1	A bill to be entitled
2	An act relating to delegation of the administration of
3	prescription medications; amending s. 400.506, F.S.;
4	requiring a nurse registry that authorizes a
5	registered nurse to delegate tasks to a certified
6	nursing assistant or a home health aide to ensure that
7	certain requirements are met; amending s. 464.0156,
8	F.S.; authorizing a registered nurse to delegate the
9	administration of certain duties for the care of a
10	patient of a nurse registry or a patient in a county
11	detention facility; amending s. 464.2035, F.S.;
12	authorizing a certified nursing assistant to
13	administer certain medication to a patient of a nurse
14	registry or a patient in a county detention facility
15	under certain circumstances; providing an effective
16	date.
17	
18	Be It Enacted by the Legislature of the State of Florida:
19	
20	Section 1. Subsection (7) of section 400.506, Florida
21	Statutes, is amended to read:
22	400.506 Licensure of nurse registries; requirements;
23	penalties
24	(7) A person who is referred by a nurse registry for
25	contract in private residences and who is not a nurse licensed
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26	under part I of chapter 464 may perform only those services or
27	care to clients that the person has been certified to perform or
28	trained to perform as required by law or rules of the Agency for
29	Health Care Administration or the Department of Business and
30	Professional Regulation. Providing services beyond the scope
31	authorized under this subsection constitutes the unauthorized
32	practice of medicine or a violation of the Nurse Practice Act
33	and is punishable as provided under chapter 458, chapter 459, or
34	part I of chapter 464. <u>If a nurse registry authorizes a</u>
35	registered nurse to delegate tasks, including medication
36	administration, to a certified nursing assistant under chapter
37	464 or to a home health aide under s. 400.490, the nurse
38	registry must ensure that such delegation meets the requirements
39	of this chapter and chapter 464 and the rules adopted
40	thereunder.
41	Section 2. Subsection (2) of section 464.0156, Florida
42	Statutes, is amended to read:
43	464.0156 Delegation of duties
44	(2) A registered nurse may delegate to a certified nursing
45	assistant or a home health aide the administration of oral,
46	transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
47	topical prescription medications to a patient of a home health
48	agency or nurse registry or to a patient in a county detention
49	<u>facility as defined in s. 951.23(1) $_{ au}$ if the certified nursing</u>
50	assistant or home health aide meets the requirements of s.
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51 464.2035 or s. 400.489, respectively. A registered nurse may not 52 delegate the administration of any controlled substance listed 53 in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21 54 U.S.C. s. 812.

55 Section 3. Subsections (1) and (3) of section 464.2035, 56 Florida Statutes, are amended to read:

57

464.2035 Administration of medication.-

(1) A certified nursing assistant may administer oral, 58 59 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medication to a patient of a home health 60 agency or nurse registry or to a patient in a county detention 61 facility as defined in s. 951.23(1) if the certified nursing 62 63 assistant has been delegated such task by a registered nurse 64 licensed under part I of this chapter, has satisfactorily 65 completed an initial 6-hour training course approved by the 66 board, and has been found competent to administer medication to a patient in a safe and sanitary manner. The training, 67 68 determination of competency, and initial and annual validation 69 required under this section must be conducted by a registered 70 nurse licensed under this chapter or a physician licensed under 71 chapter 458 or chapter 459.

(3) The board, in consultation with the Agency for Health Care Administration, shall establish by rule standards and procedures that a certified nursing assistant must follow when administering medication to a patient of a home health agency or

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76 <u>nurse registry</u>. Such rules must, at a minimum, address 77 qualification requirements for trainers, requirements for 78 labeling medication, documentation and recordkeeping, the 79 storage and disposal of medication, instructions concerning the 80 safe administration of medication, informed-consent requirements 81 and records, and the training curriculum and validation 82 procedures.

83 Section 4. This act shall take effect July 1, 2022.

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