ~~(i) Assisting with putting on and taking off antiembolism~~
261 ~~stockings.~~

588-02345-22

2022718c1

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

264 ~~(k) Assisting with the use of a continuous positive airway~~
265 ~~pressure device but not with titrating the prescribed setting of~~
266 ~~the device.~~

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

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

269 (4) Assistance with self-administration of medication does
270 not include:

271 (a) Mixing, compounding, converting, or calculating
272 medication doses, except for measuring a prescribed amount of
273 liquid medication or breaking a scored tablet or crushing a
274 tablet as prescribed.

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

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

279 (d) Administration of parenteral preparations.

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

282 (f) Assisting with rectal, urethral, or vaginal
283 preparations.

284 (g) Assisting with medications ordered by the physician or
285 health care professional with prescriptive authority to be given
286 "as needed," unless the order is written with specific
287 parameters that preclude independent judgment on the part of the
288 unlicensed person, and the resident requesting the medication is
289 aware of his or her need for the medication and understands the
290 purpose for taking the medication.

588-02345-22

2022718c1

291 (h) Assisting with medications for which the time of
292 administration, the amount, the strength of dosage, the method
293 of administration, or the reason for administration requires
294 judgment or discretion on the part of the unlicensed person.

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

298 (6) Assistance with other tasks includes:

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

301 (b) Assisting with putting on and taking off antiembolism
302 stockings.

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

305 (d) Assisting with the use of a continuous positive airway
306 pressure device but not with titrating the prescribed setting of
307 the device.

308 (e) Assisting with measuring vital signs.

309 (f) Assisting with colostomy bags.

310 (7)~~(6)~~ The agency may by rule establish facility procedures
311 and interpret terms as necessary to implement this section.

312 Section 4. Subsection (2) of section 464.0156, Florida
313 Statutes, is amended to read:

314 464.0156 Delegation of duties.—

315 (2) A registered nurse may delegate to a certified nursing
316 assistant or a home health aide the administration of oral,
317 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
318 topical prescription medications to a patient of a home health
319 agency, if the certified nursing assistant or home health aide

588-02345-22

2022718c1

320 meets the requirements of s. 464.2035 or s. 400.489,
321 respectively. A registered nurse may not delegate the
322 administration of any controlled substance listed in Schedule
323 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
324 812, except for the administration of an insulin syringe that is
325 prefilled with the proper dosage by a pharmacist or an insulin
326 pen that is prefilled by the manufacturer.

327 Section 5. Subsection (7) of section 401.25, Florida
328 Statutes, is amended to read:

329 401.25 Licensure as a basic life support or an advanced
330 life support service.—

331 (7) (a) Each permitted basic life support ambulance not
332 specifically exempted from this part, when transporting a person
333 who is sick, injured, wounded, incapacitated, or helpless, must
334 be occupied by at least two persons: one patient attendant who
335 is a certified emergency medical technician, certified
336 paramedic, or licensed physician; and one ambulance driver who
337 meets the requirements of s. 401.281. This paragraph does not
338 apply to interfacility transfers governed by s. 401.252 ~~s.~~
339 ~~401.252(1)~~.

340 (b) Each permitted advanced life support ambulance not
341 specifically exempted from this part, when transporting a person
342 who is sick, injured, wounded, incapacitated, or helpless, must
343 be occupied by at least two persons: one who is a certified
344 paramedic or licensed physician; and one who is a certified
345 emergency medical technician, certified paramedic, or licensed
346 physician who also meets the requirements of s. 401.281 for
347 drivers. The person with the highest medical certifications
348 shall be in charge of patient care. This paragraph does not

588-02345-22

2022718c1

349 apply to interfacility transfers governed by s. 401.252 ~~s.~~
350 ~~401.252(1)~~.

351 Section 6. Subsection (1) of section 401.27, Florida
352 Statutes, is amended to read:

353 401.27 Personnel; standards and certification.—

354 (1) Each permitted ambulance not specifically exempted from
355 this part, when transporting a person who is sick, injured,
356 wounded, incapacitated, or helpless, must be occupied by at
357 least two persons, one of whom must be a certified emergency
358 medical technician, certified paramedic, or licensed physician
359 and one of whom must be a driver who meets the requirements for
360 ambulance drivers. This subsection does not apply to
361 interfacility transfers governed by s. 401.252 ~~s. 401.252(1)~~.

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