



26 administering medication to a resident of a nursing  
 27 home facility; providing an effective date.

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

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31 Section 1. Subsection (5) is added to section 400.211,  
 32 Florida Status, to read:

33 400.211 Persons employed as nursing assistants;  
 34 certification requirement.—

35 (5) A nursing home, in accordance with chapter 464 and  
 36 rules adopted pursuant to this section, may authorize a  
 37 registered nurse to delegate tasks, including medication  
 38 administration, to a certified nursing assistant who meets the  
 39 requirements of this subsection.

40 (a) In addition to the initial 6-hour training course and  
 41 determination of competency required under s. 464.2035, to be  
 42 eligible to administer medication to a resident of a nursing  
 43 home facility, a certified nursing assistant must:

44 1. Hold a clear and active certification from the  
 45 Department of Health for a minimum of 1 year immediately  
 46 preceding the delegation;

47 2. Complete an additional 34-hour training course approved  
 48 by the Board of Nursing in medication administration and  
 49 associated tasks including blood glucose level checks, dialing  
 50 oxygen flow meters to prescribed settings, and assisting with

51 continuous positive airway pressure devices; and  
 52 3. Demonstrate clinical competency by successfully  
 53 completing a supervised clinical practice in medication  
 54 administration and associated tasks conducted in the facility.

55 (b) Upon completion of the training, competency, and  
 56 initial validation requirements under s. 464.2035 and this  
 57 subsection, a certified nursing assistant whose tasks include  
 58 medication administration is designated as a qualified  
 59 medication aide.

60 (c) A qualified medication aide must satisfactorily  
 61 complete the annual validation and 2 hours of inservice training  
 62 in medication administration and medication error prevention in  
 63 accordance with s. 464.2035.

64 (d) A qualified medication aide may only administer  
 65 medication under the direct supervision of a nurse licensed  
 66 under part I of chapter 464.

67 (e) The Board of Nursing, in consultation with the agency,  
 68 shall adopt rules to implement this subsection.

69 Section 2. Paragraph (b) of subsection (3) of section  
 70 400.23, Florida Statutes, is amended to read:

71 400.23 Rules; evaluation and deficiencies; licensure  
 72 status.—

73 (3)

74 (b)1. Each facility must determine its direct care  
 75 staffing needs based on the facility assessment and the

76 individual needs of a resident based on the resident's care  
 77 plan. At a minimum, staffing must include, for each facility,  
 78 the following requirements:

79 a. A minimum weekly average of 3.6 hours of care by direct  
 80 care staff per resident per day. As used in this sub-  
 81 subparagraph, a week is defined as Sunday through Saturday.

82 b. A minimum of 2.0 hours of direct care by a certified  
 83 nursing assistant per resident per day. A facility may not staff  
 84 below one certified nursing assistant per 20 residents.

85 c. A minimum of 1.0 hour of direct care by a licensed  
 86 nurse per resident per day. A facility may not staff below one  
 87 licensed nurse per 40 residents.

88 2. Nursing assistants employed under s. 400.211(2) may be  
 89 included in computing the hours of direct care provided by  
 90 certified nursing assistants and may be included in computing  
 91 the staffing ratio for certified nursing assistants if their job  
 92 responsibilities include only nursing-assistant-related duties.

93 3. Certified nursing assistants who perform the duties of  
 94 a qualified medication aide under s. 400.211(5) may not be  
 95 included in computing the hours of direct care provided by, or  
 96 the staffing ratios for, certified nursing assistants or  
 97 licensed nurses under sub-subparagraph 1.b. or sub-subparagraph  
 98 1.c., respectively.

99 ~~4.3.~~ Each nursing home facility must document compliance  
 100 with staffing standards as required under this paragraph and

101 post daily the names of licensed nurses and certified nursing  
102 assistants on duty for the benefit of facility residents and the  
103 public. Facilities must maintain the records documenting  
104 compliance with minimum staffing standards for a period of 5  
105 years and must report staffing in accordance with 42 C.F.R. s.  
106 483.70(q).

107 5.4 The agency must recognize the use of licensed nurses  
108 for compliance with minimum staffing requirements for certified  
109 nursing assistants if the nursing home facility otherwise meets  
110 the minimum staffing requirements for licensed nurses and the  
111 licensed nurses are performing the duties of a certified nursing  
112 assistant. Unless otherwise approved by the agency, licensed  
113 nurses counted toward the minimum staffing requirements for  
114 certified nursing assistants must exclusively perform the duties  
115 of a certified nursing assistant for the entire shift and not  
116 also be counted toward the minimum staffing requirements for  
117 licensed nurses. If the agency approved a facility's request to  
118 use a licensed nurse to perform both licensed nursing and  
119 certified nursing assistant duties, the facility must allocate  
120 the amount of staff time specifically spent on certified nursing  
121 assistant duties for the purpose of documenting compliance with  
122 minimum staffing requirements for certified and licensed nursing  
123 staff. The hours of a licensed nurse with dual job  
124 responsibilities may not be counted twice.

125 6.5 Evidence that a facility complied with the minimum

126 direct care staffing requirements under subparagraph 1. is not  
127 admissible as evidence of compliance with the nursing services  
128 requirements under 42 C.F.R. s. 483.35 or s. 483.70.

129 Section 3. Subsection (2) of section 464.0156, Florida  
130 Statutes, is amended to read:

131 464.0156 Delegation of duties.—

132 (2)(a) A registered nurse may delegate to a certified  
133 nursing assistant the administration of oral, transdermal,  
134 ophthalmic, otic, inhaled, or topical prescription medication to  
135 a resident of a nursing home facility as defined in s. 400.021  
136 if the certified nursing assistant meets the requirements of s.  
137 400.211(5) and s. 464.2035.

138 (b) A registered nurse may delegate to a certified nursing  
139 assistant ~~or a home health aide~~ the administration of oral,  
140 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or  
141 topical prescription medications to a patient of a home health  
142 agency licensed under part III of chapter 400 or to a patient in  
143 a local county detention facility as defined in s. 951.23(1), if  
144 the certified nursing assistant ~~or home health aide~~ meets the  
145 requirements of s. 464.2035 ~~or s. 400.489,~~ respectively.

146 (c) A registered nurse may delegate to a home health aide  
147 the administration of oral, transdermal, ophthalmic, otic,  
148 rectal, inhaled, enteral, or topical prescription medication to  
149 a patient of a home health agency licensed under part III of  
150 chapter 400 or to a patient in a local county detention facility

151 as defined in s. 951.23(1) if the home health aide meets the  
152 requirements of s. 400.489.

153 (d) A registered nurse may not delegate the administration  
154 of any controlled substance listed in Schedule II, Schedule III,  
155 or Schedule IV of s. 893.03 or 21 U.S.C. s. 812, except for the  
156 administration of an insulin syringe that is prefilled with the  
157 proper dosage by a pharmacist or an insulin pen that is  
158 prefilled by the manufacturer.

159 Section 4. Subsections (1) and (3) of section 464.2035,  
160 Florida Statutes, are amended to read:

161 464.2035 Administration of medication.—

162 (1) A certified nursing assistant may administer oral,  
163 transdermal, ophthalmic, otic, ~~rectal,~~ inhaled, ~~enteral,~~ or  
164 topical prescription medication to a resident of a nursing home  
165 facility as defined in s. 400.021 or may administer oral  
166 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or  
167 topical prescription medication to a patient of a home health  
168 agency licensed under part III of chapter 400 or to a patient in  
169 a county detention facility as defined in s. 951.23(1) if the  
170 certified nursing assistant has been delegated such task by a  
171 registered nurse licensed under part I of this chapter, has  
172 satisfactorily completed an initial 6-hour training course  
173 approved by the board, and has been found competent to  
174 administer medication to a patient in a safe and sanitary  
175 manner. The training, determination of competency, and initial

176 and annual validation required under this section must be  
177 conducted by a registered nurse licensed under this chapter or a  
178 physician licensed under chapter 458 or chapter 459.

179 (3) The board, in consultation with the Agency for Health  
180 Care Administration, shall establish by rule standards and  
181 procedures that a certified nursing assistant must follow when  
182 administering medication to a resident of a nursing home  
183 facility or to a patient of a home health agency. Such rules  
184 must, at a minimum, address qualification requirements for  
185 trainers, requirements for labeling medication, documentation  
186 and recordkeeping, the storage and disposal of medication,  
187 instructions concerning the safe administration of medication,  
188 informed-consent requirements and records, and the training  
189 curriculum and validation procedures.

190 Section 5. This act shall take effect July 1, 2023.