

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1932

SPONSOR: Health, Aging and Long-Term Care Committee and Senator Silver

SUBJECT: Nursing

DATE: March 21, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Munroe</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill transfers the regulatory and rulemaking authority that the Department of Health has over certified nursing assistants (CNAs) to the Board of Nursing within the department. The bill splits chapter 464, F.S., relating to nursing into two parts by creating part I, ch. 464, F.S., for the regulation of the practice of nursing and part II, ch. 464, F.S., for the regulation of CNAs. The bill creates a five-member Council on Certified Nursing Assistants and specifies its duties. The bill adds advanced registered nurse practitioners to the list of professionals who may participate in the credentialing program administered by the Department of Health. Advanced registered nurse practitioners must comply with the requirements of the practitioner profiling program. The bill revises requirements for CNA certification and application procedures. The appropriate regulatory board within the Department of Health or department itself when there is no board is authorized to grant an exemption from disqualification to an employee or prospective employee who has received a professional license or certification from the Department of Health or a regulatory board within that department and who is subject to criminal background screening as a condition of employment or contract with a nursing home, home health agency, nurse registry, or as a companion or homemaker.

This bill amends and renumbers ss. 468.821, 468.822, 468.823, 468.824, 468.825, 468.826, 468.827, 468.828, and 468.829, Florida Statutes (Part XV, chapter 468, F.S.), as (Part II, ch. 464, F.S.) 464.201, 464.202, 464.203, 464.204, 464.205, 464.206, 464.207, 464.208, and 464.209, F.S.

This bill amends ss. 20.43, 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, 400.021, 400.211, 400.215, 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, 400.506, 400.512, 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112, 550.24055,

627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, 985.03, 455.557, 455.5651, 455.5653, and 455.5654, F.S.

This bill creates ss. 464.2085 and 455.56503, F.S., and one undesignated section.

II. Present Situation:

Federal Requirements for Nursing Assistants

Pursuant to requirements of federal law under Chapter 42 *Code of Federal Regulations* 483, states have established registries and programs for nursing assistant training and competency evaluation. For a nursing assistant training and competency evaluation program to be approved by a state, it must at a minimum consist of: no less than 75 clock hours of training; a specified curriculum of subject areas; no less than 16 hours of supervised practical training in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse; training that ensures that students do not perform any services for which they have not been trained and been found proficient by the instructor; and competency evaluation procedures that allow an aide to choose between a written and an oral examination. The Department of Education approves training programs for certified nursing assistants.

The required curriculum of the nursing assistant training program must provide training in the following areas before a nursing assistant can have any direct contact with a nursing home resident: communication and interpersonal skills; infection control; safety/emergency procedures; promoting residents' independence and respecting resident's rights; basic nursing skills; taking and recording vital signs; measuring and recording height and weight; caring for the residents' environment; recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; caring for residents when death is imminent; personal care skills; mental health and social service needs of residents, such as how to respond to resident behavior; care of and communicating with cognitively impaired residents; and basic restorative skills, such as training the resident in self care according to the resident's abilities, and care and use of prosthetic and orthotic devices. A nursing assistant who is employed by, or who has received an offer of employment from, a facility on the date on which the nursing assistant begins a nursing assistant training and competency evaluation program may not be charged for any portion of the program.

Part XV, chapter 468, F.S., provides for the registration of certified nursing assistants (CNAs) by the Department of Health. The Department of Health must maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each CNA in Florida; other identifying information defined by department rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under ch. 435, F.S.; and any disciplinary action taken against a certified nursing assistant. The registry must be accessible to the public, the certificateholder, employers, and other state agencies.

Pursuant to s. 468.823, F.S., the Department of Health must issue a certificate to any person who demonstrates a minimum competency to read and write and has met one of the following: successful completion of a nursing assistant program in an approved program and a minimum score on the nursing assistant competency examination, which consists of a written portion and skill-demonstration portion approved by the department and administered at a test site and by personnel approved by the department; achievement of a minimum score on the nursing assistant competency examination, and receipt of a high school diploma or its equivalent or attainment of 18 years of age; or receipt of current certification in another state, being on that state's registry of certified nursing assistants, having no findings of abuse, and having successfully completed a national nursing assistant evaluation in order to receive certification in that state. An oral examination may be administered upon request. The Department of Health must adopt rules to provide for the initial certification of certified nursing assistants. A CNA is required to maintain a current address with the Department of Health.

The Department of Health may discipline a certified nursing assistant for: obtaining or attempting to obtain an exemption, or possessing or attempting to possess a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the department; intentionally violating any provision of part XV, ch. 468, F.S., ch. 455, F.S., or the rules adopted by the department. The Department of Health may impose the following penalties in disciplining a certified nursing assistant for violations: deny, suspend, or revoke the certification of the person; impose an administrative fine no greater than \$150 for each count or separate offense; or impose probation or restriction of the certification of the person, including conditions such as corrective actions, retraining, or compliance with an approved treatment program for impaired practitioners.

Background Screening and Employment Disqualification of CNAs

Pursuant to s. 400.211, F.S., certification requirements must be met within 4 months of a person's initial employment as a nursing assistant in a licensed facility. Persons who are not certified as nursing assistants in Florida may be employed by a nursing facility for up to 4 months, if they are enrolled in a state-approved nursing assistant program or if they have been positively verified by a state-approved test site as certified and on the registry in another state with no findings of abuse, but who have not completed the required written examination.

The Agency for Health Care Administration must establish and maintain a database of screened nursing home employees. The database is to maintain background screening information obtained through level 1 and level 2 screening and abuse registry screening based on the Agency for Health Care Administration's electronic access to the Central Abuse Registry and Tracking System in the Department of Children and Family Services. Nursing homes may reimburse job applicants and employees for their screening costs. The Agency for Health Care Administration is required, as allowable, to reimburse nursing facilities for the cost of the background screening; the reimbursements are excluded from the Medicaid reimbursement rate ceilings and payment targets.

Certified nursing assistants working in nursing homes are required to undergo background screening. Certified nursing assistants are subject to criminal history screening and abuse and neglect screening in accordance with s. 400.215, F.S. A CNA who is disqualified from employment because of screening results may request a hearing from the Department of Health to determine whether he or she may be exempted, as provided in s. 435.07, F.S. If an exemption is

granted, the CNA may be employed by a nursing home. Professionals licensed by the Department of Health, Division of Medical Quality Assurance, are exempt from nursing home-based employment screening.

Chapter 435, F.S., relating to employment screening, provides for two levels of review of an individual's past. Level 1 screening requires criminal history screening through FDLE's database and screening for a history of abuse, neglect, or exploitation through the Department of Children and Family Services. Level 2 screening, which is more comprehensive in that it is a national search involving use of a fingerprint card, includes search of delinquency records, and requires FBI screening.

Background Screening and Employment Disqualification of Home Health Agency Personnel, Persons Referred For Employment by Nurse Registries, and Persons Employed by Registered Companion or Homemaker Services

Section 400.512, F.S., requires the Agency for Health Care Administration to require employment or contractor Level 1 screening under ch. 435, F.S., for home health agency personnel, persons referred for employment by nurse registries, and persons employed by registered companion or homemaker services. The Agency for Health Care Administration is authorized to grant exemptions from employment or contracting as provided in s. 435.07, F.S. The costs of processing the statewide correspondence criminal records checks and the search of the Department of Children and Families central abuse hotline must be borne by the home health agency, the nurse registry, or the registered companion or homemaker service, or by the person being screened. The section provides a first degree misdemeanor for any person who willfully, knowingly, or intentionally uses information from criminal records or the central abuse hotline for any purpose other than screening that person for employment as specified in this section or release such information to any other persons for any reason other than screening under this section.

Nurses

Chapter 464, F.S., provides for the regulation of the practice of nursing by the Board of Nursing within the Department of Health. The chapter authorizes the board to adopt administrative rules to carry out its duties in the regulation of nursing practice. The chapter specifies grounds for which a nurse may be disciplined for the violation of professional standards. Section 464.012, F.S., provides for the regulation of advanced registered nurse practitioners.

Practitioner Profiling

Section 455.565, Florida Statutes, requires each licensed physician, osteopathic physician, chiropractic physician, and podiatric physician to submit specified information which, beginning July 1, 1999, will be compiled into practitioner profiles to be made available to the public. The information includes: graduate medical education; hospitals at which the physician has privileges; specialty certification; year the physician began practice; a description of any criminal offense committed; a description of any final disciplinary action taken within the most recent 10 years; professional liability closed claims reported to the Department of Insurance within the most recent 10 years exceeding \$5,000; professional awards and publications; languages, other than English, used by the physician to communicate with patients; and an indication of whether the physician

participates in the Medicaid program. Each person who applies for initial licensure as a medical physician, osteopathic physician, chiropractic physician, or podiatric physician must, at the time of application, and each medical physician, osteopathic physician, chiropractic physician, or podiatric physician must, in conjunction with the renewal of the license, submit the information required for practitioner profiles.

Section 455.565, F.S., requires medical physicians, osteopathic physicians, chiropractic physicians, and podiatric physicians to submit fingerprints for a national criminal history check as part of initial licensure. The section also requires already licensed medical physicians, osteopathic physicians, chiropractic physicians, and podiatric physicians to submit, on a one-time-basis, a set of fingerprints for the initial renewal of their licenses after January 1, 2000, to the Department of Health. The Department of Health must submit the fingerprints of licensure renewal applicants to the Florida Department of Law Enforcement (FDLE) and FDLE then must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after January 1, 2000. For any subsequent renewal of the applicant's license, the Department of Health must submit the required information for a statewide criminal history check of the applicant.

Section 455.5651, F.S., requires the Department of Health to indicate if the criminal history information reported by a medical physician, osteopathic physician, chiropractic physician, or podiatric physician is not corroborated by a criminal history check. The Department of Health or the board having regulatory authority over the practitioner must investigate any information it receives when it has reasonable grounds to believe that the practitioner has violated any law that relates to the practitioner's practice. Each practitioner's profile must include the following statement: "The criminal history information, if any exists, may be incomplete; federal criminal history information is not available to the public."

Medical physicians, osteopathic physicians, chiropractic physicians, and podiatric physicians applying for licensure renewal must submit the information required for the practitioner profiles, however, an applicant who has submitted fingerprints to the Department of Health for a national criminal history check upon initial licensure and is renewing his or her license for the first time, only needs to submit the information and fee required for a statewide criminal history check.

Section 455.5653, F.S., requires the Department of Health to develop by the year 2000, a schedule and procedures for other licensed health care practitioners to submit relevant information for inclusion in practitioner profiles.

III. Effect of Proposed Changes:

Section 1. Amends and renumbers ss. 468.821, 468.822, 468.823, 468.824, 468.825, 468.826, 468.827, 468.828, and 468.829, F.S. (Part XV, ch. 468, F.S.), as (Part II, ch. 464, F.S.) 464.201, 464.202, 464.203, 464.204, 464.205, 464.206, 464.207, 464.208, and 464.209, F.S., to transfer the regulatory authority for certified nursing assistants from the Department of Health to the Board of Nursing within the Department of Health. Beginning October 1, 2000, the Board of Nursing will assume responsibility for approval of training programs for certified nursing assistants. The Board of Nursing must require the contract provider to provide and accept CNA applications via the Internet, and process applications and complete testing within five calendar

days of the receipt of the application with test scores provided within two calendar days of the test date. Certified nursing assistants, regardless of their workplace settings, are required to successfully pass the required criminal background screening required for employment in a nursing home under s. 400.215, F.S., in order to get licensed in Florida. An inaccurate requirement for CNAs licensed in another state who are seeking a CNA certificate in Florida to have successfully completed a national nursing evaluation is deleted. Technical and conforming revisions are made to replace references to the Department of Health with those for the Board of Nursing.

Section 2. Creates s. 464.2085, F.S., to establish a five-member Council on Certified Nursing Assistants within the Department of Health under the Board of Nursing. The chairperson of the Board of Nursing must appoint: two members who are registered nurses and one of the registered nurse-members must currently supervise a CNA in a licensed nursing home; and one licensed practical nurse who is currently working in a licensed nursing home. The Secretary of the Department of Health must appoint two CNAs currently certified under ch. 464, F.S., and at least one of the CNAs must currently be working in a licensed nursing home. The council must: recommend policies and procedures for the certification of nursing assistants to the department; develop rules regulating the education, training and certification process for nursing assistants; and address concerns and problems of CNAs to improve safety in their practice. The board must consider adopting a proposed rule developed by the council at the next regularly scheduled meeting following submission of the proposed rule by the council.

Section 3. Amends s. 20.43, F.S., relating to the organization of the Department of Health, to provide for the creation of part I, ch. 464, F.S., for the regulation of the practice of nursing and the creation of part II, ch. 464, F.S., for the regulation of certified nursing assistants.

Sections 4-16. Amend ss. 39.01, 39.304, 110.131, 232.46, 240.4075, 246.081, 310.102, 381.0302, 384.30, 384.31, 394.455, 395.0191, and 400.021, F.S., to conform cross references to the creation of part I, ch. 464, F.S., for the regulation of the practice of nursing.

Section 17. Amends s. 400.211, F.S., relating to persons employed as nursing assistants and certification requirements, to require any person who is employed as a nursing assistant in any nursing home in Florida to be certified under part II, ch. 464, F.S. An inaccurate requirement for CNAs licensed in another state who are seeking a CNA certificate in Florida to have successfully completed a national nursing evaluation is deleted. Technical and conforming revisions are made.

Section 18. Amends s. 400.215, F.S., relating to nursing home personnel screening requirements, to authorize the appropriate regulatory board within the Department of Health or department itself when there is no board to grant an exemption from disqualification to an employee or prospective employee who has received a professional license or certification from the Department of Health or a regulatory board within that department and who is subject to criminal background screening as a condition of employment in a nursing home.

Sections 19-25. Amend ss. 400.402, 400.407, 400.4255, 400.426, 400.462, 400.464, and 400.506, F.S., to make technical and conforming revisions relating to the creation of part I, ch. 464, F.S., for the regulation of the practice of nursing and the creation of part II, ch. 464, F.S., for the regulation of certified nursing assistants.

Section 26. Amends s. 400.512, F.S., relating to screening of home health agency personnel, nurse registry personnel, and companions and homemakers, to authorize the appropriate regulatory board within the Department of Health or department itself when there is no board to grant an exemption from disqualification to an employee or prospective employee who has received a professional license or certification from the Department of Health or a regulatory board within that department and who is subject to criminal background screening as a condition of employment. The Agency for Health Care Administration may continue to grant exemptions, upon request but may no longer grant exemptions from disqualification from employment or contracting for health care practitioners licensed by the Department of Health or a regulatory board within that department.

Section 27-71. Amends ss. 400.6105, 401.23, 401.252, 408.706, 409.908, 415.1085, 455.597, 455.604, 455.667, 455.677, 455.694, 455.707, 458.348, 464.001, 464.002, 464.003, 464.006, 464.009, 464.016, 464.018, 464.019, 464.022, 464.023, 464.027, 466.003, 467.003, 467.0125, 467.203, 468.505, 483.041, 483.801, 491.0112, 550.24055, 627.351, 627.357, 627.9404, 641.31, 766.101, 766.110, 766.1115, 877.111, 945.602, 960.28, 984.03, and 985.03, F.S., to make technical and conforming revisions relating to the creation of part I, ch. 464, F.S., for the regulation of the practice of nursing and the creation of part II, ch. 464, F.S., for the regulation of certified nursing assistants.

Section 72. Amends s. 455.557, F.S., relating to standardized credentialing for health care practitioners, to add advanced registered nurse practitioners to the list of licensed professionals who may participate in the credentialing program administered by the Department of Health. Obsolete language referring to the now defunct Credentials Advisory Council is deleted and conforming changes are made to authorize the addition of advanced registered nurse practitioners to the credentialing program.

Section 73. Creates s. 455.56503, F.S., to require each person who applies for initial licensure as an advanced registered nurse practitioner to submit specified information for compilation into a practitioner profile, at the time of application under procedures adopted by the Department of Health. The applicants must submit: the name of each school or training program that the applicant attended; a description of all graduate professional education completed by the applicant and the month and year of graduation; the name of each location at which the applicant practices; any certification or designation the applicant has received from a specialty or certification board recognized or approved by the regulatory board or department to which the applicant is applying; year of initial certification and year the applicant began practicing; faculty appointments; a description of any criminal offense; a description of any final disciplinary action taken within the previous 10 years; and malpractice settlements or judgments. An applicant may submit additional information to the department. An initial licensure applicant must submit fingerprints and pay the costs for a federal criminal history check once after the effective date of the bill and must undergo and pay the costs for a statewide criminal history check for every license renewal. The section requires an advanced registered nurse practitioner who is already certified, to submit, on a one-time-basis, a set of fingerprints for the initial renewal of his or her license after the effective date of the section, to the Department of Health. The Department of Health must submit the fingerprints of licensure renewal applicants to the Florida Department of Law Enforcement (FDLE) and FDLE then must forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check for the initial renewal of the applicant's license after July 1, 2000.

For any subsequent renewal of the applicant's license, the Department of Health must submit the required information for a statewide criminal history check of the applicant. Any applicant for certification as an advanced registered nurse practitioner who has already submitted information for the required criminal history check need not submit duplicate information required for a criminal history check to the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services for employment or licensure. Such agencies must obtain criminal history for employment or licensure of advanced registered nurse practitioners from the Department of Health's credentialing system.

Section 74. Amends s. 455.5651, F.S., relating to practitioner profiles, to require the Department of Health to compile the information submitted by advanced registered nurse practitioner applicants under s. 455.5603, F.S., into a practitioner profile of the applicant submitting the information. Conforming changes are made to authorize the addition of advanced registered nurse practitioners to the practitioner profiling program.

Section 75. Amends s. 455.5653, F.S., relating to requirements for the Department of Health to develop or contract for a computer to accommodate a data collection and storage system for practitioner profiles, to delete obsolete language and to make conforming changes to authorize the addition of advanced registered nurse practitioners to the practitioner profiling program.

Section 76. Amends s. 455.5654, F.S., relating to the Department of Health's rulemaking authority for the form of a practitioner profile, to make a conforming change to authorize the addition of advanced registered nurse practitioners to the practitioner profiling program.

Section 77. An appropriation of \$280,000 is provided from the Medical Quality Assurance Trust Fund to the Department of Health to implement the provisions in the bill.

Section 78. Provides a July 1, 2000, effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Subsections 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Under the bill, approximately 900 initial licensure applicants must undergo and pay the costs for a federal criminal history check once after the effective date of the bill and must undergo and pay the costs for a statewide criminal history check for every license renewal. The cost for a statewide criminal history check is estimated at \$15; the cost for a federal criminal history check is estimated at \$24; a 7 percent general revenue fee of \$3 and a \$1 administrative processing fee are assessed, for a total processing cost of \$43. The department will collect \$38,700 to process the criminal history checks for an estimated 900 advanced registered nurse practitioners each year who are initially licensed after the effective date of the bill.

Advanced registered nurse practitioners who are already certified in Florida and who are renewing their licenses after January 1, 2002, will incur the costs associated with a statewide and national criminal history check as part of the profiling requirements. The Department of Health estimates 8,100 renewal applicants will be subject to a \$43 fee per applicant for the one-time national criminal history check and statewide criminal check totaling \$348,300 collected by the department.

C. Government Sector Impact:

The Board of Nursing within the Department of Health will incur costs to implement the provisions of the bill relating to the Board of Nursing's regulatory jurisdiction over CNAs. Under the bill, the Board of Nursing will approve training programs for CNAs, be responsible for disciplinary matters and adopt rules relating to CNAs. The department estimates that CNAs have a projected deficit cash balance of (\$1,299,788) as of June 30, 2001, in the trust fund used by the department to implement health care professional regulation. The department estimates that the Board of Nursing has a projected cash balance of \$7,204,668 as of June 30, 2001, in the trust fund used by the department to implement health care professional regulation. The department estimates the need for 1 nurse consultant and one additional staff position (Regulatory Specialist I) to handle the additional workload relating to the board's oversight of the regulation of CNAs at a cost of \$65,097 (salaries and benefits) for fiscal year 2000-2001 and \$86,795 (salaries and benefits) for fiscal year 2001-2002.

The bill creates the five-member Council on Certified Nursing Assistants and the department will incur administrative, travel and per diem costs relating to the council. The department assumes 3 meetings per year, travel costs (airfare and hotel) equal to \$6,200, and costs for per diem equal to \$1,500 totaling \$7,700 for fiscal year 2000-2001 and for fiscal year 2001-2002.

The Department of Health will incur costs to add advanced registered nurse practitioners to practitioner profiling program and the credentialing program which are administered by the department. The department has estimated the need for 1 full-time position (Regulatory Specialist I) to gather the data and corroborate information from advanced registered nurse practitioners who are subject to the practitioner profiling requirements at a cost of \$25,387 for fiscal year 2000-2001 and \$33,849 for fiscal year 2001-2002. The department has provided estimates for non-recurring costs in fiscal year 2001-2002 to revise its computer systems to update and corroborate the data submitted by advanced registered nurse practitioners for the practitioner profiling program and credentialing program totaling \$375,000 for fiscal year 2001-2002. Three OPS positions will be responsible for the initial and ongoing updating of profiling and credentialing information totaling \$45,052 for fiscal year 2001-2002. The department has indicated that the fees collected for the criminal background check will offset its costs for administering the background check. Refer to the table below for total fees and expenditures.

The bill requires the Agency for Health Care Administration, the Department of Juvenile Justice, or the Department of Children and Family Services to obtain criminal history for employment or licensure of advanced registered nurse practitioners from the Department of Health’s credentialing system. Such departments will incur unspecified costs to retrieve this information from the Department of Health.

Estimated Revenues	FY 2000-2001	FY 2001-2002
Licenses (900@\$43)	\$38,700	
Licenses (9,000@\$43)		\$387,000

Estimated Expenditures	FY 2000-2001	FY 2001-2002
A. Non-recurring Costs		
OPS 3 Full Time OPS Positions		\$45,052
1 OPS Full Time (Board Office)	\$15,017	
Expenses (1 Nurse Consultant/2 Regulatory Spec.)	\$7,629	
OCO (3 /FTE @ 4,177 each)	\$12,531	
Profiling (8,100@\$30 each)		\$243,000
ARNP Profiling System		\$10,000
ARNP Credentialing System		\$275,000
Fingerprinting (8,100@\$39 each)		\$315,900
Total Non-recurring Costs	\$35,177	\$888,952

B. Recurring Costs		
3 FTE (Nurse Consultant/2 Regulatory Spec.) (Salaries, OPS, Expenses)	\$166,417	\$196,577
Total All Costs	\$201,594	\$1,085,529

VI. Technical Deficiencies:

None.

VII. Related Issues:

Generally, health care professional licensure programs administered by the Department of Health are supported by fees paid by licensees subject to the regulation. Federal regulations (chapter 42 *Code of Federal Regulations* § 483.156) prohibit states from imposing any charges relating to the registration of CNAs. Section 455.587, F.S., provides legislative intent that no regulated profession operate with a negative cash balance. The department is authorized to provide by rule for advancing sufficient funds to any profession operating with a negative cash balance for a period no greater than 2 consecutive years, and the regulated profession must pay interest. *Under s. 455.587(5), F.S., the department must maintain separate accounts in the trust fund for each profession and may not expend funds from the account of a profession to pay for the expenses incurred on behalf of another profession.* It is unclear without specific legislative authorization, whether the department may expend funds allocated to the Board of Nursing for its regulatory authority over the practice of another profession, certified nursing assistants.

VIII. Amendments:

None.