

Committee Substitute for
Committee Substitute for Senate Bill No. 170

An act relating to administration of medication; amending s. 393.506, F.S.; deleting requirements for unlicensed staff members of direct care service facilities to administer prescribed medications to persons with developmental disabilities; authorizing direct service providers to administer medication to clients or to supervise the self-administration of medication by clients; providing requirements for direct service providers to demonstrate competency regarding supervising the self-administration of medication by clients or administering medication to clients; requiring the Agency for Persons with Disabilities to adopt rules to establish standards and procedures governing the supervision of self-administered medications and the administration of medications by direct service providers; providing an effective date.

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

Section 1. Section 393.506, Florida Statutes, is amended to read:

393.506 Administration of medication.—

(1) ~~A Notwithstanding the provisions of part I of chapter 464, the Nurse Practice Act, unlicensed direct service provider who is not currently licensed to administer medication care services staff providing services to persons with developmental disabilities may supervise the self-administration of medication or may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, or topical prescription medications to a client as provided in this section.~~

(2) In order to supervise the self-administration of medication or to administer medications as provided in subsection (1), a direct service provider must satisfactorily complete a training course of not less than 4 hours in medication administration and be found competent to supervise the self-administration of medication by a client or to administer medication to a client in a safe and sanitary manner. Competency must be assessed and validated at least annually in an onsite setting and must include personally observing the direct service provider satisfactorily:

- (a) Supervising the self-administration of medication by a client; and
- (b) Administering medication to a client.

(3) A direct service provider may supervise the self-administration of medication by a client or may administer medication to a client only if the client, or the client's guardian or legal representative, has given his or her informed consent to self-administering medication under the supervision of an unlicensed direct service provider or to receiving medication administered by an unlicensed direct service provider. Such informed consent must

be based on a description of the medication routes and procedures that the direct service provider is authorized to supervise or administer. Only a provider who has received appropriate training and has been validated as competent may supervise the self-administration of medication by a client or may administer medication to a client.

~~(a) For day programs, as defined in s. 393.063, the director of the facility or program shall designate in writing unlicensed direct care services staff who are eligible to be trained to assist in the administration of or to administer medication.~~

~~(b) For intermediate care facilities for the developmentally disabled licensed pursuant to part XI of chapter 400, unlicensed staff designated by the director may provide medication assistance under the general supervision of a registered nurse licensed pursuant to chapter 464.~~

~~(2) Each facility, institution, or program must include in its policies and procedures a plan for training designated staff to ensure the safe handling, storage, and administration of prescription medication. These policies and procedures must be approved by the agency before unlicensed direct care services staff assist with medication.~~

~~(3) The policies and procedures must include, at a minimum, the following provisions:~~

~~(a) An expressed and informed consent for each client.~~

~~(b) The director of the facility, program, or provider must maintain a copy of the written prescription, and that prescription must include the name of the medication, the dosage and administration schedule, the reason for the prescription, and the termination date.~~

~~(c) Each prescribed medication shall be kept in its original container and in a secure location.~~

~~(4) The determination of competency and annual validation training required in this section shall be conducted by a registered nurse licensed pursuant to chapter 464 or a physician licensed pursuant to chapter 458 or chapter 459.~~

(5) The agency shall establish by rule standards and procedures that a direct service provider must follow when supervising the self-administration of medication by a client and when administering medication to a client. Such rules must, at a minimum, address requirements for labeling medication, documentation and recordkeeping, the storage and disposal of medication, instructions concerning the safe administration of medication or supervision of self-administered medication, informed-consent requirements and records, and the training curriculum and validation procedures.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 30, 2006.

Filed in Office Secretary of State May 30, 2006.