

By the Committees on Rules; and Health Policy; and Senator
Bradley

595-03646-22

2022718c2

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 authorizing registered nurses to delegate to certified
23 nursing assistants and home health aides the
24 administration of certain medications to patients in
25 county detention facilities under certain
26 circumstances; revising the list of medications that a
27 registered nurse may delegate the administration of to
28 a certified nursing assistant or home health aide;
29 amending ss. 401.25 and 401.27, F.S.; conforming

595-03646-22

2022718c2

30 cross-references; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 400.488, Florida Statutes, is amended to
35 read:

36 400.488 Assistance with self-administration of medication
37 and with other tasks.—

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

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

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

48 (2) Patients who are capable of self-administering their
49 own medications and performing other tasks without assistance
50 shall be encouraged and allowed to do so. However, an unlicensed
51 person may, consistent with a dispensed prescription's label or
52 the package directions of an over-the-counter medication, assist
53 a patient whose condition is medically stable with the self-
54 administration of routine, regularly scheduled medications that
55 are intended to be self-administered. An unlicensed person may
56 also provide assistance with other tasks specified in subsection
57 (6). Assistance with self-administration of medication or such
58 other tasks ~~self-medication~~ by an unlicensed person may occur

595-03646-22

2022718c2

59 only upon a documented request by, and the written informed
60 consent of, a patient or the patient's surrogate, guardian, or
61 attorney in fact. For purposes of this section, self-
62 administered medications include both legend and over-the-
63 counter oral dosage forms, topical dosage forms, transdermal
64 patches, and topical ophthalmic, otic, and nasal dosage forms,
65 including solutions, suspensions, sprays, inhalers, and
66 nebulizer treatments.

67 (3) Assistance with self-administration of medication
68 includes:

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

76 (b) In the presence of the patient, confirming that the
77 medication is intended for that patient, orally advising the
78 patient of the medication name and purpose, opening the
79 container, removing a prescribed amount of medication from the
80 container, and closing the container.

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

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

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

595-03646-22

2022718c2

88 ~~(f) For nebulizer treatments, assisting with setting up and~~
89 ~~cleaning the device in the presence of the patient, confirming~~
90 ~~that the medication is intended for that patient, orally~~
91 ~~advising the patient of the medication name and purpose, opening~~
92 ~~the container, removing the prescribed amount for a single~~
93 ~~treatment dose from a properly labeled container, and assisting~~
94 ~~the patient with placing the dose into the medicine receptacle~~
95 ~~or mouthpiece.~~

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

98 (g) Assisting with the use of a nebulizer, including
99 removing the cap of a nebulizer, opening the unit dose of
100 nebulizer solutions, and pouring the prescribed premeasured dose
101 of medication into the dispensing cup of the nebulizer.

102 (4) Assistance with self-administration of medication does
103 not include:

104 (a) Mixing, compounding, converting, or calculating
105 medication doses, except for measuring a prescribed amount of
106 liquid medication or breaking a scored tablet or crushing a
107 tablet as prescribed.

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

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

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

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

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

595-03646-22

2022718c2

117 (f)~~(g)~~ Assisting with rectal, urethral, or vaginal
118 preparations.

119 (g)~~(h)~~ Assisting with medications ordered by the physician
120 or health care professional with prescriptive authority to be
121 given "as needed," unless the order is written with specific
122 parameters that preclude independent judgment on the part of the
123 unlicensed person, and at the request of a competent patient.

124 (h)~~(i)~~ Assisting with medications for which the time of
125 administration, the amount, the strength of dosage, the method
126 of administration, or the reason for administration requires
127 judgment or discretion on the part of the unlicensed person.

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

131 (6) Assistance with other tasks includes:

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

134 (b) Assisting with putting on and taking off antiembolism
135 stockings.

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

138 (d) Assisting with the use of a continuous positive airway
139 pressure device but not with titrating the prescribed setting of
140 the device.

141 (e) Assisting with measuring vital signs.

142 (f) Assisting with colostomy bags.

143 (7)~~(6)~~ The agency may by rule establish procedures and
144 interpret terms as necessary to administer this section.

145 Section 2. Section 401.252, Florida Statutes, is amended to

595-03646-22

2022718c2

146 read:

147 401.252 Interfacility transfer.—

148 (1) When conducting an interfacility transfer, a permitted
149 advanced life support ambulance must be occupied by at least two
150 persons: one patient attendant who is a certified paramedic, a
151 registered nurse authorized under subsection (2), or a licensed
152 physician; and one person who is a certified emergency medical
153 technician, a certified paramedic, a licensed physician, or an
154 ambulance driver who meets the driver requirements of s.

155 401.281. The person occupying the ambulance who has the highest
156 medical certification in this state is in charge of patient care
157 during the interfacility transfer.

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

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

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

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

170 ~~(2)~~ (3) A licensed basic or advanced life support service
171 may conduct interfacility transfers in a permitted ambulance if
172 the patient's treating physician certifies that the transfer is
173 medically appropriate and the physician provides reasonable
174 transfer orders. An interfacility transfer must be conducted in

595-03646-22

2022718c2

175 a permitted ambulance if it is determined that the patient
176 needs, or is likely to need, medical attention during transport.
177 If the emergency medical technician or paramedic believes the
178 level of patient care required during the transfer is beyond his
179 or her capability, the medical director, or his or her designee,
180 must be contacted for clearance prior to conducting the
181 transfer. If necessary, the medical director, or his or her
182 designee, shall attempt to contact the treating physician for
183 consultation to determine the appropriateness of the transfer.

184 (4)~~(3)~~ Infants younger ~~less~~ than 28 days old or ~~infants~~
185 weighing less than 5 kilograms~~7~~ who require critical care
186 interfacility transport to a neonatal intensive care unit must~~7~~
187 ~~shall~~ be transported in a permitted advanced life support or
188 basic life support transport ambulance, or in a permitted
189 advanced life support or basic life support ambulance that is
190 recognized by the department as meeting designated criteria for
191 neonatal interfacility critical care transport.

192 Section 3. Section 429.256, Florida Statutes, is amended to
193 read:

194 429.256 Assistance with self-administration of medication
195 and with other tasks.-

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

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

595-03646-22

2022718c2

204 nurse.

205 (b) "Unlicensed person" means an individual not currently
206 licensed to practice nursing or medicine who is employed by or
207 under contract to an assisted living facility and who has
208 received training with respect to assisting with the self-
209 administration of medication or other tasks in an assisted
210 living facility as provided under s. 429.52 prior to providing
211 such assistance as described in this section.

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

230 (3) Assistance with self-administration of medication
231 includes:

232 (a) Taking the medication, in its previously dispensed,

595-03646-22

2022718c2

233 properly labeled container, ~~including an insulin syringe that is~~
234 ~~prefilled with the proper dosage by a pharmacist and an insulin~~
235 ~~pen that is prefilled by the manufacturer,~~ from where it is
236 stored, and bringing it to the resident. For purposes of this
237 paragraph, an insulin syringe that is prefilled with the proper
238 dosage by a pharmacist and an insulin pen that is prefilled by
239 the manufacturer are considered medications in previously
240 dispensed, properly labeled containers.

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

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

254 (d) Applying topical medications.

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

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

258 (g) Assisting with the use of a nebulizer, including
259 removing the cap of a nebulizer, opening the unit dose of
260 nebulizer solution, and pouring the prescribed premeasured dose
261 of medication into the dispensing cup of the nebulizer.

595-03646-22

2022718c2

262 ~~(h) Using a glucometer to perform blood glucose level~~
263 ~~checks.~~

264 ~~(i) Assisting with putting on and taking off antiembolism~~
265 ~~stockings.~~

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

268 ~~(k) Assisting with the use of a continuous positive airway~~
269 ~~pressure device but not with titrating the prescribed setting of~~
270 ~~the device.~~

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

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

273 (4) Assistance with self-administration of medication does
274 not include:

275 (a) Mixing, compounding, converting, or calculating
276 medication doses, except for measuring a prescribed amount of
277 liquid medication or breaking a scored tablet or crushing a
278 tablet as prescribed.

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

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

283 (d) Administration of parenteral preparations.

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

286 (f) Assisting with rectal, urethral, or vaginal
287 preparations.

288 (g) Assisting with medications ordered by the physician or
289 health care professional with prescriptive authority to be given
290 "as needed," unless the order is written with specific

595-03646-22

2022718c2

291 parameters that preclude independent judgment on the part of the
292 unlicensed person, and the resident requesting the medication is
293 aware of his or her need for the medication and understands the
294 purpose for taking the medication.

295 (h) Assisting with medications for which the time of
296 administration, the amount, the strength of dosage, the method
297 of administration, or the reason for administration requires
298 judgment or discretion on the part of the unlicensed person.

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

302 (6) Assistance with other tasks includes:

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

305 (b) Assisting with putting on and taking off antiembolism
306 stockings.

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

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

312 (e) Assisting with measuring vital signs.

313 (f) Assisting with colostomy bags.

314 (7) ~~(6)~~ The agency may by rule establish facility procedures
315 and interpret terms as necessary to implement this section.

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

318 464.0156 Delegation of duties.—

319 (2) A registered nurse may delegate to a certified nursing

595-03646-22

2022718c2

320 assistant or a home health aide the administration of oral,
321 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
322 topical prescription medications to a patient of a home health
323 agency or in a local county detention facility as defined in s.
324 951.23(1), if the certified nursing assistant or home health
325 aide meets the requirements of s. 464.2035 or s. 400.489,
326 respectively. A registered nurse may not delegate the
327 administration of any controlled substance listed in Schedule
328 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
329 812, except for the administration of an insulin syringe that is
330 prefilled with the proper dosage by a pharmacist or an insulin
331 pen that is prefilled by the manufacturer.

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

334 401.25 Licensure as a basic life support or an advanced
335 life support service.—

336 (7) (a) Each permitted basic life support ambulance not
337 specifically exempted from this part, when transporting a person
338 who is sick, injured, wounded, incapacitated, or helpless, must
339 be occupied by at least two persons: one patient attendant who
340 is a certified emergency medical technician, certified
341 paramedic, or licensed physician; and one ambulance driver who
342 meets the requirements of s. 401.281. This paragraph does not
343 apply to interfacility transfers governed by s. 401.252 ~~s.~~
344 ~~401.252(1)~~.

345 (b) Each permitted advanced life support ambulance not
346 specifically exempted from this part, when transporting a person
347 who is sick, injured, wounded, incapacitated, or helpless, must
348 be occupied by at least two persons: one who is a certified

595-03646-22

2022718c2

349 paramedic or licensed physician; and one who is a certified
350 emergency medical technician, certified paramedic, or licensed
351 physician who also meets the requirements of s. 401.281 for
352 drivers. The person with the highest medical certifications
353 shall be in charge of patient care. This paragraph does not
354 apply to interfacility transfers governed by s. 401.252 ~~s.~~
355 ~~401.252(1)~~.

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

358 401.27 Personnel; standards and certification.—

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

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