

By the Committee on Health Policy; and Senator Brodeur

588-02340-22

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1 A bill to be entitled
2 An act relating to medication technicians; amending s.
3 429.256, F.S.; defining the term "medication
4 technician"; requiring that assisted living facility
5 residents who are able to use their point-of-care
6 devices without assistance be encouraged and allowed
7 to do so; authorizing medication technicians to assist
8 assisted living facility residents with their use of
9 point-of-care devices under certain circumstances;
10 conforming provisions to changes made by the act;
11 amending s. 429.52, F.S.; providing minimum
12 requirements and specifications for the training of
13 medication technicians; requiring the Agency for
14 Health Care Administration to adopt rules establishing
15 such requirements; providing an effective date.

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

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19 Section 1. Paragraph (b) of subsection (1), subsection (2),
20 paragraphs (g) and (h) of subsection (4), and subsection (5) of
21 section 429.256, Florida Statutes, are amended to read:

22 429.256 Assistance with self-administration of medication.—

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

24 (b) "Medication technician" ~~"Unlicensed person"~~ means an
25 individual not currently licensed to practice nursing or
26 medicine who is employed by or under contract with ~~to~~ an
27 assisted living facility and who has received training on ~~with~~
28 ~~respect to~~ assisting with the self-administration of medication
29 and use of point-of-care devices in an assisted living facility

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30 as provided under s. 429.52 before ~~prior to~~ providing such
31 assistance as described in this section.

32 (2) Residents who are capable of self-administering their
33 own medications or using their point-of-care devices without
34 assistance shall be encouraged and allowed to do so. However, a
35 medication technician ~~an unlicensed person~~ may, consistent with
36 a dispensed prescription's label or the package directions of an
37 over-the-counter medication or point-of-care device, assist a
38 resident whose condition is medically stable with the self-
39 administration of routine, regularly scheduled medications that
40 are intended to be self-administered and may assist with a
41 resident's use of point-of-care devices. Assistance with self-
42 medication by a medication technician ~~an unlicensed person~~ may
43 occur only upon a documented request by, and the written
44 informed consent of, a resident or the resident's surrogate,
45 guardian, or attorney in fact. For the purposes of this section,
46 self-administered medications include both legend and over-the-
47 counter oral dosage forms, topical dosage forms, transdermal
48 patches, and topical ophthalmic, otic, and nasal dosage forms
49 including solutions, suspensions, sprays, and inhalers.

50 (4) Assistance with self-administration does not include:

51 (g) Assisting with medications ordered by the physician or
52 health care professional with prescriptive authority to be given
53 "as needed," unless the order is written with specific
54 parameters that preclude independent judgment on the part of the
55 medication technician ~~unlicensed person~~, and the resident
56 requesting the medication is aware of his or her need for the
57 medication and understands the purpose for taking the
58 medication.

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59 (h) Medications for which the time of administration, the
60 amount, the strength of dosage, the method of administration, or
61 the reason for administration requires judgment or discretion on
62 the part of the medication technician ~~unlicensed person~~.

63 (5) Assistance with the self-administration of medication
64 by a medication technician ~~an unlicensed person~~ as described in
65 this section ~~is shall~~ not ~~be~~ considered administration as
66 defined in s. 465.003.

67 Section 2. Subsection (6) of section 429.52, Florida
68 Statutes, is amended to read:

69 429.52 Staff training and educational requirements.—

70 (6) Medication technicians ~~Staff~~ assisting with the self-
71 administration of medications and point-of-care devices under s.
72 429.256 must complete a minimum of 6 additional hours of
73 training provided by a registered nurse or a licensed pharmacist
74 before providing assistance. Two hours of continuing education
75 are required annually thereafter. The agency shall establish by
76 rule the minimum requirements for medication technician ~~of this~~
77 training, which must address infection control, safe handling
78 and use of point-of-care devices, communicating with case
79 managers and health care providers, standard of care protocols
80 for the provision of care in a licensed assisted living
81 facility, identification of nursing standards, and methods of
82 assisting residents with the self-administration of medications.

83 Section 3. This act shall take effect July 1, 2022.