



430722

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
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The Committee on Health Policy (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 400.488, Florida Statutes, is amended to
read:

400.488 Assistance with self-administration of medication
and with other tasks.—

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

(a) "Informed consent" means advising the patient, or the



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11 patient's surrogate, guardian, or attorney in fact, that the
12 patient may be receiving assistance with self-administration of
13 medication or other tasks from an unlicensed person.

14 (b) "Unlicensed person" means an individual not currently
15 licensed to practice nursing or medicine who is employed by or
16 under contract to a home health agency and who has received
17 training with respect to assisting with the self-administration
18 of medication or other tasks as provided by agency rule.

19 (2) Patients who are capable of self-administering their
20 own medications and performing other tasks without assistance
21 shall be encouraged and allowed to do so. However, an unlicensed
22 person may, consistent with a dispensed prescription's label or
23 the package directions of an over-the-counter medication, assist
24 a patient whose condition is medically stable with the self-
25 administration of routine, regularly scheduled medications that
26 are intended to be self-administered. An unlicensed person may
27 also provide assistance with other tasks specified in subsection

28 (6). Assistance with self-administration of medication or such
29 other tasks ~~self-medication~~ by an unlicensed person may occur
30 only upon a documented request by, and the written informed
31 consent of, a patient or the patient's surrogate, guardian, or
32 attorney in fact. For purposes of this section, self-
33 administered medications include both legend and over-the-
34 counter oral dosage forms, topical dosage forms, transdermal
35 patches, and topical ophthalmic, otic, and nasal dosage forms,
36 including solutions, suspensions, sprays, inhalers, and
37 nebulizer treatments.

38 (3) Assistance with self-administration of medication
39 includes:



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40 (a) Taking the medication, in its previously dispensed,
41 properly labeled container, from where it is stored and bringing
42 it to the patient. For purposes of this paragraph, an insulin
43 syringe that is prefilled with the proper dosage by a pharmacist
44 and an insulin pen that is prefilled by the manufacturer are
45 considered medications in previously dispensed, properly labeled
46 containers.

47 (b) In the presence of the patient, confirming that the
48 medication is intended for that patient, orally advising the
49 patient of the medication name and purpose, opening the
50 container, removing a prescribed amount of medication from the
51 container, and closing the container.

52 (c) Placing an oral dosage in the patient's hand or placing
53 the dosage in another container and helping the patient by
54 lifting the container to his or her mouth.

55 (d) Applying topical medications, ~~including routine~~
56 ~~preventive skin care and applying and replacing bandages for~~
57 ~~minor cuts and abrasions as provided by the agency in rule.~~

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

59 (f) ~~For nebulizer treatments, assisting with setting up and~~
60 ~~cleaning the device in the presence of the patient, confirming~~
61 ~~that the medication is intended for that patient, orally~~
62 ~~advising the patient of the medication name and purpose, opening~~
63 ~~the container, removing the prescribed amount for a single~~
64 ~~treatment dose from a properly labeled container, and assisting~~
65 ~~the patient with placing the dose into the medicine receptacle~~
66 ~~or mouthpiece.~~

67 ~~(g)~~ Keeping a record of when a patient receives assistance
68 with self-administration under this section.



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69 (g) Assisting with the use of a nebulizer, including
70 removing the cap of a nebulizer, opening the unit dose of
71 nebulizer solutions, and pouring the prescribed premeasured dose
72 of medication into the dispensing cup of the nebulizer.

73 (4) Assistance with self-administration of medication does
74 not include:

75 (a) Mixing, compounding, converting, or calculating
76 medication doses, except for measuring a prescribed amount of
77 liquid medication or breaking a scored tablet or crushing a
78 tablet as prescribed.

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

81 (c) ~~Administration of medications through intermittent~~
82 ~~positive pressure breathing machines or a nebulizer.~~

83 ~~(d)~~ Administration of medications by way of a tube inserted
84 in a cavity of the body.

85 ~~(d)~~~~(e)~~ Administration of parenteral preparations.

86 ~~(e)~~~~(f)~~ The use of irrigations or debriding agents used in
87 the treatment of a skin condition.

88 ~~(f)~~~~(g)~~ Assisting with rectal, urethral, or vaginal
89 preparations.

90 ~~(g)~~~~(h)~~ Assisting with medications ordered by the physician
91 or health care professional with prescriptive authority to be
92 given "as needed," unless the order is written with specific
93 parameters that preclude independent judgment on the part of the
94 unlicensed person, and at the request of a competent patient.

95 ~~(h)~~~~(i)~~ Assisting with medications for which the time of
96 administration, the amount, the strength of dosage, the method
97 of administration, or the reason for administration requires



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98 judgment or discretion on the part of the unlicensed person.

99 (5) Assistance with the self-administration of medication
100 by an unlicensed person as described in this section does not
101 constitute administration as defined in s. 465.003.

102 (6) Assistance with other tasks includes:

103 (a) Assisting with the use of a glucometer to perform
104 blood-glucose level checks.

105 (b) Assisting with putting on and taking off antiembolism
106 stockings.

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

109 (d) Assisting with the use of a continuous positive airway
110 pressure device but not with titrating the prescribed setting of
111 the device.

112 (e) Assisting with measuring vital signs.

113 (f) Assisting with colostomy bags.

114 (7)-(6) The agency may by rule establish procedures and
115 interpret terms as necessary to administer this section.

116 Section 2. Section 401.252, Florida Statutes, is amended to
117 read:

118 401.252 Interfacility transfer.—

119 (1) When conducting an interfacility transfer, a permitted
120 advanced life support ambulance must be occupied by at least two
121 persons: one patient attendant who is a certified paramedic, a
122 registered nurse authorized under subsection (2), or a licensed
123 physician; and one person who is a certified emergency medical
124 technician, a certified paramedic, a licensed physician, or an
125 ambulance driver who meets the driver requirements of s.
126 401.281. The person occupying the ambulance who has the highest



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127 medical certification in this state is in charge of patient care
128 during the interfacility transfer.

129 (2) A licensed basic or advanced life support ambulance
130 service may conduct interfacility transfers in a permitted
131 ambulance, using a registered nurse in place of an emergency
132 medical technician or paramedic, if:

133 (a) The registered nurse holds a current certificate of
134 successful course completion in advanced cardiac life support;

135 (b) The physician in charge has granted permission for such
136 a transfer, has designated the level of service required for
137 such transfer, and has deemed the patient to be in such a
138 condition appropriate to this type of ambulance staffing; and

139 (c) The registered nurse operates within the scope of part
140 I of chapter 464.

141 (3)~~(2)~~ A licensed basic or advanced life support service
142 may conduct interfacility transfers in a permitted ambulance if
143 the patient's treating physician certifies that the transfer is
144 medically appropriate and the physician provides reasonable
145 transfer orders. An interfacility transfer must be conducted in
146 a permitted ambulance if it is determined that the patient
147 needs, or is likely to need, medical attention during transport.
148 If the emergency medical technician or paramedic believes the
149 level of patient care required during the transfer is beyond his
150 or her capability, the medical director, or his or her designee,
151 must be contacted for clearance prior to conducting the
152 transfer. If necessary, the medical director, or his or her
153 designee, shall attempt to contact the treating physician for
154 consultation to determine the appropriateness of the transfer.

155 (4)~~(3)~~ Infants younger ~~less~~ than 28 days old or ~~infants~~



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156 weighing less than 5 kilograms, who require critical care
157 interfacility transport to a neonatal intensive care unit must,
158 ~~shall~~ be transported in a permitted advanced life support or
159 basic life support transport ambulance, or in a permitted
160 advanced life support or basic life support ambulance that is
161 recognized by the department as meeting designated criteria for
162 neonatal interfacility critical care transport.

163 Section 3. Section 429.256, Florida Statutes, is amended to
164 read:

165 429.256 Assistance with self-administration of medication
166 and with other tasks.—

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

168 (a) "Informed consent" means advising the resident, or the
169 resident's surrogate, guardian, or attorney in fact, that an
170 assisted living facility is not required to have a licensed
171 nurse on staff, that the resident may be receiving assistance
172 with self-administration of medication or other tasks from an
173 unlicensed person, and that such assistance, if provided by an
174 unlicensed person, will or will not be overseen by a licensed
175 nurse.

176 (b) "Unlicensed person" means an individual not currently
177 licensed to practice nursing or medicine who is employed by or
178 under contract to an assisted living facility and who has
179 received training with respect to assisting with the self-
180 administration of medication or other tasks in an assisted
181 living facility as provided under s. 429.52 prior to providing
182 such assistance as described in this section.

183 (2) Residents who are capable of self-administering their
184 own medications and performing other tasks without assistance



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185 shall be encouraged and allowed to do so. However, an unlicensed
186 person may, consistent with a dispensed prescription's label or
187 the package directions of an over-the-counter medication, assist
188 a resident whose condition is medically stable with the self-
189 administration of routine, regularly scheduled medications that
190 are intended to be self-administered. An unlicensed person may
191 also provide assistance with other tasks specified in subsection
192 (6). Assistance with self-administration of medication or such
193 other tasks ~~self-medication~~ by an unlicensed person may occur
194 only upon a documented request by, and the written informed
195 consent of, a resident or the resident's surrogate, guardian, or
196 attorney in fact. For the purposes of this section, self-
197 administered medications include both legend and over-the-
198 counter oral dosage forms, topical dosage forms, transdermal
199 patches, and topical ophthalmic, otic, and nasal dosage forms
200 including solutions, suspensions, sprays, and inhalers.

201 (3) Assistance with self-administration of medication
202 includes:

203 (a) Taking the medication, in its previously dispensed,
204 properly labeled container, ~~including an insulin syringe that is~~
205 ~~prefilled with the proper dosage by a pharmacist and an insulin~~
206 ~~pen that is prefilled by the manufacturer,~~ from where it is
207 stored, and bringing it to the resident. For purposes of this
208 paragraph, an insulin syringe that is prefilled with the proper
209 dosage by a pharmacist and an insulin pen that is prefilled by
210 the manufacturer are considered medications in previously
211 dispensed, properly labeled containers.

212 (b) In the presence of the resident, confirming that the
213 medication is intended for that resident, orally advising the



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214 resident of the medication name and dosage, opening the
215 container, removing a prescribed amount of medication from the
216 container, and closing the container. The resident may sign a
217 written waiver to opt out of being orally advised of the
218 medication name and dosage. The waiver must identify all of the
219 medications intended for the resident, including names and
220 dosages of such medications, and must immediately be updated
221 each time the resident's medications or dosages change.

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

225 (d) Applying topical medications.

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

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

229 (g) Assisting with the use of a nebulizer, including
230 removing the cap of a nebulizer, opening the unit dose of
231 nebulizer solution, and pouring the prescribed premeasured dose
232 of medication into the dispensing cup of the nebulizer.

233 ~~(h) Using a glucometer to perform blood-glucose level~~
234 ~~checks.~~

235 ~~(i) Assisting with putting on and taking off antiembolism~~
236 ~~stockings.~~

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

239 ~~(k) Assisting with the use of a continuous positive airway~~
240 ~~pressure device but not with titrating the prescribed setting of~~
241 ~~the device.~~

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



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

244 (4) Assistance with self-administration of medication does
245 not include:

246 (a) Mixing, compounding, converting, or calculating
247 medication doses, except for measuring a prescribed amount of
248 liquid medication or breaking a scored tablet or crushing a
249 tablet as prescribed.

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

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

254 (d) Administration of parenteral preparations.

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

257 (f) Assisting with rectal, urethral, or vaginal
258 preparations.

259 (g) Assisting with medications ordered by the physician or
260 health care professional with prescriptive authority to be given
261 "as needed," unless the order is written with specific
262 parameters that preclude independent judgment on the part of the
263 unlicensed person, and the resident requesting the medication is
264 aware of his or her need for the medication and understands the
265 purpose for taking the medication.

266 (h) Assisting with medications for which the time of
267 administration, the amount, the strength of dosage, the method
268 of administration, or the reason for administration requires
269 judgment or discretion on the part of the unlicensed person.

270 (5) Assistance with the self-administration of medication
271 by an unlicensed person as described in this section shall not



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272 be considered administration as defined in s. 465.003.

273 (6) Assistance with other tasks includes:

274 (a) Assisting with the use of a glucometer to perform
275 blood-glucose level checks.

276 (b) Assisting with putting on and taking off antiembolism
277 stockings.

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

280 (d) Assisting with the use of a continuous positive airway
281 pressure device but not with titrating the prescribed setting of
282 the device.

283 (e) Assisting with measuring vital signs.

284 (f) Assisting with colostomy bags.

285 (7)-(6) The agency may by rule establish facility procedures
286 and interpret terms as necessary to implement this section.

287 Section 4. Subsection (2) of section 464.0156, Florida
288 Statutes, is amended to read:

289 464.0156 Delegation of duties.—

290 (2) A registered nurse may delegate to a certified nursing
291 assistant or a home health aide the administration of oral,
292 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or
293 topical prescription medications to a patient of a home health
294 agency, if the certified nursing assistant or home health aide
295 meets the requirements of s. 464.2035 or s. 400.489,
296 respectively. A registered nurse may not delegate the
297 administration of any controlled substance listed in Schedule
298 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.
299 812, except for the administration of an insulin syringe that is
300 prefilled with the proper dosage by a pharmacist or an insulin



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301 pen that is prefilled by the manufacturer.

302 Section 5. Subsection (7) of section 401.25, Florida
303 Statutes, is amended to read:

304 401.25 Licensure as a basic life support or an advanced
305 life support service.—

306 (7) (a) Each permitted basic life support ambulance not
307 specifically exempted from this part, when transporting a person
308 who is sick, injured, wounded, incapacitated, or helpless, must
309 be occupied by at least two persons: one patient attendant who
310 is a certified emergency medical technician, certified
311 paramedic, or licensed physician; and one ambulance driver who
312 meets the requirements of s. 401.281. This paragraph does not
313 apply to interfacility transfers governed by s. 401.252 ~~s.~~
314 ~~401.252(1)~~.

315 (b) Each permitted advanced life support ambulance not
316 specifically exempted from this part, when transporting a person
317 who is sick, injured, wounded, incapacitated, or helpless, must
318 be occupied by at least two persons: one who is a certified
319 paramedic or licensed physician; and one who is a certified
320 emergency medical technician, certified paramedic, or licensed
321 physician who also meets the requirements of s. 401.281 for
322 drivers. The person with the highest medical certifications
323 shall be in charge of patient care. This paragraph does not
324 apply to interfacility transfers governed by s. 401.252 ~~s.~~
325 ~~401.252(1)~~.

326 Section 6. Subsection (1) of section 401.27, Florida
327 Statutes, is amended to read:

328 401.27 Personnel; standards and certification.—

329 (1) Each permitted ambulance not specifically exempted from



330 this part, when transporting a person who is sick, injured,
331 wounded, incapacitated, or helpless, must be occupied by at
332 least two persons, one of whom must be a certified emergency
333 medical technician, certified paramedic, or licensed physician
334 and one of whom must be a driver who meets the requirements for
335 ambulance drivers. This subsection does not apply to
336 interfacility transfers governed by s. 401.252 ~~s. 401.252(1)~~.

337 Section 7. This act shall take effect July 1, 2022.

338
339 ===== T I T L E A M E N D M E N T =====

340 And the title is amended as follows:

341 Delete everything before the enacting clause
342 and insert:

343 A bill to be entitled
344 An act relating to the provision of health care;
345 amending s. 400.488, F.S.; revising the definitions of
346 the terms "informed consent" and "unlicensed person";
347 authorizing unlicensed persons to assist patients with
348 other specified tasks; revising provisions relating to
349 medications and devices with which unlicensed persons
350 may assist patients in self-administration under
351 certain circumstances; amending s. 401.252, F.S.;
352 specifying staffing requirements for advanced life
353 support ambulances during interfacility transfers;
354 providing that the person occupying the ambulance who
355 has the highest medical certification in this state is
356 in charge of patient care during the transfer;
357 amending s. 429.256, F.S.; revising the definitions of
358 the terms "informed consent" and "unlicensed person";



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359 authorizing unlicensed persons to assist patients with
360 other specified tasks; revising provisions relating to
361 medications and devices with which unlicensed persons
362 may assist patients in self-administration under
363 certain circumstances; amending s. 464.0156, F.S.;
364 revising the list of medications that a registered
365 nurse may delegate the administration of to a
366 certified nursing assistant or home health aide;
367 amending ss. 401.25 and 401.27, F.S.; conforming
368 cross-references; providing an effective date.