

By Senator King

8-286-05

1                                   A bill to be entitled  
2           An act relating to nursing; providing a short  
3           title; requiring the Agency for Workforce  
4           Innovation to establish a pilot program for the  
5           delivery of certified geriatric specialty  
6           nursing education; specifying eligibility  
7           requirements for a certified nursing assistant  
8           to obtain certification as a geriatric  
9           specialist; specifying requirements for the  
10          education of a certified nursing assistant to  
11          prepare for certification as a certified  
12          geriatric specialist; creating a Certified  
13          Geriatric Specialty Nursing Initiative Steering  
14          Committee; providing for the composition of and  
15          manner of appointment to the Certified  
16          Geriatric Specialty Nursing Initiative Steering  
17          Committee; providing responsibilities of the  
18          steering committee; providing for reimbursement  
19          for per diem and travel expenses; requiring the  
20          Agency for Workforce Innovation to conduct or  
21          contract for an evaluation of the pilot program  
22          for the delivery of certified geriatric  
23          specialty nursing education; requiring the  
24          evaluation to include recommendations regarding  
25          the expansion of the delivery of certified  
26          geriatric specialty nursing education in  
27          nursing homes; requiring the Agency for  
28          Workforce Innovation to report to the Governor  
29          and the Legislature regarding the evaluation of  
30          the pilot program; requiring the agency to  
31          submit periodic status reports and recommended

1 |           legislation to the Governor and the  
2 |           Legislature; creating s. 464.0125, F.S.;  
3 |           providing definitions; providing requirements  
4 |           for persons to become certified geriatric  
5 |           specialists; requiring the Board of Nursing to  
6 |           establish core competencies by rule; specifying  
7 |           fees; providing practice standards and grounds  
8 |           for which certified geriatric specialists may  
9 |           be subject to discipline by the Board of  
10 |          Nursing; providing for articulation of  
11 |          geriatric specialty nursing coursework and  
12 |          practical nursing coursework; creating  
13 |          restrictions on the use of professional nursing  
14 |          titles; prohibiting the use of certain  
15 |          professional titles; providing penalties;  
16 |          authorizing approved nursing programs to  
17 |          provide education for the preparation of  
18 |          certified geriatric specialists without further  
19 |          board approval; authorizing certified geriatric  
20 |          specialists to supervise the activities of  
21 |          others in nursing home facilities according to  
22 |          rules by the Board of Nursing; amending s.  
23 |          381.00315, F.S.; revising requirements for the  
24 |          reactivation of the licenses of specified  
25 |          health care practitioners in the event of a  
26 |          public health emergency to include certified  
27 |          geriatric specialists; amending s. 400.021,  
28 |          F.S.; including services provided by a  
29 |          certified geriatric specialist within the  
30 |          definition of nursing service; amending s.  
31 |          400.211, F.S.; revising requirements for

1 persons employed as nursing assistants to  
2 conform to the certification of certified  
3 geriatric specialists; amending s. 400.23,  
4 F.S.; specifying that certified geriatric  
5 specialists shall be considered licensed  
6 nursing staff; authorizing licensed practical  
7 nurses to supervise the activities of certified  
8 geriatric specialists in nursing home  
9 facilities according to rules adopted by the  
10 Board of Nursing; amending s. 409.908, F.S.;  
11 revising the methodology for reimbursement of  
12 Medicaid program providers to include services  
13 of certified geriatric specialists; amending s.  
14 458.303, F.S.; revising exceptions to the  
15 practice of medicine to include services  
16 delegated to a certified geriatric specialist  
17 under specified circumstances; amending s.  
18 1009.65, F.S.; revising eligibility for the  
19 Medical Education Reimbursement and Loan  
20 Repayment Program to include certified  
21 geriatric specialists; amending s. 1009.66,  
22 F.S.; revising eligibility requirements for the  
23 Nursing Student Loan Forgiveness Program to  
24 include certified geriatric specialists;  
25 providing an appropriation; amending s.  
26 464.201, F.S.; defining terms; amending s.  
27 464.202, F.S.; authorizing the Board of Nursing  
28 to adopt rules regarding the practice and  
29 supervision of certified nursing assistants;  
30 providing an effective date.

31

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

2

3           Section 1. This act may be cited as the "Clara Ramsey  
4 Care of the Elderly Act."

5           Section 2. Certified Geriatric Specialist Preparation  
6 Pilot Program.--

7           (1) The Agency for Workforce Innovation shall  
8 establish a pilot program for the delivery of geriatric  
9 nursing education to certified nursing assistants who wish to  
10 become certified geriatric specialists. The agency shall  
11 select two pilot sites in nursing homes that have received the  
12 Gold Seal designation under section 400.235, Florida Statutes;  
13 have been designated as a teaching nursing home under section  
14 430.80, Florida Statutes; or have not received a class I or  
15 class II deficiency within the 30 months preceding application  
16 for this program.

17           (2) To be eligible to receive geriatric nursing  
18 education, a certified nursing assistant must have been  
19 employed by a participating nursing home for at least 1 year  
20 and must have received a high school diploma or its  
21 equivalent.

22           (3) The education shall be provided at the worksite  
23 and in coordination with the certified nursing assistant's  
24 work schedule.

25           (4) Faculty shall provide the instruction under an  
26 approved nursing program pursuant to section 464.019, Florida  
27 Statutes.

28           (5) The education must be designed to prepare the  
29 certified nursing assistant to meet the requirements for  
30 certification as a geriatric specialist. The didactic and  
31 clinical education must include all portions of the practical

1 nursing curriculum pursuant to section 464.019, Florida  
2 Statutes, except for pediatric and obstetric/maternal-child  
3 education, and must include additional education in the care  
4 of ill, injured, or infirm geriatric patients and the  
5 maintenance of health, the prevention of injury, and the  
6 provision of palliative care for geriatric patients.

7 Section 3. Certified Geriatric Specialty Nursing  
8 Initiative Steering Committee.--

9 (1) In order to guide the implementation of the  
10 Certified Geriatric Specialist Preparation Pilot Program,  
11 there is created a Certified Geriatric Specialty Nursing  
12 Initiative Steering Committee. The steering committee shall be  
13 composed of the following members:

14 (a) The chair of the Board of Nursing or his or her  
15 designee;

16 (b) A representative of the Agency for Workforce  
17 Innovation, appointed by the director of Workforce Innovation;

18 (c) A representative of Workforce Florida, Inc.,  
19 appointed by the chair of the Board of Directors of Workforce  
20 Florida, Inc.;

21 (d) A representative of the Department of Education,  
22 appointed by the Commissioner of Education;

23 (e) A representative of the Department of Health,  
24 appointed by the Secretary of Health;

25 (f) A representative of the Agency for Health Care  
26 Administration, appointed by the Secretary of Health Care  
27 Administration;

28 (g) The executive director of the Florida Center for  
29 Nursing;

30 (h) A representative of the Department of Elderly  
31 Affairs, appointed by the Secretary of Elderly Affairs; and

1           (i) A representative of a Gold Seal nursing home that  
2 is not one of the pilot program sites, appointed by the  
3 Secretary of Health Care Administration.

4           (2) The steering committee shall:

5           (a) Provide consultation and guidance to the Agency  
6 for Workforce Innovation on matters of policy during the  
7 implementation of the pilot program; and

8           (b) Provide oversight to the evaluation of the pilot  
9 program.

10          (3) Members of the steering committee are entitled to  
11 reimbursement for per diem and travel expenses under section  
12 112.061, Florida Statutes.

13          (4) The steering committee shall complete its  
14 activities by June 30, 2008, and the authorization for the  
15 steering committee ends on that date.

16          Section 4. Evaluation of the Certified Geriatric  
17 Specialist Preparation Pilot Program.--The Agency for  
18 Workforce Innovation, in consultation with the Certified  
19 Geriatric Specialty Nursing Initiative Steering Committee,  
20 shall conduct or contract for an evaluation of the pilot  
21 program. The agency shall ensure that an evaluation report is  
22 submitted to the Governor, the President of the Senate, and  
23 the Speaker of the House of Representatives by January 1,  
24 2008. The evaluation must address the experience and success  
25 of the certified nursing assistants in the pilot program and  
26 must contain recommendations regarding the expansion of the  
27 delivery of geriatric nursing education in nursing homes.

28          Section 5. Reports.--The Agency for Workforce  
29 Innovation shall submit status reports and recommendations  
30 regarding legislation necessary to further the implementation  
31 of the pilot program to the Governor, the President of the

1 Senate, and the Speaker of the House of Representatives on  
2 January 1, 2006, January 1, 2007, and January 1, 2008.

3 Section 6. Section 464.0125, Florida Statutes, is  
4 created to read:

5 464.0125 Certified geriatric specialists;  
6 certification requirements.--

7 (1) DEFINITIONS; RESPONSIBILITIES.--

8 (a) As used in this section, the term:

9 1. "Certified geriatric specialist" means a person who  
10 meets the qualifications specified in this section and who is  
11 certified by the board to practice as a certified geriatric  
12 specialist.

13 2. "Geriatric patient" means any patient who is 60  
14 years of age or older.

15 3. "Practice of certified geriatric specialty nursing"  
16 means the performance of selected acts in facilities licensed  
17 under part II or part III of chapter 400, including the  
18 administration of treatments and medications, in the care of  
19 ill, injured, or infirm geriatric patients and the promotion  
20 of wellness, maintenance of health, and prevention of illness  
21 of geriatric patients under the direction of a registered  
22 nurse, a licensed physician, a licensed osteopathic physician,  
23 a licensed podiatric physician, or a licensed dentist. The  
24 scope of practice of a certified geriatric specialist includes  
25 the practice of practical nursing as defined in s. 464.003 for  
26 geriatric patients only, except for any act in which  
27 instruction and clinical knowledge of pediatric nursing or  
28 obstetric/maternal-child nursing is required. A certified  
29 geriatric specialist, while providing nursing services in  
30 facilities licensed under part II or part III of chapter 400,  
31 may supervise the activities of certified nursing assistants

1 and other unlicensed personnel providing services in such  
2 facilities in accordance with rules adopted by the board.

3 (b) The certified geriatric specialist shall be  
4 responsible and accountable for making decisions that are  
5 based upon the individual's educational preparation and  
6 experience in performing certified geriatric specialty  
7 nursing.

8 (2) CERTIFICATION.--

9 (a) Any certified nursing assistant desiring to be  
10 certified as a certified geriatric specialist must apply to  
11 the department and submit proof that he or she holds a current  
12 certificate as a certified nursing assistant under part II of  
13 this chapter and has satisfactorily completed the following  
14 requirements:

15 1. Is in good mental and physical health; is a  
16 recipient of a high school diploma or its equivalent; has  
17 completed the requirements for graduation from an approved  
18 program for nursing or its equivalent, as determined by the  
19 board, for the preparation of licensed practical nurses,  
20 except for instruction and clinical knowledge of pediatric  
21 nursing or obstetric/maternal-child nursing; and has completed  
22 additional education in the care of ill, injured, or infirm  
23 geriatric patients, the maintenance of health, the prevention  
24 of injury, and the provision of palliative care for geriatric  
25 patients. By September 1, 2005, the Board of Nursing shall  
26 adopt rules establishing the core competencies for the  
27 additional education in geriatric care. Any program that is  
28 approved on July 1, 2005, by the board for the preparation of  
29 registered nurses or licensed practical nurses may provide  
30 education for the preparation of certified geriatric  
31 specialists without further board approval.

1           2. Has the ability to communicate in the English  
2 language, which may be determined by an examination given by  
3 the department.

4           3. Has provided sufficient information, which must be  
5 submitted by the department for a statewide criminal records  
6 correspondence check through the Department of Law  
7 Enforcement.

8           (b) Each applicant who meets the requirements of this  
9 subsection is, unless denied pursuant to s. 464.018, entitled  
10 to certification as a certified geriatric specialist. The  
11 board must certify, and the department must issue a  
12 certificate to practice as a certified geriatric specialist  
13 to, any certified nursing assistant who meets the  
14 qualifications set forth in this section. The board shall  
15 establish an application fee not to exceed \$100 and a biennial  
16 renewal fee not to exceed \$50. The board may adopt rules to  
17 administer this section.

18           (c) A person receiving certification under this  
19 section shall:

20           1. Work only within the confines of a facility  
21 licensed under part II or part III of chapter 400.

22           2. Care for geriatric patients only.

23           3. Comply with the minimum standards of practice for  
24 nurses and be subject to disciplinary action for violations of  
25 s. 464.018.

26           (3) ARTICULATION.--Any certified geriatric specialist  
27 who completes the additional instruction and coursework in an  
28 approved nursing program pursuant to s. 464.019 for the  
29 preparation of practical nursing in the areas of pediatric  
30 nursing and obstetric/maternal-child nursing is, unless denied  
31 pursuant to s. 464.018, entitled to licensure as a licensed

1 practical nurse if the applicant otherwise meets the  
2 requirements of s. 464.008.

3 (4) TITLES AND ABBREVIATIONS; RESTRICTIONS;  
4 PENALTIES.--

5 (a) Only persons who hold certificates to practice as  
6 certified geriatric specialists in this state or who are  
7 performing services within the practice of certified geriatric  
8 specialty nursing pursuant to the exception set forth in s.  
9 464.022(8) may use the title "Certified Geriatric Specialist"  
10 and the abbreviation "C.G.S."

11 (b) A person may not practice or advertise as, or  
12 assume the title of, certified geriatric specialist or use the  
13 abbreviation "C.G.S." or take any other action that would lead  
14 the public to believe that person is certified as such or is  
15 performing services within the practice of certified geriatric  
16 specialty nursing pursuant to the exception set forth in s.  
17 464.022(8), unless that person is certified to practice as  
18 such.

19 (c) A violation of this subsection is a misdemeanor of  
20 the first degree, punishable as provided in s. 775.082 or s.  
21 775.083.

22 (5) VIOLATIONS AND PENALTIES.--Practicing certified  
23 geriatric specialty nursing, as defined in this section,  
24 without holding an active certificate to do so constitutes a  
25 felony of the third degree, punishable as provided in s.  
26 775.082, s. 775.083, or s. 775.084.

27 Section 7. Paragraph (b) of subsection (1) of section  
28 381.00315, Florida Statutes, is amended to read:

29 381.00315 Public health advisories; public health  
30 emergencies.--The State Health Officer is responsible for  
31

1 | declaring public health emergencies and issuing public health  
2 | advisories.

3 |           (1) As used in this section, the term:

4 |           (b) "Public health emergency" means any occurrence, or  
5 | threat thereof, whether natural or man made, which results or  
6 | may result in substantial injury or harm to the public health  
7 | from infectious disease, chemical agents, nuclear agents,  
8 | biological toxins, or situations involving mass casualties or  
9 | natural disasters. Prior to declaring a public health  
10 | emergency, the State Health Officer shall, to the extent  
11 | possible, consult with the Governor and shall notify the Chief  
12 | of Domestic Security Initiatives as created in s. 943.03. The  
13 | declaration of a public health emergency shall continue until  
14 | the State Health Officer finds that the threat or danger has  
15 | been dealt with to the extent that the emergency conditions no  
16 | longer exist and he or she terminates the declaration.  
17 | However, a declaration of a public health emergency may not  
18 | continue for longer than 60 days unless the Governor concurs  
19 | in the renewal of the declaration. The State Health Officer,  
20 | upon declaration of a public health emergency, may take  
21 | actions that are necessary to protect the public health. Such  
22 | actions include, but are not limited to:

23 |           1. Directing manufacturers of prescription drugs or  
24 | over-the-counter drugs who are permitted under chapter 499 and  
25 | wholesalers of prescription drugs located in this state who  
26 | are permitted under chapter 499 to give priority to the  
27 | shipping of specified drugs to pharmacies and health care  
28 | providers within geographic areas that have been identified by  
29 | the State Health Officer. The State Health Officer must  
30 | identify the drugs to be shipped. Manufacturers and  
31 | wholesalers located in the state must respond to the State

1 Health Officer's priority shipping directive before shipping  
2 the specified drugs.

3           2. Notwithstanding chapters 465 and 499 and rules  
4 adopted thereunder, directing pharmacists employed by the  
5 department to compound bulk prescription drugs and provide  
6 these bulk prescription drugs to physicians and nurses of  
7 county health departments or any qualified person authorized  
8 by the State Health Officer for administration to persons as  
9 part of a prophylactic or treatment regimen.

10           3. Notwithstanding s. 456.036, temporarily  
11 reactivating the inactive license of the following health care  
12 practitioners, when such practitioners are needed to respond  
13 to the public health emergency: physicians licensed under  
14 chapter 458 or chapter 459; physician assistants licensed  
15 under chapter 458 or chapter 459; certified geriatric  
16 specialists certified under part I of chapter 464; licensed  
17 practical nurses, registered nurses, and advanced registered  
18 nurse practitioners licensed under part I of chapter 464;  
19 respiratory therapists licensed under part V of chapter 468;  
20 and emergency medical technicians and paramedics certified  
21 under part III of chapter 401. Only those health care  
22 practitioners specified in this paragraph who possess an  
23 unencumbered inactive license and who request that such  
24 license be reactivated are eligible for reactivation. An  
25 inactive license that is reactivated under this paragraph  
26 shall return to inactive status when the public health  
27 emergency ends or prior to the end of the public health  
28 emergency if the State Health Officer determines that the  
29 health care practitioner is no longer needed to provide  
30 services during the public health emergency. Such licenses may  
31 only be reactivated for a period not to exceed 90 days without

1 meeting the requirements of s. 456.036 or chapter 401, as  
2 applicable.

3           4. Ordering an individual to be examined, tested,  
4 vaccinated, treated, or quarantined for communicable diseases  
5 that have significant morbidity or mortality and present a  
6 severe danger to public health. Individuals who are unable or  
7 unwilling to be examined, tested, vaccinated, or treated for  
8 reasons of health, religion, or conscience may be subjected to  
9 quarantine.

10           a. Examination, testing, vaccination, or treatment may  
11 be performed by any qualified person authorized by the State  
12 Health Officer.

13           b. If the individual poses a danger to the public  
14 health, the State Health Officer may subject the individual to  
15 quarantine. If there is no practical method to quarantine the  
16 individual, the State Health Officer may use any means  
17 necessary to vaccinate or treat the individual.

18  
19 Any order of the State Health Officer given to effectuate this  
20 paragraph shall be immediately enforceable by a law  
21 enforcement officer under s. 381.0012.

22           Section 8. Subsection (14) of section 400.021, Florida  
23 Statutes, is amended to read:

24           400.021 Definitions.--When used in this part, unless  
25 the context otherwise requires, the term:

26           (14) "Nursing service" means such services or acts as  
27 may be rendered, directly or indirectly, to and in behalf of a  
28 person by individuals as defined in ss. s- 464.003 and  
29 464.0125.

30           Section 9. Subsection (1) of section 400.211, Florida  
31 Statutes, is amended to read:

1           400.211 Persons employed as nursing assistants;  
2 certification requirement.--

3           (1) To serve as a nursing assistant in any nursing  
4 home, a person must be certified as a nursing assistant under  
5 part II of chapter 464, unless the person is a registered  
6 nurse, ~~a or practical nurse, or a certified geriatric~~  
7 specialist certified or licensed in accordance with part I of  
8 chapter 464 or an applicant for such licensure who is  
9 permitted to practice nursing in accordance with rules adopted  
10 by the Board of Nursing pursuant to part I of chapter 464.

11           Section 10. Paragraphs (a) and (c) of subsection (3)  
12 of section 400.23, Florida Statutes, are amended to read:

13           400.23 Rules; evaluation and deficiencies; licensure  
14 status.--

15           (3)

16           (a) The agency shall adopt rules providing for the  
17 minimum staffing requirements for nursing homes. These  
18 requirements shall include, for each nursing home facility, a  
19 minimum certified nursing assistant staffing of 2.3 hours of  
20 direct care per resident per day beginning January 1, 2002,  
21 increasing to 2.6 hours of direct care per resident per day  
22 beginning January 1, 2003, and increasing to 2.9 hours of  
23 direct care per resident per day beginning July 1, 2005.  
24 Beginning January 1, 2002, no facility shall staff below one  
25 certified nursing assistant per 20 residents, and a minimum  
26 licensed nursing staffing of 1.0 hour of direct resident care  
27 per resident per day but never below one licensed nurse per 40  
28 residents. For purposes of computing nursing staffing minimums  
29 and ratios, certified geriatric specialists shall be  
30 considered licensed nursing staff. Nursing assistants employed  
31 under s. 400.211(2) may be included in computing the staffing

1 ratio for certified nursing assistants only if they provide  
2 nursing assistance services to residents on a full-time basis.  
3 Each nursing home must document compliance with staffing  
4 standards as required under this paragraph and post daily the  
5 names of staff on duty for the benefit of facility residents  
6 and the public. The agency shall recognize the use of licensed  
7 nurses for compliance with minimum staffing requirements for  
8 certified nursing assistants, provided that the facility  
9 otherwise meets the minimum staffing requirements for licensed  
10 nurses and that the licensed nurses so recognized are  
11 performing the duties of a certified nursing assistant. Unless  
12 otherwise approved by the agency, licensed nurses counted  
13 toward the minimum staffing requirements for certified nursing  
14 assistants must exclusively perform the duties of a certified  
15 nursing assistant for the entire shift and shall not also be  
16 counted toward the minimum staffing requirements for licensed  
17 nurses. If the agency approved a facility's request to use a  
18 licensed nurse to perform both licensed nursing and certified  
19 nursing assistant duties, the facility must allocate the  
20 amount of staff time specifically spent on certified nursing  
21 assistant duties for the purpose of documenting compliance  
22 with minimum staffing requirements for certified and licensed  
23 nursing staff. In no event may the hours of a licensed nurse  
24 with dual job responsibilities be counted twice.

25 (c) Licensed practical nurses licensed under chapter  
26 464 who are providing nursing services in nursing home  
27 facilities under this part may supervise the activities of  
28 other licensed practical nurses, certified geriatric  
29 specialists, certified nursing assistants, and other  
30 unlicensed personnel providing services in such facilities in  
31 accordance with rules adopted by the Board of Nursing.

1           Section 11. Paragraph (b) of subsection (2) of section  
2 409.908, Florida Statutes, is amended to read:

3           409.908 Reimbursement of Medicaid providers.--Subject  
4 to specific appropriations, the agency shall reimburse  
5 Medicaid providers, in accordance with state and federal law,  
6 according to methodologies set forth in the rules of the  
7 agency and in policy manuals and handbooks incorporated by  
8 reference therein. These methodologies may include fee  
9 schedules, reimbursement methods based on cost reporting,  
10 negotiated fees, competitive bidding pursuant to s. 287.057,  
11 and other mechanisms the agency considers efficient and  
12 effective for purchasing services or goods on behalf of  
13 recipients. If a provider is reimbursed based on cost  
14 reporting and submits a cost report late and that cost report  
15 would have been used to set a lower reimbursement rate for a  
16 rate semester, then the provider's rate for that semester  
17 shall be retroactively calculated using the new cost report,  
18 and full payment at the recalculated rate shall be effected  
19 retroactively. Medicare-granted extensions for filing cost  
20 reports, if applicable, shall also apply to Medicaid cost  
21 reports. Payment for Medicaid compensable services made on  
22 behalf of Medicaid eligible persons is subject to the  
23 availability of moneys and any limitations or directions  
24 provided for in the General Appropriations Act or chapter 216.  
25 Further, nothing in this section shall be construed to prevent  
26 or limit the agency from adjusting fees, reimbursement rates,  
27 lengths of stay, number of visits, or number of services, or  
28 making any other adjustments necessary to comply with the  
29 availability of moneys and any limitations or directions  
30 provided for in the General Appropriations Act, provided the  
31 adjustment is consistent with legislative intent.

1 (2)

2 (b) Subject to any limitations or directions provided  
3 for in the General Appropriations Act, the agency shall  
4 establish and implement a Florida Title XIX Long-Term Care  
5 Reimbursement Plan (Medicaid) for nursing home care in order  
6 to provide care and services in conformance with the  
7 applicable state and federal laws, rules, regulations, and  
8 quality and safety standards and to ensure that individuals  
9 eligible for medical assistance have reasonable geographic  
10 access to such care.

11 1. Changes of ownership or of licensed operator do not  
12 qualify for increases in reimbursement rates associated with  
13 the change of ownership or of licensed operator. The agency  
14 shall amend the Title XIX Long Term Care Reimbursement Plan to  
15 provide that the initial nursing home reimbursement rates, for  
16 the operating, patient care, and MAR components, associated  
17 with related and unrelated party changes of ownership or  
18 licensed operator filed on or after September 1, 2001, are  
19 equivalent to the previous owner's reimbursement rate.

20 2. The agency shall amend the long-term care  
21 reimbursement plan and cost reporting system to create direct  
22 care and indirect care subcomponents of the patient care  
23 component of the per diem rate. These two subcomponents  
24 together shall equal the patient care component of the per  
25 diem rate. Separate cost-based ceilings shall be calculated  
26 for each patient care subcomponent. The direct care  
27 subcomponent of the per diem rate shall be limited by the  
28 cost-based class ceiling, and the indirect care subcomponent  
29 shall be limited by the lower of the cost-based class ceiling,  
30 by the target rate class ceiling, or by the individual  
31 provider target. The agency shall adjust the patient care

1 component effective January 1, 2002. The cost to adjust the  
2 direct care subcomponent shall be net of the total funds  
3 previously allocated for the case mix add-on. The agency shall  
4 make the required changes to the nursing home cost reporting  
5 forms to implement this requirement effective January 1, 2002.

6 3. The direct care subcomponent shall include salaries  
7 and benefits of direct care staff providing nursing services  
8 including registered nurses, licensed practical nurses,  
9 certified geriatric specialists certified under part I of  
10 chapter 464, and certified nursing assistants who deliver care  
11 directly to residents in the nursing home facility. This  
12 excludes nursing administration, MDS, and care plan  
13 coordinators, staff development, and staffing coordinator.

14 4. All other patient care costs shall be included in  
15 the indirect care cost subcomponent of the patient care per  
16 diem rate. There shall be no costs directly or indirectly  
17 allocated to the direct care subcomponent from a home office  
18 or management company.

19 5. On July 1 of each year, the agency shall report to  
20 the Legislature direct and indirect care costs, including  
21 average direct and indirect care costs per resident per  
22 facility and direct care and indirect care salaries and  
23 benefits per category of staff member per facility.

24 6. In order to offset the cost of general and  
25 professional liability insurance, the agency shall amend the  
26 plan to allow for interim rate adjustments to reflect  
27 increases in the cost of general or professional liability  
28 insurance for nursing homes. This provision shall be  
29 implemented to the extent existing appropriations are  
30 available.

31

1 It is the intent of the Legislature that the reimbursement  
2 plan achieve the goal of providing access to health care for  
3 nursing home residents who require large amounts of care while  
4 encouraging diversion services as an alternative to nursing  
5 home care for residents who can be served within the  
6 community. The agency shall base the establishment of any  
7 maximum rate of payment, whether overall or component, on the  
8 available moneys as provided for in the General Appropriations  
9 Act. The agency may base the maximum rate of payment on the  
10 results of scientifically valid analysis and conclusions  
11 derived from objective statistical data pertinent to the  
12 particular maximum rate of payment.

13 Section 12. Subsection (2) of section 458.303, Florida  
14 Statutes, is amended to read:

15 458.303 Provisions not applicable to other  
16 practitioners; exceptions, etc.--

17 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.  
18 458.307, s. 458.309, s. 458.311, s. 458.313, s. 458.319, s.  
19 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.  
20 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347  
21 shall be construed to prohibit any service rendered by a  
22 registered nurse, ~~or~~ a licensed practical nurse, or a  
23 certified geriatric specialist certified under part I of  
24 chapter 464, if such service is rendered under the direct  
25 supervision and control of a licensed physician who provides  
26 specific direction for any service to be performed and gives  
27 final approval to all services performed. Further, nothing in  
28 this or any other chapter shall be construed to prohibit any  
29 service rendered by a medical assistant in accordance with the  
30 provisions of s. 458.3485.

31

1           Section 13. Subsection (1) and paragraph (a) of  
2 subsection (2) of section 1009.65, Florida Statutes, are  
3 amended to read:

4           1009.65 Medical Education Reimbursement and Loan  
5 Repayment Program.--

6           (1) To encourage qualified medical professionals to  
7 practice in underserved locations where there are shortages of  
8 such personnel, there is established the Medical Education  
9 Reimbursement and Loan Repayment Program. The function of the  
10 program is to make payments that offset loans and educational  
11 expenses incurred by students for studies leading to a medical  
12 or nursing degree, medical or nursing licensure, or advanced  
13 registered nurse practitioner certification or physician  
14 assistant licensure. The following licensed or certified  
15 health care professionals are eligible to participate in this  
16 program: medical doctors with primary care specialties,  
17 doctors of osteopathic medicine with primary care specialties,  
18 physician's assistants, certified geriatric specialists  
19 certified under part I of chapter 464, licensed practical  
20 nurses and registered nurses, and advanced registered nurse  
21 practitioners with primary care specialties such as certified  
22 nurse midwives. Primary care medical specialties for  
23 physicians include obstetrics, gynecology, general and family  
24 practice, internal medicine, pediatrics, and other specialties  
25 which may be identified by the Department of Health.

26           (2) From the funds available, the Department of Health  
27 shall make payments to selected medical professionals as  
28 follows:

29           (a) Up to \$4,000 per year for certified geriatric  
30 specialists certified under part I of chapter 464, licensed  
31 practical nurses, and registered nurses, up to \$10,000 per

1 year for advanced registered nurse practitioners and  
2 physician's assistants, and up to \$20,000 per year for  
3 physicians. Penalties for noncompliance shall be the same as  
4 those in the National Health Services Corps Loan Repayment  
5 Program. Educational expenses include costs for tuition,  
6 matriculation, registration, books, laboratory and other fees,  
7 other educational costs, and reasonable living expenses as  
8 determined by the Department of Health.

9 Section 14. Subsection (2) of section 1009.66, Florida  
10 Statutes, is amended to read:

11 1009.66 Nursing Student Loan Forgiveness Program.--

12 (2) To be eligible, a candidate must have graduated  
13 from an accredited or approved nursing program and have  
14 received a Florida license as a licensed practical nurse, a  
15 certified geriatric specialist certified under part I of  
16 chapter 464, or a registered nurse or a Florida certificate as  
17 an advanced registered nurse practitioner.

18 Section 15. The sum of \$157,017 is appropriated from  
19 the General Revenue Fund to the Agency for Workforce  
20 Innovation to support the work of the Certified Geriatric  
21 Specialty Nursing Initiative Steering Committee, to administer  
22 the pilot sites, contract for an evaluation, and to provide,  
23 if necessary, nursing faculty, substitute certified nursing  
24 assistants for those who are in clinical education, and  
25 technical support to the pilot sites during the 2005-2006  
26 fiscal year.

27 Section 16. Subsection (6) is added to section  
28 464.201, Florida Statutes, to read:

29 464.201 Definitions.--As used in this part, the term:

30 (6) "Practice of a certified nursing assistant" means  
31 providing care and assisting persons with tasks relating to

1 the activities of daily living. Such tasks are those  
2 associated with personal care, maintaining mobility, nutrition  
3 and hydration, toileting and elimination, assistive devices,  
4 safety and cleanliness, data gathering, reporting abnormal  
5 signs and symptoms, postmortem care, patient socialization and  
6 reality orientation, end-of-life care, cardiopulmonary  
7 resuscitation and emergency care, residents' or patients'  
8 rights, documentation of nursing assistant services, and other  
9 tasks that a certified nurse assistant may perform after  
10 training beyond that required for initial certification and  
11 upon validation of competence in that skill by a registered  
12 nurse. This subsection does not restrict the ability of any  
13 person who is otherwise trained and educated from performing  
14 such tasks.

15 Section 17. Section 464.202, Florida Statutes, is  
16 amended to read:

17 464.202 Duties and powers of the board.--The board  
18 shall maintain, or contract with or approve another entity to  
19 maintain, a state registry of certified nursing assistants.  
20 The registry must consist of the name of each certified  
21 nursing assistant in this state; other identifying information  
22 defined by board rule; certification status; the effective  
23 date of certification; other information required by state or  
24 federal law; information regarding any crime or any abuse,  
25 neglect, or exploitation as provided under chapter 435; and  
26 any disciplinary action taken against the certified nursing  
27 assistant. The registry shall be accessible to the public, the  
28 certificateholder, employers, and other state agencies. The  
29 board shall adopt by rule testing procedures for use in  
30 certifying nursing assistants and shall adopt rules regulating  
31 the practice of certified nursing assistants which specify the

1 scope of practice authorized and the level of supervision  
2 required for the practice of certified nursing assistants ~~to~~  
3 ~~enforce this part.~~ The board may contract with or approve  
4 another entity or organization to provide the examination  
5 services, including the development and administration of  
6 examinations. The board shall require that the contract  
7 provider offer certified nursing assistant applications via  
8 the Internet, and may require the contract provider to accept  
9 certified nursing assistant applications for processing via  
10 the Internet. The board shall require the contract provider  
11 to provide the preliminary results of the certified nursing  
12 examination on the date the test is administered. The provider  
13 shall pay all reasonable costs and expenses incurred by the  
14 board in evaluating the provider's application and performance  
15 during the delivery of services, including examination  
16 services and procedures for maintaining the certified nursing  
17 assistant registry.

18 Section 18. This act shall take effect upon becoming a  
19 law.

20  
21 \*\*\*\*\*

22 SENATE SUMMARY

23 Creates the "Clara Ramsey Care of the Elderly Act."  
24 Requires the Agency for Workforce Innovation to establish  
25 a pilot program for the delivery of certified geriatric  
26 specialty nursing education. Creates a steering  
27 committee. Requires the agency to conduct or contract for  
28 an evaluation of the pilot program and to report to the  
29 Governor and the Legislature. Includes the services  
30 provided by a certified geriatric specialist within the  
31 definition of nursing service. Provides guidelines for  
the practice and supervision of certified geriatric  
specialists. Provides a penalty for unlicensed practice.  
Requires the Board of Nursing to adopt rules. (See bill  
for details.)