

By Senator Bradley

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1 A bill to be entitled  
2 An act relating to patient care in health care  
3 facilities; amending s. 400.488, F.S.; revising  
4 provisions relating to medications and devices with  
5 which unlicensed individuals may assist patients in  
6 self-administration under certain circumstances;  
7 amending s. 401.252, F.S.; specifying staffing  
8 requirements for advanced life support ambulances  
9 during interfacility transfers; providing that the  
10 person occupying the ambulance who has the highest  
11 medical certification in this state is in charge of  
12 patient care during the transfer; amending s.  
13 464.0156, F.S.; revising the list of medications that  
14 a registered nurse may delegate the administration of  
15 to a certified nursing assistant or home health aide;  
16 amending ss. 401.25, 401.27, and 429.256, F.S.;  
17 conforming provisions to changes made by the act;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (2), (3), and (4) of section  
23 400.488, Florida Statutes, are amended to read:

24 400.488 Assistance with self-administration of medication.—  
25 (2) Patients who are capable of self-administering their  
26 own medications without assistance must ~~shall~~ be encouraged and  
27 allowed to do so. However, an unlicensed person may, consistent  
28 with a dispensed prescription's label or the package directions  
29 of an over-the-counter medication, assist a patient whose

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30 condition is medically stable with the self-administration of  
31 routine, regularly scheduled medications that are intended to be  
32 self-administered. Assistance with self-medication by an  
33 unlicensed person may occur only upon a documented request by,  
34 and the written informed consent of, a patient or the patient's  
35 surrogate, guardian, or attorney in fact. For purposes of this  
36 section, self-administered medications include both legend and  
37 over-the-counter oral dosage forms, topical dosage forms,  
38 transdermal patches, and topical ophthalmic, otic, and nasal  
39 dosage forms, including solutions, suspensions, sprays,  
40 inhalers, and nebulizer treatments.

41 (3) Assistance with self-administration of medication  
42 includes:

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

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

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

58 (d) Applying topical medications, ~~including routine~~

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59 ~~preventive skin care and applying and replacing bandages for~~  
60 ~~minor cuts and abrasions as provided by the agency in rule.~~

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

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

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

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

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

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

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

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

85 (l) Assisting with measuring vital signs.

86 (m) Assisting with colostomy bags.

87 (4) Assistance with self-administration does not include:

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

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

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

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

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

99 (e) ~~(f)~~ Irrigations or debriding agents used in the  
100 treatment of a skin condition.

101 (f) ~~(g)~~ Rectal, urethral, or vaginal preparations.

102 (g) ~~(h)~~ Medications ordered by the physician or health care  
103 professional with prescriptive authority to be given "as  
104 needed," unless the order is written with specific parameters  
105 that preclude independent judgment on the part of the unlicensed  
106 person, and at the request of a competent patient.

107 (h) ~~(i)~~ Medications for which the time of administration,  
108 the amount, the strength of dosage, the method of  
109 administration, or the reason for administration requires  
110 judgment or discretion on the part of the unlicensed person.

111 Section 2. Section 401.252, Florida Statutes, is amended to  
112 read:

113 401.252 Interfacility transfer.—

114 (1) When conducting an interfacility transfer, a permitted  
115 advanced life support ambulance must be occupied by at least two  
116 persons: one patient attendant who is a certified paramedic, a

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117 registered nurse authorized under subsection (2), or a licensed  
118 physician; and one who is a certified emergency medical  
119 technician, a certified paramedic, a licensed physician, or an  
120 ambulance driver who meets the driver requirements of s.  
121 401.281. The person occupying the ambulance who has the highest  
122 medical certification in this state is in charge of patient care  
123 during the interfacility transfer.

124 (2) A licensed basic or advanced life support ambulance  
125 service may conduct interfacility transfers in a permitted  
126 ambulance~~7~~ using a registered nurse in place of an emergency  
127 medical technician or paramedic~~7~~ if:

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

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

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

136 (3)~~(2)~~ A licensed basic or advanced life support service  
137 may conduct interfacility transfers in a permitted ambulance if  
138 the patient's treating physician certifies that the transfer is  
139 medically appropriate and the physician provides reasonable  
140 transfer orders. An interfacility transfer must be conducted in  
141 a permitted ambulance if it is determined that the patient  
142 needs, or is likely to need, medical attention during transport.  
143 If the emergency medical technician or paramedic believes the  
144 level of patient care required during the transfer is beyond his  
145 or her capability, the medical director, or his or her designee,

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146 must be contacted for clearance prior to conducting the  
147 transfer. If necessary, the medical director, or his or her  
148 designee, shall attempt to contact the treating physician for  
149 consultation to determine the appropriateness of the transfer.

150 (4)~~(3)~~ Infants younger ~~less~~ than 28 days old or ~~infants~~  
151 weighing less than 5 kilograms~~7~~, who require critical care  
152 interfacility transport to a neonatal intensive care unit must~~7~~  
153 ~~shall~~ be transported in a permitted advanced life support or  
154 basic life support transport ambulance, or in a permitted  
155 advanced life support or basic life support ambulance that is  
156 recognized by the department as meeting designated criteria for  
157 neonatal interfacility critical care transport.

158 Section 3. Subsection (2) of section 464.0156, Florida  
159 Statutes, is amended to read:

160 464.0156 Delegation of duties.—

161 (2) A registered nurse may delegate to a certified nursing  
162 assistant or a home health aide the administration of oral,  
163 transdermal, ophthalmic, otic, rectal, inhaled, enteral, or  
164 topical prescription medications to a patient of a home health  
165 agency, if the certified nursing assistant or home health aide  
166 meets the requirements of s. 464.2035 or s. 400.489,  
167 respectively. A registered nurse may not delegate the  
168 administration of any controlled substance listed in Schedule  
169 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.  
170 812, except for the administration of an insulin syringe that is  
171 prefilled with the proper dosage by a pharmacist or an insulin  
172 pen that is prefilled by the manufacturer.

173 Section 4. Subsection (7) of section 401.25, Florida  
174 Statutes, is amended to read:

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175 401.25 Licensure as a basic life support or an advanced  
176 life support service.—

177 (7) (a) Each permitted basic life support ambulance not  
178 specifically exempted from this part, when transporting a person  
179 who is sick, injured, wounded, incapacitated, or helpless, must  
180 be occupied by at least two persons: one patient attendant who  
181 is a certified emergency medical technician, certified  
182 paramedic, or licensed physician; and one ambulance driver who  
183 meets the requirements of s. 401.281. This paragraph does not  
184 apply to interfacility transfers governed by s. 401.252 ~~s.~~  
185 ~~401.252(1)~~.

186 (b) Each permitted advanced life support ambulance not  
187 specifically exempted from this part, when transporting a person  
188 who is sick, injured, wounded, incapacitated, or helpless, must  
189 be occupied by at least two persons: one who is a certified  
190 paramedic or licensed physician; and one who is a certified  
191 emergency medical technician, certified paramedic, or licensed  
192 physician who also meets the requirements of s. 401.281 for  
193 drivers. The person with the highest medical certifications  
194 shall be in charge of patient care. This paragraph does not  
195 apply to interfacility transfers governed by s. 401.252 ~~s.~~  
196 ~~401.252(1)~~.

197 Section 5. Subsection (1) of section 401.27, Florida  
198 Statutes, is amended to read:

199 401.27 Personnel; standards and certification.—

200 (1) Each permitted ambulance not specifically exempted from  
201 this part, when transporting a person who is sick, injured,  
202 wounded, incapacitated, or helpless, must be occupied by at  
203 least two persons, one of whom must be a certified emergency

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204 medical technician, certified paramedic, or licensed physician  
205 and one of whom must be a driver who meets the requirements for  
206 ambulance drivers. This subsection does not apply to  
207 interfacility transfers governed by s. 401.252 ~~s. 401.252(1)~~.

208 Section 6. Paragraph (a) of subsection (3) of section  
209 429.256, Florida Statutes, is amended to read:

210 429.256 Assistance with self-administration of medication.—

211 (3) Assistance with self-administration of medication  
212 includes:

213 (a) Taking the medication, in its previously dispensed,  
214 properly labeled container, ~~including an insulin syringe that is~~  
215 ~~prefilled with the proper dosage by a pharmacist and an insulin~~  
216 ~~pen that is prefilled by the manufacturer,~~ from where it is  
217 stored, and bringing it to the resident. For purposes of this  
218 paragraph, an insulin syringe that is prefilled with the proper  
219 dosage by a pharmacist and an insulin pen that is prefilled by  
220 the manufacturer are considered medications in previously  
221 dispensed, properly labeled containers.

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