

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Finance & Facilities
 2 Subcommittee

3 Representative Trabulsy offered the following:

4

5 **Amendment**

6 Remove lines 209-223 and insert:

7 Section 6. Section 429.256, Florida Statutes, is amended
 8 to read:

9 429.256 Assistance with self-administration of medication
 10 and with other tasks.-

11 (1) For the purposes of this section, the term:

12 (a) "Informed consent" means advising the resident, or the
 13 resident's surrogate, guardian, or attorney in fact, that an
 14 assisted living facility is not required to have a licensed
 15 nurse on staff, that the resident may be receiving assistance
 16 with self-administration of medication or other tasks from an

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17 unlicensed person, and that such assistance, if provided by an
18 unlicensed person, will or will not be overseen by a licensed
19 nurse.

20 (b) "Unlicensed person" means an individual not currently
21 licensed to practice nursing or medicine who is employed by or
22 under contract to an assisted living facility and who has
23 received training with respect to assisting with the self-
24 administration of medication or other tasks in an assisted
25 living facility as provided under s. 429.52 prior to providing
26 such assistance as described in this section.

27 (2) Residents who are capable of self-administering their
28 own medications and performing other tasks without assistance
29 shall be encouraged and allowed to do so. However, an unlicensed
30 person may, consistent with a dispensed prescription's label or
31 the package directions of an over-the-counter medication, assist
32 a resident whose condition is medically stable with the self-
33 administration of routine, regularly scheduled medications that
34 are intended to be self-administered. An unlicensed person may
35 also provide assistance with other tasks specified in subsection
36 (6). Assistance with self-administration of medication or such
37 other tasks ~~self-medication~~ by an unlicensed person may occur
38 only upon a documented request by, and the written informed
39 consent of, a resident or the resident's surrogate, guardian, or
40 attorney in fact. For the purposes of this section, self-
41 administered medications include both legend and over-the-

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Published On: 12/1/2021 6:01:39 PM

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42 counter oral dosage forms, topical dosage forms, transdermal
43 patches, and topical ophthalmic, otic, and nasal dosage forms
44 including solutions, suspensions, sprays, and inhalers.

45 (3) Assistance with self-administration of medication
46 includes:

47 (a) Taking the medication, in its previously dispensed,
48 properly labeled container, ~~including an insulin syringe that is~~
49 ~~prefilled with the proper dosage by a pharmacist and an insulin~~
50 ~~pen that is prefilled by the manufacturer,~~ from where it is
51 stored, and bringing it to the resident. For purposes of this
52 paragraph, an insulin syringe that is prefilled with the proper
53 dosage by a pharmacist and an insulin pen that is prefilled by
54 the manufacturer are considered medications in previously
55 dispensed, properly labeled containers.

56 (b) In the presence of the resident, confirming that the
57 medication is intended for that resident, orally advising the
58 resident of the medication name and dosage, opening the
59 container, removing a prescribed amount of medication from the
60 container, and closing the container. The resident may sign a
61 written waiver to opt out of being orally advised of the
62 medication name and dosage. The waiver must identify all of the
63 medications intended for the resident, including names and
64 dosages of such medications, and must immediately be updated
65 each time the resident's medications or dosages change.

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66 (c) Placing an oral dosage in the resident's hand or
67 placing the dosage in another container and helping the resident
68 by lifting the container to his or her mouth.

69 (d) Applying topical medications.

70 (e) Returning the medication container to proper storage.

71 (f) Keeping a record of when a resident receives
72 assistance with self-administration under this section.

73 (g) Assisting with the use of a nebulizer, including
74 removing the cap of a nebulizer, opening the unit dose of
75 nebulizer solution, and pouring the prescribed premeasured dose
76 of medication into the dispensing cup of the nebulizer.

77 ~~(h) Using a glucometer to perform blood-glucose level~~
78 ~~checks.~~

79 ~~(i) Assisting with putting on and taking off antiembolism~~
80 ~~stockings.~~

81 ~~(j) Assisting with applying and removing an oxygen cannula~~
82 ~~but not with titrating the prescribed oxygen settings.~~

83 ~~(k) Assisting with the use of a continuous positive airway~~
84 ~~pressure device but not with titrating the prescribed setting of~~
85 ~~the device.~~

86 ~~(l) Assisting with measuring vital signs.~~

87 ~~(m) Assisting with colostomy bags.~~

88 (4) Assistance with self-administration of medication does
89 not include:

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90 (a) Mixing, compounding, converting, or calculating
91 medication doses, except for measuring a prescribed amount of
92 liquid medication or breaking a scored tablet or crushing a
93 tablet as prescribed.

94 (b) The preparation of syringes for injection or the
95 administration of medications by any injectable route.

96 (c) Administration of medications by way of a tube
97 inserted in a cavity of the body.

98 (d) Administration of parenteral preparations.

99 (e) The use of irrigations or debriding agents used in the
100 treatment of a skin condition.

101 (f) Assisting with rectal, urethral, or vaginal
102 preparations.

103 (g) Assisting with medications ordered by the physician or
104 health care professional with prescriptive authority to be given
105 "as needed," unless the order is written with specific
106 parameters that preclude independent judgment on the part of the
107 unlicensed person, and the resident requesting the medication is
108 aware of his or her need for the medication and understands the
109 purpose for taking the medication.

110 (h) Medications for which the time of administration, the
111 amount, the strength of dosage, the method of administration, or
112 the reason for administration requires judgment or discretion on
113 the part of the unlicensed person.

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114 (5) Assistance with the self-administration of medication
115 by an unlicensed person as described in this section shall not
116 be considered administration as defined in s. 465.003.

117 (6) Assistance with other tasks includes:

118 (a) Using a glucometer to perform blood-glucose level
119 checks.

120 (b) Assisting with putting on and taking off antiembolism
121 stockings.

122 (c) Assisting with applying and removing an oxygen cannula
123 but not with titrating the prescribed oxygen settings.

124 (d) Assisting with the use of a continuous positive airway
125 pressure device but not with titrating the prescribed setting of
126 the device.

127 (e) Assisting with measuring vital signs.

128 (f) Assisting with colostomy bags.

129 (7)-(6) The agency may by rule establish facility
130 procedures and interpret terms as necessary to implement this
131 section.
132