

Bill No. CS for SB 2084

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Forman moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 18, between lines 12 and 13,		
15			
16	insert:		
17	Section 13. Effective October 1, 1998, part XV of		
18	chapter 468, Florida Statutes, consisting of sections 468.820,		
19	468.821, 468.822, 468.823, 468.824, 468.825, 468.8245,		
20	468.826, and 468.827, Florida Statutes, is created to read:		
21	<u>468.820 Short title.--This part may be cited as the</u>		
22	<u>"Certified Nursing Assistant Act."</u>		
23	<u>468.821 Definitions.--As used in this part, the term:</u>		
24	<u>(1) "Approved training program" means a course of</u>		
25	<u>training conducted by a public or private educational center</u>		
26	<u>licensed by the Department of Education to implement the basic</u>		
27	<u>curriculum for certified nursing assistants which is approved</u>		
28	<u>by the Department of Education.</u>		
29	<u>(2) "Certified nursing assistant" means a person who</u>		
30	<u>meets the qualifications specified in this part and who is</u>		
31	<u>certified by the department as a certified nursing assistant.</u>		

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1 (3) "Department" means the Department of Health.

2 (4) "Registry" means the listing of certified nursing
3 assistants maintained by the department.

4 468.822 Duties and powers of the department.--The
5 department shall regulate the practice of certified nursing
6 assistants in this state. The department shall maintain, or
7 contract with or approve another entity to maintain, a state
8 registry of certified nursing assistants. The registry must
9 consist of a database including the name of each certified
10 nursing assistant in this state, other identifying
11 information, certification status, the effective date of
12 certification and any other information required by state or
13 federal law, information regarding any abuse, neglect, or
14 exploitation as provided under chapter 435, and an indication
15 whether the certified nursing assistant was reimbursed for the
16 cost of training and testing. The registry shall be accessible
17 to individuals, employers, and other state agencies. The
18 department shall establish testing procedures for use in
19 certifying nursing assistants and shall adopt rules regulating
20 the practice of certified nursing assistants to enforce this
21 part. The department may contract with or approve another
22 entity or organization to provide the examination services
23 required under 468.823, including development and
24 administration of examinations. The provider shall pay all
25 reasonable costs and expenses incurred by the department in
26 evaluating the provider's application and the provider's
27 performance during the delivery of services, including
28 examination services and procedures for maintaining the
29 certified nursing assistant registry.

30 468.823 Certified nursing assistants; certification
31 requirement.--

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1 (1) Except as provided in subsection (2), a person may
2 not practice as a certified nursing assistant unless the
3 person is certified by the department under this part. A
4 person who is certified under this part may use the title
5 "Certified Nursing Assistant" and the abbreviation "C.N.A."

6 (2) A registered nurse or a practical nurse licensed
7 under chapter 464, or an applicant for licensure as a
8 registered nurse or a practical nurse who is permitted to
9 practice nursing in accordance with rules adopted by the Board
10 of Nursing, may practice as a certified nursing assistant and
11 use the title "Certified Nursing Assistant" and the
12 abbreviation "C.N.A."

13 (3) The department shall issue a certificate to
14 practice as a certified nursing assistant to any person who
15 demonstrates the ability to read and write and meets the
16 requirements of level 1 screening as provided in s. 435.03,
17 including a search for any report of abuse, neglect, or
18 exploitation of an adult. A person who has not maintained
19 continuous residency within the state for the 5 years
20 immediately preceding the date of application must comply with
21 the requirements for level 2 screening as provided in s.
22 435.04 and may be granted provisional certification for up to
23 180 days pending the receipt of written findings evidencing
24 completion of level 2 screening. Level 2 screening is not
25 required if an applicant attests in writing, under penalty of
26 perjury, that he or she meets the residency requirement. In
27 order to complete the requirements for level 2 screening, if
28 applicable, the applicant must furnish to the department a
29 full set of fingerprints to enable a criminal background
30 investigation to be conducted. The department shall submit the
31 completed fingerprint card to the Florida Department of Law

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1 Enforcement, which may submit the fingerprints to the Federal
 2 Bureau of Investigation for a national criminal history
 3 records check. The results of the criminal history records
 4 check shall be returned to the department as a part of level 2
 5 screening pursuant to s. 435.04. An applicant must supply any
 6 missing criminal history information or other necessary
 7 information to the department within 30 days after the
 8 department requests the information or be subject to automatic
 9 disqualification of eligibility for certification. Evidence of
 10 compliance with the requirements of chapter 435, F.S., within
 11 the last 2 years, may satisfy the background screening
 12 requirements of this subsection if there has not been a break
 13 in employment for a period greater than 180 days since the
 14 completion of the screening. In addition, an applicant must
 15 meet one of the following requirements:

16 (a) Has successfully completed an approved training
 17 program and achieved a minimum score, established by rule of
 18 the department, on the Florida Nursing Assistant Competency
 19 Evaluation, which consists of a written portion and skills
 20 demonstration portion approved by the department and
 21 administered at a site and by personnel approved by the
 22 department.

23 (b) Has achieved a minimum score, established by rule
 24 of the department, on the Florida Nursing Assistant Competency
 25 Evaluation, which consists of a written portion and skills
 26 demonstration portion, approved by the department and
 27 administered at a site and by personnel approved by the
 28 department and:

- 29 1. Has a high school diploma, or its equivalent; or
- 30 2. Is at least 16 years of age.

31 (c) Is currently certified in another state; is listed

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1 on that state's certified nursing assistant registry; has not
2 been found to have committed abuse, neglect, or exploitation
3 in that state; and has successfully completed a national
4 nursing assistant evaluation in order to receive certification
5 in that state.

6 (4) If an applicant fails to pass the Florida Nursing
7 Assistant Competency Evaluation in three attempts, the
8 applicant is not eligible for reexamination unless the
9 applicant completes an approved training program.

10 (5) An oral examination shall be administered as a
11 substitute for the written portion of the examination upon
12 request.

13 468.824 Denial, suspension, or revocation of
14 certification; certified nursing assistant registry.--

15 (1) The department may deny, suspend, or revoke the
16 certification of any certified nursing assistant, based upon
17 written notification from a court of competent jurisdiction,
18 law enforcement agency, or administrative agency of any
19 finding of guilt of, regardless of adjudication, or a plea of
20 nolo contendere or guilty to, any offense set forth in the
21 level 1 or level 2, if appropriate screening standards of
22 chapter 435 or any confirmed report of abuse, neglect, or
23 exploitation. However, the department may, upon the request of
24 an applicant or a certificateholder, exempt the applicant or
25 certificateholder from disqualification of certification under
26 this subsection and issue a letter of exemption.

27 (2) The following acts constitute grounds for which
28 the department may impose disciplinary sanctions as specified
29 in subsection (3):

30 (a) Making misleading, deceptive, or fraudulent
31 representations on an application for certification.

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1 (b) Obtaining or renewing, or attempting to obtain or
2 renew, a certificate by bribery, by fraudulent
3 misrepresentation, or through an error of the department.

4 (c) Intentionally violating any rule of the
5 department.

6 (d) Failing to report to the department any person
7 whom the certificateholder knows to be in violation of this
8 part or failing to report a violation involving abuse to the
9 Department of Children and Family Services.

10 (e) Making or filing a report that the
11 certificateholder knows to be false.

12 (f) Exercising influence on the patient or client in
13 such a manner as to exploit the patient or client for the
14 financial gain of the certificateholder or a third party.

15 (g) Improperly interfering with an investigation or
16 inspection authorized by law or with any disciplinary
17 proceeding.

18 (3) When the department finds any person guilty of any
19 of the grounds set forth in subsection (2), it may enter an
20 order imposing one or more of the following penalties:

21 (a) Denial, suspension, or revocation of
22 certification.

23 (b) Imposition of an administrative fine not to exceed
24 \$150 for each count or separate offense.

25 (4) The department shall, by rule, designate approved
26 treatment programs for impaired practitioners as provided in
27 s. 455.707(1).

28 (5) A certified nursing assistant shall notify the
29 department in writing of any change in name or address within
30 30 days after the change.

31 468.8245 Availability of disciplinary records and

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1 proceedings.--Notwithstanding s. 455.621, any complaint or
2 record maintained by the Department of Health pursuant to the
3 discipline of a certified nursing assistant and any proceeding
4 held by the department to discipline a certified nursing
5 assistant shall remain open and available to the public.

6 468.825 Renewal of certification.--

7 (1) A certified nursing assistant is eligible for
8 renewal of certification if the applicant has:

9 (a) Worked a minimum of 40 hours for monetary
10 compensation as a certified nursing assistant in a
11 nursing-related occupation during the 24 months immediately
12 preceding application for recertification, as provided in an
13 attestation submitted by the applicant; or

14 (b) Successfully completed the written portion and
15 skills demonstration portion of the Florida Nursing Assistant
16 Competency Evaluation.

17 (2) Based upon written notification of a court of
18 competent jurisdiction, law enforcement agency, or
19 administrative agency, any person who has been found guilty
20 of, regardless of adjudication, or pled nolo contendere or
21 guilty to, any offense set forth in the level 1, or level 2,
22 if appropriate screening standards of chapter 435, or who is a
23 confirmed perpetrator of any incident of abuse, neglect, or
24 exploitation, may not be recertified under this section unless
25 the person receives an exemption from the department under s.
26 468.824(1).

27 (3) The department may charge a fee determined by
28 rule, but which may not exceed \$35, for issuing a duplicate
29 certificate at the request of a certified nursing assistant.

30 468.826 Exemption from liability.--If an employer
31 terminates a certified nursing assistant whose name appears on

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1 the central abuse registry and tracking system of the
2 Department of Children and Family Services or on a criminal
3 screening report of the Department of Law Enforcement, the
4 employer is not civilly liable for such termination and a
5 cause of action may not be brought against the employer for
6 damages, regardless of whether the employee has filed for an
7 exemption from the department under s. 468.824(1). There may
8 not be any monetary liability on the part of, and a cause of
9 action for damages may not arise against, any licensed
10 facility, its governing board or members thereof, medical
11 staff, disciplinary board, agents, investigators, witnesses,
12 employees, or any other person for any action taken in good
13 faith without intentional fraud in carrying out this section.

14 468.827 Penalties; rulemaking authority.--

15 (1) It is a misdemeanor of the first degree,
16 punishable as provided under s. 775.082 or s. 775.083, for any
17 person, knowingly or intentionally, to fail to disclose, by
18 false statement, misrepresentation, impersonation, or other
19 fraudulent means, in any application for voluntary or paid
20 employment or licensure regulated under this part, a material
21 fact used in making a determination as to such person's
22 qualifications to be an employee or licensee.

23 (2) It is a felony of the third degree, punishable as
24 provided under s. 775.082, s. 775.083, or s. 775.084, for a
25 person to falsely make, alter, forge, or counterfeit a
26 certified nursing assistant certificate or letter of exemption
27 authorized under s. 468.824(1). The department may deny,
28 suspend, or revoke the certification of any nursing assistant
29 found to possess a false, altered, forged, or counterfeit
30 certificate or who attempts to use such a certificate in an
31 attempt to gain employment.

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1 (3) The department shall adopt rules to provide for
 2 the initial certification and biennial renewal of
 3 certification of certified nursing assistants. An application
 4 for certification or renewal must be accompanied by a fee set
 5 by the department, which may not exceed \$35 plus the cost of
 6 applicable background screening. The department may
 7 periodically audit the records of a certified nursing
 8 assistant in accordance with department rules.

9 Section 14. Effective October 1, 1998, paragraph (g)
 10 of subsection (3) of section 20.43, Florida Statutes, is
 11 amended to read:

12 20.43 Department of Health.--There is created a
 13 Department of Health.

14 (3) The following divisions of the Department of
 15 Health are established:

16 (g) Division of Medical Quality Assurance, which is
 17 responsible for the following boards and professions
 18 established within the division:

19 1. Nursing assistants, as provided under part XV of
 20 chapter 468 s. 400.211.

21 2. Health care services pools, as provided under s.
 22 402.48.

23 3. The Board of Acupuncture, created under chapter
 24 457.

25 4. The Board of Medicine, created under chapter 458.

26 5. The Board of Osteopathic Medicine, created under
 27 chapter 459.

28 6. The Board of Chiropractic, created under chapter
 29 460.

30 7. The Board of Podiatric Medicine, created under
 31 chapter 461.

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- 1 8. Naturopathy, as provided under chapter 462.
- 2 9. The Board of Optometry, created under chapter 463.
- 3 10. The Board of Nursing, created under chapter 464.
- 4 11. The Board of Pharmacy, created under chapter 465.
- 5 12. The Board of Dentistry, created under chapter 466.
- 6 13. Midwifery, as provided under chapter 467.
- 7 14. The Board of Speech-Language Pathology and
- 8 Audiology, created under part I of chapter 468.
- 9 15. The Board of Nursing Home Administrators, created
- 10 under part II of chapter 468.
- 11 16. Occupational therapy, as provided under part III
- 12 of chapter 468.
- 13 17. Respiratory therapy, as provided under part V of
- 14 chapter 468.
- 15 18. Dietetics and nutrition practice, as provided
- 16 under part X of chapter 468.
- 17 19. Athletic trainers, as provided under part XIV of
- 18 chapter 468.
- 19 20. Electrolysis, as provided under chapter 478.
- 20 21. The Board of Massage Therapy, created under
- 21 chapter 480.
- 22 22. The Board of Clinical Laboratory Personnel,
- 23 created under part III of chapter 483.
- 24 23. Medical physicists, as provided under part IV of
- 25 chapter 483.
- 26 24. The Board of Opticianry, created under part I of
- 27 chapter 484.
- 28 25. The Board of Hearing Aid Specialists, created
- 29 under part II of chapter 484.
- 30 26. The Board of Physical Therapy Practice, created
- 31 under chapter 486.

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1 27. The Board of Psychology, created under chapter
2 490.

3 28. The Board of Clinical Social Work, Marriage and
4 Family Therapy, and Mental Health Counseling, created under
5 chapter 491.

6
7 The department may contract with the Agency for Health Care
8 Administration who shall provide consumer complaint,
9 investigative, and prosecutorial services required by the
10 Division of Medical Quality Assurance, councils, or boards, as
11 appropriate.

12 Section 15. Effective October 1, 1998, section
13 400.211, Florida Statutes, is amended to read:

14 400.211 Persons employed as nursing assistants in a
15 nursing home facility; ~~certification requirement.--~~

16 ~~(1) A person must be certified pursuant to this~~
17 ~~section, except a registered nurse or practical nurse licensed~~
18 ~~in accordance with the provisions of chapter 464 or an~~
19 ~~applicant for such licensure who is permitted to practice~~
20 ~~nursing in accordance with rules promulgated by the Board of~~
21 ~~Nursing pursuant to chapter 464, to serve as a nursing~~
22 ~~assistant in any nursing home. The Department of Business and~~
23 ~~Professional Regulation shall issue a certificate to any~~
24 ~~person who:~~

25 ~~(a) Has successfully completed a nursing assistant~~
26 ~~program in a state-approved school and has achieved a minimum~~
27 ~~score of 75 percent on the written portion of the Florida~~
28 ~~Nursing Assistant Certification Test approved by the~~
29 ~~Department of Business and Professional Regulation and~~
30 ~~administered by state-approved test site personnel;~~

31 ~~(b) Has achieved a minimum score of 75 percent on the~~

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1 ~~written and performance portions of the Florida Nursing~~
2 ~~Assistant Certification Test approved by the Department of~~
3 ~~Business and Professional Regulation and administered by~~
4 ~~state-approved test site personnel; or~~

5 ~~(c) Is currently certified in another state, is on~~
6 ~~that state's registry, has no findings of abuse, and has~~
7 ~~achieved a minimum score of 75 percent on the written portion~~
8 ~~of the Florida Nursing Assistant Certification Test approved~~
9 ~~by the Department of Business and Professional Regulation and~~
10 ~~administered by state-approved test site personnel.~~

11
12 ~~An oral examination shall be administered upon request.~~

13 ~~(2) The agency may deny, suspend, or revoke the~~
14 ~~certification of any person to serve as a nursing assistant,~~
15 ~~based upon written notification from a court of competent~~
16 ~~jurisdiction, law enforcement agency, or administrative agency~~
17 ~~of any finding of guilt of, regardless of adjudication, or a~~
18 ~~plea of nolo contendere or guilty to, any offense set forth in~~
19 ~~the level 1 screening standards of chapter 435 or any~~
20 ~~confirmed report of abuse of a vulnerable adult.~~

21 ~~(1)(3)~~ The following categories of persons who are not
22 certified as nursing assistants under part XV of chapter 468
23 ~~this part~~ may be employed by a nursing facility for a period
24 of 4 months:

25 (a) Persons who are enrolled in a state-approved
26 nursing assistant program; or

27 (b) Persons who have been positively verified by a
28 department ~~state-approved test site~~ as certified and on the
29 registry in another state with no findings of abuse, but who
30 have not completed the written examination required under s.
31 468.823 ~~this section.~~

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2 The certification requirement must be met within 4 months
3 after ~~of~~ initial employment as a nursing assistant in a
4 licensed nursing facility.

5 ~~(4) A person certified under this section on or after~~
6 ~~September 30, 1990, who has not worked for pay as a nursing~~
7 ~~assistant in a nursing-related occupation for a period of time~~
8 ~~during a consecutive 24-month period must be recertified under~~
9 ~~this section to be eligible to work in a nursing facility.~~

10 ~~(5) Every certified nursing assistant hired by a~~
11 ~~nursing home facility on or after October 1, 1993, must,~~
12 ~~within 5 working days after starting employment at a nursing~~
13 ~~home facility, submit to the facility a complete set of~~
14 ~~information necessary to conduct a records check through the~~
15 ~~central abuse registry under chapter 415 and a statewide~~
16 ~~criminal records correspondence check through the Department~~
17 ~~of Law Enforcement. The facility shall submit the information~~
18 ~~provided by the employee, within 48 hours, to the Department~~
19 ~~of Health and Rehabilitative Services' central abuse registry~~
20 ~~and to the Department of Law Enforcement, which shall conduct~~
21 ~~a screening according to the provisions of s. 400.497(2).~~

22 ~~(2)(6)~~ Nursing homes shall require persons seeking
23 employment as a certified nursing assistant to submit an
24 employment history to the facility. The facility shall verify
25 the employment history unless, through diligent efforts, such
26 verification is not possible. There shall be no monetary
27 liability on the part of, and no cause of action for damages
28 shall arise against, a former employer who reasonably and in
29 good faith communicates his or her honest opinion about a
30 former employee's job performance.

31 ~~(3)(7)~~ If the requirements pursuant to the Omnibus

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1 Budget Reconciliation Act of 1987, as amended, for the
2 certification of nursing assistants are in conflict with part
3 XV of chapter 468 ~~this section~~, the federal requirements shall
4 prevail for those nursing home facilities certified to provide
5 care under Title XVIII (Medicare) or Title XIX (Medicaid) of
6 the Social Security Act.

7 ~~(8) The Department of Business and Professional~~
8 ~~Regulation may adopt such rules as are necessary to carry out~~
9 ~~this section.~~

10 Section 16. Effective October 1, 1998, paragraph (a)
11 of subsection (1) and subsection (2) of section 400.4255,
12 Florida Statutes, are amended to read:

13 400.4255 Use of licensed personnel.--

14 (1)(a) Persons under contract to the facility,
15 facility staff, or volunteers, who are licensed according to
16 chapter 464, or those persons exempt under s. 464.022(1), and
17 others as defined by rule, may administer medications to
18 residents, take residents' vital signs, manage individual
19 weekly pill organizers for residents who self-administer
20 medication, give prepackaged enemas ordered by a physician,
21 observe residents, document observations on the appropriate
22 resident's record, report observations to the resident's
23 physician, and contract or allow residents or a resident's
24 representative, designee, surrogate, guardian, or attorney in
25 fact to contract with a third party, provided residents meet
26 the criteria for appropriate placement as defined in s.
27 400.426. Nursing assistants certified pursuant to part XV of
28 chapter 468 ~~s. 400.211~~ may take residents' vital signs as
29 directed by a licensed nurse or physician.

30 (2) In facilities licensed to provide extended
31 congregate care, persons under contract to the facility,

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1 facility staff, or volunteers, who are licensed according to
2 chapter 464, or those persons exempt under s. 464.022(1), or
3 those persons certified as nursing assistants pursuant to part
4 XV of chapter 468 s. 400.211, may also perform all duties
5 within the scope of their license or certification, as
6 approved by the facility administrator and pursuant to this
7 part.

8 Section 17. Effective October 1, 1998, subsection (1)
9 of section 400.462, Florida Statutes, is amended to read:

10 400.462 Definitions.--As used in this part, the term:

11 (1) "Certified nursing assistant" means any person who
12 has been issued a certificate after fulfilling the
13 requirements of part XV of chapter 468 s. 400.211.

14 Section 18. Effective October 1, 1998, paragraph (a)
15 of subsection (9) of section 400.506, Florida Statutes, is
16 amended to read:

17 400.506 Licensure of nurse registries; requirements;
18 penalties.--

19 (9)(a) A nurse registry may refer for contract in
20 private residences registered nurses and licensed practical
21 nurses registered and licensed under chapter 464, certified
22 nursing assistants certified under part XV of chapter 468 s.
23 ~~400.211~~, and sitters, companions, or homemakers for the
24 purposes of providing those services authorized under s.
25 400.509(1).

26 Section 19. Effective October 1, 1998, paragraph (a)
27 of subsection (2) of section 455.667, Florida Statutes, is
28 amended to read:

29 455.667 Ownership and control of patient records;
30 report or copies of records to be furnished.--

31 (2) As used in this section, the terms "records

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1 owner," "health care practitioner," and "health care
2 practitioner's employer" do not include any of the following
3 persons or entities; furthermore, the following persons or
4 entities are not authorized to acquire or own medical records,
5 but are authorized to maintain those documents required by the
6 part or chapter under which they are licensed or regulated:

7 (a) Certified nursing assistants regulated under part
8 XV of chapter 468 s. 400.211.

9 Section 20. A certified nursing assistant who holds a
10 valid certification issued under section 400.211, Florida
11 Statutes, before October 1, 1998, is in compliance with this
12 act and is not subject to renewal of such certification until
13 October 1, 2000. This section takes effect October 1, 1998.

14 Section 21. Pursuant to section 216.262, Florida
15 Statutes, the Florida Department of Law Enforcement is granted
16 authority to establish positions in excess of the total
17 authorized positions upon submission of a proper request to
18 the Administration Commission. These positions shall be
19 established with funding from the department's Law Enforcement
20 Operating Trust Fund and shall be used to process the
21 increased workload of conducting the criminal history records
22 checks authorized under this section. These positions will be
23 earmarked by the department, and, at such time as they are no
24 longer needed, may be placed in a reserve status for future
25 use. This section takes effect October 1, 1998.

26 Section 22. Effective October 1, 1998, paragraph (t)
27 is added to subsection (1) of section 455.624, Florida
28 Statutes, to read:

29 455.624 Grounds for discipline; penalties;
30 enforcement.--

31 (1) The following acts shall constitute grounds for

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1 which the disciplinary actions specified in subsection (2) may
2 be taken:

3 (t) Failing to wear identification, which shall be
4 conspicuously displayed and legible, indicating the
5 practitioner's name and professional title authorized pursuant
6 to part XV, chapter 468, regulating certified nursing
7 assistants, while practicing as an employee of a hospital,
8 clinic, nursing home, or group practice, or at a commercial
9 establishment, offering health care services to the public.
10 Disciplinary actions for violation of this paragraph shall be
11 restricted to a notice of noncompliance pursuant to subsection
12 (3).

13 Section 23. The Department of Health is authorized to
14 have access to the background screening registry for nursing
15 home employees maintained by the Agency for Health Care
16 Administration, if created by SB 208, 1998 Regular Session, or
17 similar legislation. This section takes effect October 1,
18 1998.

19
20
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 2, line 6, after the semicolon

24
25 insert:

26 creating part XV of chapter 468, F.S.;

27 providing a short title; providing definitions;

28 providing duties and powers of the Department

29 of Health in regulating the practice of

30 certified nursing assistants; providing

31 requirements for a state registry of certified

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1 nursing assistants; providing requirements for
2 obtaining certification as a certified nursing
3 assistant; authorizing the department to deny,
4 suspend, or revoke a person's certification
5 upon certain findings or reports of abuse,
6 neglect, or exploitation; authorizing the
7 department to exempt an applicant or
8 certificateholder from disqualification of
9 certification; specifying certain acts that
10 constitute grounds for disciplinary sanctions;
11 providing penalties; requiring that the
12 department maintain a registry of certified
13 nursing assistants; providing requirements for
14 records and meetings held for disciplinary
15 actions; providing for renewal of
16 certification; exempting an employer from
17 liability for terminating a certified nursing
18 assistant under certain circumstances;
19 authorizing the department to contract for
20 examination services; providing penalties;
21 providing rulemaking authority; amending s.
22 400.211, F.S.; deleting obsolete provisions
23 with respect to the regulation of certified
24 nursing assistants by the Department of
25 Business and Professional Regulation; providing
26 for certain federal requirements to apply to
27 specified nursing home facilities under certain
28 circumstances; amending ss. 20.43, 400.4255,
29 400.462, 400.506, 455.667, F.S., relating to
30 the Department of Health, the use of licensed
31 personnel in assisted living facilities, the

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1 regulation of home health agencies, nurse
2 registries, and the ownership and control of
3 patient records; conforming cross-references to
4 changes made by the act; providing for the
5 continued validity of certifications issued
6 before the effective date of the act;
7 authorizing certain positions for the Florida
8 Department of Law Enforcement in excess of
9 those otherwise authorized; providing funding;
10 amending s. 455.624, F.S.; specifying health
11 care professionals for whom failure to wear
12 certain identification while offering services
13 to the public is grounds for disciplinary
14 action; authorizing the Department of Health to
15 have access to a background screening registry
16 for nursing home employees;

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