

HB 209

2022

1 A bill to be entitled
2 An act relating to the family caregiver certified
3 nursing assistant program; amending s. 464.201, F.S.;
4 providing definitions; creating s. 464.2031, F.S.;
5 requiring the Board of Nursing, in consultation with
6 the Agency for Health Care Administration, to develop
7 a program to train and certify family caregivers as
8 certified nursing assistants for a specified purpose;
9 specifying requirements for the program; authorizing
10 family caregivers who complete the program to take the
11 nursing assistant competency examination; providing
12 that such caregivers who pass the examination are
13 eligible for certification as a nursing assistant;
14 providing conditions on certification for caregivers
15 who obtain certification as nursing assistants;
16 providing for the lifting of conditions after a
17 specified period; authorizing the board, in
18 consultation with the agency, to adopt rules; amending
19 s. 464.203, F.S.; revising certification requirements
20 for certified nursing assistants to conform to changes
21 made by the act; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Present subsections (5) and (6) of section

26 464.201, Florida Statutes, are renumbered as subsections (6) and
 27 (7), respectively, and a new subsection (5) and subsection (8)
 28 are added to that section, to read:

29 464.201 Definitions.—As used in this part, the term:

30 (5) "Family caregiver" means a person who provides or
 31 intends to provide significant personal care and assistance to a
 32 relative who has an underlying physical or cognitive condition
 33 that prevents him or her from safely living independently.

34 (8) "Relative" means a parent, spouse, child, sibling,
 35 grandparent, great-grandparent, first cousin, aunt, uncle,
 36 great-aunt, great-uncle, niece, or nephew, whether related by
 37 the whole or half blood, by marriage, or by adoption.

38 Section 2. Section 464.2031, Florida Statutes, is created
 39 to read:

40 464.2031 Family caregiver certified nursing assistant
 41 program.—

42 (1) The board, in consultation with the Agency for Health
 43 Care Administration, shall develop a program in accordance with
 44 42 C.F.R. ss. 483.151-483.154 to train and certify family
 45 caregivers as certified nursing assistants to increase the
 46 health care workforce in the state and authorize persons to
 47 provide trained nursing services to their relatives. A person
 48 who is a caregiver to a relative and wants to serve as the
 49 relative's designated certified nursing assistant may
 50 participate in the program.

51 (2) The program must consist of at least 84 hours of
52 training, including all of the following:

53 (a) A minimum of 40 hours of theoretical instruction in
54 nursing, including, but not limited to, instruction on:

55 1. Person-centered care.

56 2. The aging process.

57 3. Communication and interpersonal skills.

58 4. Infection control.

59 5. Safety and emergency procedures.

60 6. Assistance with activities of daily living.

61 7. Dementia care.

62 8. End of life care.

63 9. Mental health and social service needs.

64 10. Care of cognitively impaired individuals.

65 11. Basic restorative care and rehabilitation.

66 12. Patient rights and confidentiality of personal
67 information and medical records.

68 13. Relevant legal and ethical issues.

69
70 Such instruction must be offered in various formats and any
71 interactive instruction must be provided during various times of
72 the day.

73 (b) A minimum of 28 hours of skills training on basic
74 nursing skills, including, but not limited to:

75 1. Hygiene, grooming, and toileting.

- 76 2. Infection control.
- 77 3. Skin care and pressure sore prevention.
- 78 4. Nutrition and hydration.
- 79 5. Measuring vital signs, height, and weight.
- 80 6. Safe lifting, positioning, and moving of patients.
- 81 7. Wound care.
- 82 8. Portable oxygen use and safety and other respiratory
 83 procedures.
- 84 9. Peripheral intravenous assistive activities and
 85 alternative feeding methods.
- 86 10. Urinary catheterization and ostomy care.
- 87 (c) At least 16 hours of clinical training under direct
 88 supervision of a licensed registered nurse, to be completed in
 89 at least two separate shifts and in a board-approved health care
 90 facility.
- 91 (3) A family caregiver who completes the program may take
 92 the nursing assistant competency examination and is eligible for
 93 certification to practice as a certified nursing assistant under
 94 s. 464.203(1) upon passing the examination.
- 95 (4) A family caregiver who obtains certification under s.
 96 464.203(1) (e) after completing the program, as a condition of
 97 certification, must serve as a designated certified nursing
 98 assistant for his or her relative under contract with a licensed
 99 nurse registry for at least 2 years. After 2 years of such
 100 practice, a certified nursing assistant may practice in any

101 setting authorized by law and is not required to contract with a
102 licensed nurse registry.

103 (5) The board, in consultation with the Agency for Health
104 Care Administration, may adopt rules to implement this section.

105 Section 3. Paragraph (e) is added to subsection (1) of
106 section 464.203, Florida Statutes, to read:

107 464.203 Certified nursing assistants; certification
108 requirement.—

109 (1) The board shall issue a certificate to practice as a
110 certified nursing assistant to any person who demonstrates a
111 minimum competency to read and write and successfully passes the
112 required background screening pursuant to s. 400.215. If the
113 person has successfully passed the required background screening
114 pursuant to s. 400.215 or s. 408.809 within 90 days before
115 applying for a certificate to practice and the person's
116 background screening results are not retained in the
117 clearinghouse created under s. 435.12, the board shall waive the
118 requirement that the applicant successfully pass an additional
119 background screening pursuant to s. 400.215. The person must
120 also meet one of the following requirements:

121 (e) Has completed the program developed by the board under
122 s. 464.2031 and achieved a minimum score, established by rule of
123 the board, on the nursing assistant competency examination,
124 which consists of a written portion and skills-demonstration
125 portion, approved by the board and administered at a site and by

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126 | personnel approved by the department.

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