

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 licensed 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; amending s. 464.2035,  
11 F.S.; authorizing certified nursing assistants to  
12 administer certain medication to patients of nurse  
13 registries under certain circumstances; conforming a  
14 provision to changes made by the act; providing an  
15 effective date.

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

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19 Section 1. Subsection (7) of section 400.506, Florida  
20 Statutes, is amended to read:

21 400.506 Licensure of nurse registries; requirements;  
22 penalties.—

23 (7) A person who is referred by a nurse registry for  
24 contract in private residences and who is not a nurse licensed  
25 under part I of chapter 464 may perform only those services or

26 | care to clients that the person has been certified to perform or  
27 | trained to perform as required by law or rules of the Agency for  
28 | Health Care Administration or the Department of Business and  
29 | Professional Regulation. Providing services beyond the scope  
30 | authorized under this subsection constitutes the unauthorized  
31 | practice of medicine or a violation of the Nurse Practice Act  
32 | and is punishable as provided under chapter 458, chapter 459, or  
33 | part I of chapter 464. If a licensed nurse registry authorizes a  
34 | registered nurse to delegate tasks, including medication  
35 | administration, to a certified nursing assistant pursuant to  
36 | chapter 464 or to a home health aide pursuant to s. 400.490, the  
37 | licensed nurse registry must ensure that such delegation meets  
38 | the requirements of this chapter and chapter 464 and the rules  
39 | adopted thereunder.

40 | Section 2. Subsection (2) of section 464.0156, Florida  
41 | Statutes, is amended to read:

42 | 464.0156 Delegation of duties.—

43 | (2) A registered nurse may delegate to a certified nursing  
44 | assistant or a home health aide the administration of oral,  
45 | transdermal, ophthalmic, otic, rectal, inhaled, enteral, or  
46 | topical prescription medications to a patient of a home health  
47 | agency or nurse registry, if the certified nursing assistant or  
48 | home health aide meets the requirements of s. 464.2035 or s.  
49 | 400.489, respectively. A registered nurse may not delegate the  
50 | administration of any controlled substance listed in Schedule

51 II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s.  
52 812.

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

55 464.2035 Administration of medication.—

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

68 (3) The board, in consultation with the Agency for Health  
69 Care Administration, shall establish by rule standards and  
70 procedures that a certified nursing assistant must follow when  
71 administering medication to a patient of a home health agency or  
72 nurse registry. Such rules must, at a minimum, address  
73 qualification requirements for trainers, requirements for  
74 labeling medication, documentation and recordkeeping, the  
75 storage and disposal of medication, instructions concerning the

76 | safe administration of medication, informed-consent requirements  
77 | and records, and the training curriculum and validation  
78 | procedures.

79 |       Section 4. This act shall take effect July 1, 2021.