

PLEASE RETURN:
COMPLETED ROSTER
COMPLETED TESTS
COMPLETED EVALUATION

PEGCO, Inc.
532 N. RIDGEWOOD AVE
DAYTONA BEACH, FL. 32114
Phone: (386) 756-4266 Fax (386) 492-7821
WEB SITE: www.VolusiaCPR.com EMAIL: Bill@VolusiaCPR.com
NURSING HOME #NH 2772
ASSISTED LIVING #ALF 909
HOME HEALTH CARE #HH 1175
WILLIAM STACY RN, NRCMA

ROSTER

Program Title: **MEDICAL RECORD DOCUMENTATION & LEGAL ASPECTS (2 HR)**

Date: _____ Facility Name: _____

********PLEASE PRINT CLEARLY********

CERTIFICATES CAN NOW BE EMAILED IF WE CAN READ THE EMAIL ADDRESS

1. NAME _____ PHONE _____
ADDRESS _____

EMAIL _____

2. NAME _____ PHONE _____
ADDRESS _____

EMAIL _____

3. NAME _____ PHONE _____
ADDRESS _____

EMAIL _____

4. NAME _____ PHONE _____
ADDRESS _____

EMAIL _____

PEGCO, Inc.

2395 Palm Drive
Port Orange FL 32128 ;

Provider Number FBN #2613

**MEDICAL RECORD
DOCUMENTATION AND
UNDERSTANDING LEGAL
ASPECTS FOR CERTIFIED
NURSING ASSISTANTS**

**IN ACCORDANCE WITH THE
REQUIREMENTS FO 64B9-15.011
(C), FAC**

STANDARDIZED CURRICULUM

- I. Objectives**
- II. Documentation: Purpose**
- III. Legal Relevance of Medical Records and Legal Aspects for CNAS**
- IV. Medical Documentation**
- V. Statutes and Rules: Overview**
- VI. Chapter 64B9-15 Certified Nursing Assistants**
- VII. Chapter 776, F.S. (Section 464.018 (1)(d) 1., F.S.) Criminal Offenses**
- VIII. Chapter 464**
- IX. Chapter 400**
- X. Required CNA Reporting**
- XI. CNA Certification**
- XII. State Contacts**
- XIII. Post-test**

OBJECTIVES

At the conclusion, the participant will be able to:

- Describe what Florida law and rules say about being a CNA in Florida.**
- List the in-service requirements for CNAS in Florida.**
- Identify where in law and rule certain topics can be located**
- Discuss how to maintain a certification as a CNA in Florida.**
- Give the importance of medical documentation.**
- List methods of documenting services provided and correcting mistakes in documentation.**

Documentation: Purpose

- 1. To provide a complete account of the resident/patient care, treatment, response to the care, signs, symptoms, etc., as well as the progress of the care provided.**
- 2. To provide all interested parties with a tool for measuring the quality of care provided to the resident/patient.**
- 3. To provide a legal record that protects the resident/patient, physician, nurse and the facility.**
- 4. To assist in the development of a plan of care for the resident/patient.**
- 5. To verify the services rendered are reasonable and necessary for the treatment of the resident/patient's illness or injury.**
- 6. Provides an information base to record resident/patient outcomes. Communicate with other health care providers.**
- 7. If it is not written down, it did not happen.**
- 8. Write your entries in blue or black pen.**
- 9. Do not use pencils or felt tip markers.**

- 10. Do not leave spaces or skip lines; charting is usually continuous.**
- 11. Document only for your self: that is, your own actions or observations.**
- 12. Do not change entries unless you are correcting your own mistakes. Draw a single line through the mistake. Do not mark out the error with scribbles or correction fluid and do not erase incorrect entries. Just mark a single line through the entry. Write ERROR next to or above the mistake. Write down the date you have made the correction and your initials. Write down the correct words(s). If you notice someone else's documentation is clearly wrong, report it to the supervisor.**

**Legal Relevance of Medical
Records and Legal Aspects for CNAS**

Accurately and completely documenting the nature and quality of your care helps the other members of the healthcare team confirm their impressions of the patient's

condition and progress-or may signal the need for adjustments in the therapeutic regimen. This clinical account of a patient's condition, treatment, and responses is also used as evidence in the courtroom- for example, the malpractice suits, workers' compensation litigation, personal injury cases, and, possible, criminal cases. If you think of the medical record first and foremost as a clinical communication that you documented carefully, you needn't panic if the court subpoenas it. However, if you think only of legal implications or document to protect yourself, your part of the medical record will sound self-serving and defensive. Such documentation tends to have a negative impact on a judge and jury.

Know what your in-service requirements are. Know you can find out in the Florida

Administrative Code. Know the specific laws about self-reporting any criminal violations.

Know that you are required to report your address when you move. Know who to

contact if you need another copy of your certificate. Know that the Statutes and Rules governing CNAS can change from time to time and who to contact for new changes. Laws and rules govern the practice of all health care practitioners. CNAS are health care practitioners, too. Legal Aspects simply describes the laws and rules that govern the particular practice of CNAS and cover important things.

Statutes and Rules Pertaining to CNAS

- 1. Code of Federal Regulations
Part 483. These are permanent
laws on the National Level
pertaining to the training program
requirements, general in-service
requirements, discipline guidelines,
and testing requirements for the
CNAS.**
- 2. Florida Statutes Chapter 464
Part II, contains general
information about becoming a
CNA and working as a CNA;
discipline actions; and the
regulatory groups known as the
Board of Nursing and the CNA
Council. Florida Statutes Chapter
400, contains information specific
to CNAS working in nursing**

homes; includes special in-service topics.

- 3. Florida Administrative Code 64B9-15 (FAC). These are the rules and regulations on a state level. Information relates mostly to topics covered in a training program, but also includes some reimbursement information.**

- responsible and accountable for the instructional aspects of the certified nursing assistant training program.
- b) A program instructor shall hold a clear, active Florida license to practice professional nursing, have at least 1 year of clinical experience, and one of the following:
- Have completed a course in teaching adults; or
 - Have at least 1 year of experience in teaching adults; or
 - Have at least 1 year of experience in supervising nursing assistants.
- c) A program instructor's responsibilities for classroom and clinical instruction include:
- Participating in the planning of each learning experience;
 - Ensuring that course objectives/outcomes are accomplished;
 - Requiring a grade of 70% or greater on all theoretical examinations;
 - Requiring a passing grade for satisfactory completion of all skills evaluations;
 - Ensuring that students do not perform activities for which they have not received instruction and in which they have not been found competent;
 - Supervising and evaluating students giving care to clients in clinical areas;
 - Providing direct supervision in the classroom and in clinical experiences; and
 - Monitoring health care professionals who assist in providing program instruction.
- d) A program coordinator may be an instructor but must meet the standards established in paragraph (a) above.
- e) Other personnel from the health professions may supplement the program instructor; these supplemental personnel must have at least one year of experience in their field.
- f) The certified nurse assistant training program shall have sufficient staff, finances, resources, materials, space, and supplies to meet the purpose of the program and the needs of students, faculty, administration, and staff.
- g) Classrooms and skill laboratories shall meet requirements in Chapter 1013, F.S. and Chapter 6-2, F.A.C.
- h) Current reference materials shall be appropriate to the level of the student population and the curriculum.
- i) A training program shall provide a minimum clinical instruction ratio for professional nurse to student of 1 to 15 for students caring directly for residents or clients.
- j) A training program shall provide the standardized curriculum under Rule 64B9-15.006, F.A.C., in compliance with federal guidelines.
- k) A training program shall plan and schedule clinical experiences according to the course curriculum.
- l) The training program shall include clinical experience for each certified nursing assistant student.
- m) The training program shall ensure that certified nursing assistant students are identified and treated as students and not utilized as staff during the instructional and clinical hours the students are enrolled in a certified nursing assistant training program.
- n) A training program shall provide instructional and education materials adequate to meet the needs of the program, the number of students, and the instructional staff. There shall be an adequate number of instructional tools and equipment for simulating resident care to provide ample opportunity for students to develop skill competency prior to direct care experiences.
- o) If the board, through an investigation by the department, finds that an approved program no longer meets the required standards, it shall place the program on probationary status until such time as the standards are restored. If a program fails to correct these conditions within 90 days, the board shall rescind the approval.
- p) A training program must maintain a passing rate on certified nursing assistant examination for its graduates of not less than 10% below the state average as reported annually. If a program's passing rate drops below the standard for 12 months, the program must be reviewed by the board. The board shall place the program on probation, and if the passing rate does not meet the standard within one year, the board shall rescind the program approval.
- q) A training program shall permit the Board to conduct an on-site evaluation for initial Board approval and renewal approval.
- r) The certified nursing assistant training program must report to the Board any changes in program coordinator or program location within 60 days.
- s) Certified nursing assistant training program approval shall not be transferred with a change of ownership. The new owner must apply per Rule 64B9-15.007, F.A.C.
- t) A certified nursing assistant training program shall notify the Board of any name change within thirty (30) days of change.
- u) All Certified Nursing Assistant training programs with current approval from the Department of Education will maintain approval until 180 days after the effective date of these rules. A renewal application with the Board of Nursing demonstrating compliance with these rules will be required. Programs will be approved for a two-year period.

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

64B9-15.006 Standardized Curriculum.

64B9-15.008 Testing and Competency Evaluation.

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

64B9-15.011 In-service Training.

64B9-15.005 Standards for Certified Nursing Assistant Training Programs.

(1) Each training program shall have a governing body which has authority to conduct the certified nursing assistant training program, determine general policy, and assure adequate financial support.

(a) A certified nursing assistant training program shall have a written description of the program that includes purpose, goals, and objectives/outcomes, and meets applicable federal and state requirements. The program description must be consistent with the purpose, goals, and objectives/outcomes of the parent institution, if any.

(b) A certified nursing assistant training program utilizing external clinical facilities shall have a written agreement between the program and each external clinical facility. The agreement shall define the rights and responsibilities of the program and the clinical facility, including the role and authority of the governing bodies of both the clinical facility and the program.

(c) A certified nursing assistant training program shall include clinical experiences in health care facilities with a standard license or a conditional license without class I or class II deficiency.

(d) A certified nursing assistant training program shall have written policies and procedures that are consistent with its parent institution. The program shall provide a regularly scheduled review of the policies and procedures governing the following areas:

1. Student attendance;
2. Student grading, including program progression and completion criteria;
3. Student record maintenance;
4. Student fees and financial aid;
5. Student rights and responsibilities; and
6. Student grievance.

(2) Each certified nursing assistant training program shall appoint a certified nursing assistant training program coordinator who shall be responsible and accountable for compliance with these rules.

(a) A program coordinator shall hold an active, clear Florida license to practice professional nursing, two years of professional nursing experience, and one year of experience in nursing home services, i.e., care of the elderly or chronically ill of any age including supervision of certified nursing assistants.

(b) A director of nursing in a nursing home-based program may assume the administration and accountability for a program as the program coordinator but shall not engage in classroom or clinical teaching in that program.

(c) A program coordinator assumes overall accountability for the following:

1. Acting as liaison with the Board related to the program's continuing compliance;
2. Participating in preparing and administering a financial plan;
3. Developing, implementing, and evaluating the training program;
4. Arranging for educational facilities, clinical resources, and faculty development;
5. Recruiting, supervising, and evaluating qualified instructors who meet criteria in subsection 64B9-15.005(4), F.A.C., and ensuring there are sufficient instructors to meet clinical ratios and instructional needs;
6. Providing admission and program completion requirements in written form to students prior to admission to the program;
7. Developing and implementing written policies necessary for the operation of the program;
8. Ensuring that instructors provide classroom instruction and clinical supervision to students at all times during scheduled program hours; and
9. Providing documentation of program completion to a student within 10 days of program completion.

- (1) The standardized curriculum content for a certified nursing assistant training program shall follow the curriculum framework established by the Department of Education (Rule 6A-1.09417, F.A.C.) and shall include material that will provide a basic level of both knowledge and demonstrable skills for each student completing the program.
 - (2) The standardized curriculum shall require a minimum of 80 hours of classroom and 40 hours clinical instruction.
 - (3) Prior to any direct contact with a resident, a training program shall require that a student receive a minimum of 16 hours of classroom instruction in communication and interpersonal skills; infection control; safety/emergency procedures, including the Heimlich maneuver; promoting residents' independence; and respecting residents' rights.
 - (4) Clinical experience shall be provided under the direct supervision of the program instructor.
- Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New 4-8-03.*

64B9-15.008 Testing and Competency Evaluation.

- (1) The Certified Nursing Assistant Examination shall consist of the Written Exam and the Clinical Skills Test.
- (2) The general areas of competency and relative weight of the Written Exam are as follows:
 - (a) Role of the Nursing Assistant (16-24%);
 - (b) Promotion of Health and Safety (14-17%);
 - (c) Promotion of Function and Health of Residents (20-26%);
 - (d) Basic Nursing Skills (24-28%); and
 - (e) Providing Specialized Care (14-19%).

(3) The minimum passing level of the Written Exam varies depending on the difficulty of the items for each form of the examination and will be established by the board.

(4) The Clinical Skill Test includes three of the following tasks in addition to hand washing and indirect care:

(a) Personal Care:

1. Perineal Care-male and female;
2. Catheter care;
3. Dressing;
4. Partial Bed bath;
5. Toileting - Bedpan;
6. Mouth Care - Brushing Teeth;
7. Mouth Care - Care of Dentures;
8. Grooming - Hair and Nail Care; and
9. Feeding.

(b) Promoting Function, Health, and Safety:

1. Change of Position;
2. Transfer;
3. Range of Motion for upper extremities; and
4. Range of Motion for lower extremities.

(c) Environmental Activities - Changing an Occupied Bed.

(d) Reporting and Recording:

1. Measure and Record vital signs;
2. Measure and Record Height and Weight; and
3. Measure and Record Content of Urinary Drainage Bag.

(5) The recommended minimum passing level for each task is 3 Standard Errors of Measure below the mean. The minimum passing level of the Clinical Skill Test varies depending on the difficulty of the items selected by the testing service for each form of the examination and will be established by the testing service for each form of the examination based on its testing expertise. The candidate must have a minimum passing score on each of the five tasks on an examination form to pass the Clinical Skills Test.

(6) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

For the Clinical Skill Test must meet the following criteria:
• a registered nurse with a minimum of two years of nursing experience;
• have at least one year of experience in the provision of long-term care;
• currently licensed as a registered nurse in the state of Florida; and
• shall not have any personal or professional relationship to any examinee taking the clinical skills test.

Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 5-25-03.

15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

The Board is authorized by law to protect the public from certified nursing assistants (CNAs) who do not meet minimum requirements for safe practice or who pose a danger to the public. The suspensions, restrictions of practice, conditions of probation used by the Board in discharging its duties under Sections 456.072 and 464.204, F.S., shall be, but are not limited to, the following:

• suspension until appearance before the Board or for a definite time period and demonstration of ability to practice

• suspension until appearance before the Board, or for a definite time period, and submission of mental or physical examinations from professionals specializing in the diagnosis or treatment of the suspected condition, completion of training, completion of continuing/in-service education, demonstration of sobriety and ability to practice safely.

• suspension until fees and fines paid or until proof of Board mandated continuing/in-service education completion is submitted.

• suspension until evaluation by and treatment in the Intervention Project for Nurses. In cases involving substance abuse, chemical dependency, sexual misconduct, physical or mental conditions which may hinder the ability to practice safely, the Board finds participation in the IPN under a stayed suspension to be the preferred and most successful discipline.

• suspension stayed so long as the registrant complies with probationary conditions.

• probation with the minimum conditions of not violating laws, rules, or orders related to the ability to practice as a CNA safely, keeping the Board advised of the CNA's address and employment, and supplying both timely and accurate probation and employer/supervisor reports.

• probation with specified continuing/in-service education courses in addition to the minimum conditions. In those cases involving unprofessional conduct or substandard practice, including recordkeeping, the Board finds continuing/in-service education directed to the practice deficiency to be the preferred punishment.

• probation with added conditions of random drug screens, abstention from alcohol and drugs, participation in support groups or alcoholics anonymous, psychological counseling, the prohibition on agency work, or the requirement that the registrant must be under direct supervision on a regularly assigned unit.

• personal appearances before the Board to monitor compliance with the Board's order.

• administrative fine and payment of costs associated with probation or professional treatment.

The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed on practitioners and applicants for licensure guilty of violating Chapters 456 and 464, F.S. The purpose of the disciplinary guidelines is to give notice to registrants and applicants of the range of penalties which will normally be assessed upon violations of particular provisions of Chapters 456 and 464, F.S. The disciplinary guidelines are based on a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 456 and 464, F.S., or the rules promulgated thereto, or other

related violations will be grounds for enhancement of penalties. All penalties set forth in the guidelines include the following penalties, i.e., reprimand and or course-work which may be included in the final penalty at the Board's discretion.

64B9-15.009 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) The Board is authorized by law to protect the public from certified nursing assistants (CNAs) who do not meet minimum requirements for safe practice or who pose a danger to the public. The suspensions, restrictions of practice, and conditions of probation used by the Board in discharging its duties under Sections 456.072 and 464.204, F.S., shall include, but are not limited to, the following:

- (a) Suspension until appearance before the Board or for a definite time period and demonstration of ability to practice safely.
- (b) Suspension until appearance before the Board, or for a definite time period, and submission of mental or physical examinations from professionals specializing in the diagnosis or treatment of the suspected condition, completion of counseling, completion of continuing/in-service education, demonstration of sobriety and ability to practice safely.
- (c) Suspension until fees and fines paid or until proof of Board mandated continuing/in-service education completion submitted.
- (d) Suspension until evaluation by and treatment in the Intervention Project for Nurses. In cases involving substance abuse, chemical dependency, sexual misconduct, physical or mental conditions which may hinder the ability to practice safely, the Board finds participation in the IPN under a stayed suspension to be the preferred and most successful discipline.
- (e) Suspension stayed so long as the registrant complies with probationary conditions.
- (f) Probation with the minimum conditions of not violating laws, rules, or orders related to the ability to practice as a CNA safely, keeping the Board advised of the CNA's address and employment, and supplying both timely and satisfactory probation and employer/supervisor reports.
- (g) Probation with specified continuing/in-service education courses in addition to the minimum conditions. In those cases involving unprofessional conduct or substandard practice, including recordkeeping, the Board finds continuing/in-service education directed to the practice deficiency to be the preferred punishment.
- (h) Probation with added conditions of random drug screens, abstention from alcohol and drugs, participation in narcotics or alcoholics anonymous, psychological counseling, the prohibition on agency work, or the requirement that work must be under direct supervision on a regularly assigned unit.

- (i) Personal appearances before the Board to monitor compliance with the Board's order.
- (j) Administrative fine and payment of costs associated with probation or professional treatment.

(2) The Board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners and applicants for licensure guilty of violating Chapters 456 and 464, F.S. The purpose of the disciplinary guidelines is to give notice to registrants and applicants of the range of penalties which will normally be imposed upon violations of particular provisions of Chapters 456 and 464, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapters 456 and 464, F.S., or the rules promulgated thereto, or other unrelated violations will be grounds for enhancement of penalties. All penalties set forth in the guidelines include lesser penalties, i.e., reprimand and or course-work which may be included in the final penalty at the Board's discretion.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon registrants for violation of the noted statutes and rules:

- (a) Being found guilty, regardless of adjudication, of a forcible felony as defined in Chapter 776, F.S.
(Section 464.018(1)(d)1., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	\$150 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$1000 fine and revocation

- (b) Being found guilty, regardless of adjudication, of a violation of Chapter 812, F.S., relating to theft, robbery, and related crimes.
(Section 464.018(1)(d)2., F.S.)

MINIMUM	MAXIMUM
---------	---------

FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(c) Being found guilty, regardless of adjudication, of a violation of Chapter 817, F.S., relating to fraudulent practices.
(Section 464.018(1)(d)3., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(d) Being found guilty, regardless of adjudication, of a violation of Chapter 800, F.S., relating to lewdness and indecent exposure.
(Section 464.018(1)(d)4., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine, and probation	denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine, IPN evaluation, and suspension to be followed by a term of probation	denial of certification and \$150 fine and permanent revocation

(e) Being found guilty, regardless of adjudication, of a violation of Chapter 784, F.S., relating to assault, battery, and culpable negligence.
(Section 464.018(1)(d)5., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine, and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(f) Being found guilty, regardless of adjudication, of a violation of Chapter 827, F.S., relating to child abuse.
(Section 464.018(1)(d)6., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and permanent revocation

(g) Being found guilty, regardless of adjudication, of a violation of Chapter 415, F.S., relating to protection from abuse, neglect, and exploitation.

(Section 464.018(1)(d)7., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and permanent revocation

(h) Being found guilty, regardless of adjudication, of a violation of Chapter 39, F.S., relating to child abuse, abandonment, and neglect.

(Section 464.018(1)(d)8., F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and permanent revocation

(i) Having been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense prohibited under Section 435.03, F.S., or under any similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in Section 741.28, F.S.

(Section 464.018(1)(e), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and permanent revocation

(j) False, misleading, or deceptive advertising.

(Section 464.018(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$25 fine	\$100 fine and probation
SECOND OFFENSE	\$100 fine	\$125 fine and suspension to be followed by probation
THIRD OFFENSE	\$125 fine and probation	\$150 fine and suspension to be followed by probation

(k) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in Chapter 893, F.S., for any other than legitimate purposes authorized by this part.

(Section 464.018(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$25 fine, IPN evaluation, and probation	denial of certification or \$50 fine, IPN evaluation and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine, IPN evaluation, and suspension to be followed by	denial of certification and \$125 fine and permanent revocation

	probation	
THIRD OFFENSE	\$125 fine and revocation	\$150 fine and permanent revocation

(l) Failing to report to the department any person who the registrant knows is in violation of this part or of the rules of the department or the board; however, if the registrant verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the registrant is required to report such person only to an impaired professionals consultant.

(Section 464.018(1)(k) or 456.072(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$25 fine	\$25 fine and probation
SECOND OFFENSE	\$50 fine	\$100 fine and suspension to be followed by probation
THIRD OFFENSE	\$75 fine and probation	\$150 fine and suspension to be followed by probation

(m) Making misleading, deceptive, or fraudulent representations in or related to the practice of the registrant's profession.
(Section 456.072(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(n) Knowingly violating any provision of this part, a rule of the board or the department, or a lawful order of the board or department previously entered in a disciplinary proceeding or failing to comply with a lawfully issued subpoena of the department.
(Sections 456.072(1)(b) & 464.018(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine and compliance with rule or terms of prior order	\$100 fine and suspension until compliance with rule or terms of prior order
SECOND OFFENSE	\$100 fine and suspension until compliance with rule or terms of prior order	\$125 fine and suspension until compliance with rule or terms of prior order plus extended probation
THIRD OFFENSE	\$125 fine and suspension until compliance with rule or terms of prior order plus extended probation	\$150 fine and revocation

(o) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of a certified nursing assistant or to the ability to practice as a certified nursing assistant.

(Section 456.072(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(p) Having a license or the authority to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure or certification, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
(Section 456.072(1)(f), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine and same penalty imposed by the other jurisdiction	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$150 fine and revocation
THIRD OFFENSE	\$150 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$150 fine and permanent revocation

(q) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another registrant.
(Section 456.072(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(r) Procuring, attempting to procure, or renewing certification to practice as a CNA by bribery, by knowing misrepresentations, or through an error of the department or the board.
(Section 456.072(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine and probation	denial of certification or revocation
SECOND OFFENSE	\$150 fine and probation	denial of certification or permanent revocation

(s) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board.
(Section 456.072(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(t) Failing to perform any statutory or legal obligation placed upon a registrant.
(Section 456.072(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine and compliance with legal	\$100 fine and suspension until

SECOND OFFENSE	obligation \$100 fine and suspension until compliance with legal obligation	compliance with legal obligation \$125 fine and suspension until compliance with legal obligation plus extended probation
THIRD OFFENSE	\$125 fine and suspension until compliance with legal obligation plus extended probation	\$150 fine and revocation

(u) Making or filing a report which the registrant knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so.
(Section 456.072(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	\$75 fine and suspension to be followed by probation
SECOND OFFENSE	\$75 fine and probation	\$100 fine and suspension to be followed by probation
THIRD OFFENSE	\$125 fine and suspension to be followed by probation	\$150 fine and revocation

(v) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.
(Section 456.072(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	denial of certification or \$100 fine and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$100 fine and probation	denial of certification or \$150 fine and revocation

(w) Exercising influence on the patient or client for the purpose of financial gain of the registrant or a third party.
(Section 456.072(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$75 fine and probation	denial of certification or revocation and \$125 fine
SECOND OFFENSE	\$125 fine and probation	denial of certification or permanent revocation and \$150 fine

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the registrant knows, or has reason to know, the registrant is not competent to perform.
(Section 456.072(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$75 fine and probation	denial of certification or revocation and \$125 fine
SECOND OFFENSE	\$125 fine and probation	denial of certification or permanent revocation and \$150 fine

(y) Delegating or contracting for the performance of professional responsibilities by a person when the registrant delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them.
(Section 456.072(1)(p), F.S.)

FIRST OFFENSE	MINIMUM \$75 fine and probation	MAXIMUM denial of certification or revocation and \$125 fine
SECOND OFFENSE	\$125 fine and probation	denial of certification or permanent revocation and \$150 fine

(z) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(Section 456.072(1)(r), F.S.)

FIRST OFFENSE	MINIMUM \$50 fine	MAXIMUM denial of certification or \$100 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$125 fine and probation	denial of certification or \$150 fine and revocation

(aa) Engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), F.S.
(Section 456.072(1)(v), F.S.)

FIRST OFFENSE	MINIMUM \$100 fine, IPN evaluation, and probation	MAXIMUM denial of certification or \$125 fine, IPN evaluation, and suspension to be followed by a term of probation or revocation
SECOND OFFENSE	\$125 fine, IPN evaluation, and suspension to be followed by a term of probation	denial of certification and \$150 fine and permanent revocation

(bb) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.
(Section 456.072(1)(w), F.S.)

FIRST OFFENSE	MINIMUM \$50 fine	MAXIMUM \$100 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$125 fine and probation	\$150 fine and suspension to be followed by a term of probation

(cc) Failing to report to the board, or the department if there is no board, in writing within 30 days after the registrant has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. Convictions, findings, adjudications, and pleas entered into prior to the enactment of this paragraph must be reported in writing to the board, or department if there is no board, on or before October 1, 1999.
(Section 456.072(1)(x), F.S.)

FIRST OFFENSE	MINIMUM \$50 fine and probation	MAXIMUM denial of certification or revocation and \$100 fine
SECOND OFFENSE	\$100 fine and probation	denial of certification or permanent revocation and \$150 fine

(dd) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers or persons involved in accidents pursuant to Section 316.066, F.S., or using information published in a newspaper or other news publication or through a radio or television broadcast that has used information gained from such reports,

for the purposes of commercial or any other solicitation whatsoever of the people involved in such accidents.
(Section 456.072(1)(y), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	\$75 fine and probation
SECOND OFFENSE	\$75 fine	\$100 fine and suspension to be followed by probation
THIRD OFFENSE	\$100 fine and probation	\$150 fine and suspension to be followed by probation

(ee) Being unable to practice as a CNA with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.
(Section 456.072(1)(z), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine, IPN evaluation, and probation	denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation
SECOND OFFENSE	\$100 fine, IPN evaluation, and suspension to be followed by probation	denial of certification and \$125 fine and permanent revocation
THIRD OFFENSE	\$125 fine and revocation	\$150 fine and permanent revocation

(ff) Testing positive for any drug, as defined in Section 112.0455, F.S., on any confirmed preemployment or employer-ordered drug screening when the practitioner does not have a lawful prescription and legitimate medical reason for using such drug.
(Section 456.072(1)(aa), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine, IPN evaluation, and probation	denial of certification or \$100 fine, IPN evaluation, and suspension to be followed by a term of probation
SECOND OFFENSE	\$100 fine, IPN evaluation, and suspension to be followed by a term of probation	denial of certification and \$150 fine and permanent revocation

(gg) Performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition.
(Section 456.072(1)(bb), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50 fine	\$75 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$75 fine and a term of probation	\$100 fine and suspension to be followed by a term of probation
THIRD OFFENSE	\$125 fine and suspension to be followed by a term of probation	\$150 fine and permanent revocation

(hh) Being terminated from or failing to successfully complete an impaired practitioner treatment program (Section 456.072(1)(hh), F.S.):
Minimum: \$150 fine and suspension until successful completion or receipt of written confirmation from program that further treatment is neither required nor indicated.
Maximum: Permanent revocation or denial of licensure.

(ii) Intentionally engaging in unprofessional conduct, as defined in Rule 64B9-8.005, F.A.C.
(Section 464.018(1)(h), F.S.):

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$50.00 fine, reprimand and probation, continuing education	\$150.00 fine, reprimand, suspension followed by probation
SECOND OFFENSE	\$150.00 fine, reprimand, suspension followed by probation	\$150.00 fine and revocation

If the unprofessional conduct involves hitting a patient or intentionally causing harm to a patient, the MINIMUM penalty for a FIRST OFFENSE is REVOCATION of the license.

(4) In licensure and disciplinary matters involving impairment, the applicant or registrant may be referred to IPN in addition to the imposition of the above-outlined disciplinary action.

(5)(a) The Board shall be entitled to deviate from the foregoing guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence, presented to the Board prior to the imposition of a final penalty at informal hearing. If a formal hearing is held, any aggravating or mitigating factors must be submitted to the hearing officer at formal hearing. At the final hearing following a formal hearing, the Board will not hear additional aggravating or mitigating evidence.

(b) Circumstances which may be considered for purposes of mitigation or aggravation of penalty shall include, but are not limited to, the following:

1. The danger to the public.
2. Previous disciplinary action against the registrant in this or any other jurisdiction.
3. The length of time the registrant has practiced.
4. The actual damage, physical or otherwise, caused by the violation.
5. The deterrent effect of the penalty imposed.
6. Any efforts at rehabilitation.
7. Attempts by the registrant to correct or stop violations, or refusal by the registrant to correct or stop violations.
8. Cost of treatment.
9. Financial hardship.
10. Cost of disciplinary proceedings.

(6) In instances when a registrant or applicant is found guilty of any of the above offenses involving fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000.00 per count or offense.

(7) Unless stated otherwise in the Final Order, fines are payable within sixty days of the filing of the order.

Specific Authority 464.204 FS. Law Implemented 456.072, 464.204 FS. History—New 10-28-02, Amended 8-12-07, 8-3-08.

FLORIDA STATUTES 2002

CHAPTER 464

PART II

CERTIFIED NURSING ASSISTANTS

464.201	Definitions.
464.202	Duties and powers of the board.
464.203	Certified nursing assistants; certification requirement.
464.204	Denial, suspension, or revocation of certification; disciplinary actions.
464.205	Availability of disciplinary records and proceedings.
464.206	Exemption from liability.
464.207	Penalties.
464.208	Background screening information; rulemaking authority.
464.2085	Council on Certified Nursing Assistants.

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

(1) "Approved training program" means:

(a) A course of training conducted by a public sector or private sector educational center licensed by the Department of Education to implement the basic curriculum for nursing assistants which is approved by the Department of Education. Beginning October 1, 2000, the board shall assume responsibility for approval of training programs under this paragraph.

(b) A training program operated under s. 400.141.

(2) "Board" means the Board of Nursing.

(3) "Certified nursing assistant" means a person who meets the qualifications specified in this part and who is certified by the board as a certified nursing assistant.

(4) "Department" means the Department of Health.

(5) "Registry" means the listing of certified nursing assistants maintained by the board.

History.—s. 204, ch. 99-397; s. 79, ch. 2000-318. Note.—Former s. 468.821.

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants to enforce this part. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for

processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

History.—s. 204, ch. 99-397; s. 79, ch. 2000-318. Note.—Former s. 468.822.

► **464.203 Certified nursing assistants; certification requirement.—**

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required Level I or Level II screening pursuant to s. 400.215 and meets one of the following requirements:

(a) Has successfully completed an approved training program and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion approved by the board and administered at a site and by personnel approved by the department.

(b) Has achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department and:

1. Has a high school diploma, or its equivalent; or
2. Is at least 18 years of age.

(c) Is currently certified in another state; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

(d) Has completed the curriculum developed under the Enterprise Florida Jobs and Education Partnership Grant and achieved a minimum score, established by rule of the board, on the nursing assistant competency examination, which consists of a written portion and skills-demonstration portion, approved by the board and administered at a site and by personnel approved by the department.

(2) If an applicant fails to pass the nursing assistant competency examination in three attempts, the applicant is not eligible for reexamination unless the applicant completes an approved training program.

(3) An oral examination shall be administered as a substitute for the written portion of the examination upon request. The oral examination shall be administered at a site and by personnel approved by the department.

(4) The board shall adopt rules to provide for the initial certification of certified nursing assistants.

(5) Certification as a nursing assistant, in accordance with this part, continues in effect until such time as the nursing assistant allows a period of 24 consecutive months to pass during which period

the nursing assistant fails to perform any nursing-related services for monetary compensation. When a nursing assistant fails to perform any nursing-related services for monetary compensation for a period of 24 consecutive months, the nursing assistant must complete a new training and competency evaluation program or a new competency evaluation program.

(6) A certified nursing assistant shall maintain a current address with the board in accordance with s. 456.035.

(7) A certified nursing assistant shall complete 18 hours of inservice training during each calendar year. The certified nursing assistant shall be responsible for maintaining documentation demonstrating compliance with these provisions. The Council on Certified Nursing Assistants, in accordance with s. 464.2085(2)(b), shall propose rules to implement this subsection.

History.—s. 204, ch. 99-397; s. 164, ch. 2000-160; s. 79, ch. 2000-318; s. 50, ch. 2001-45; s. 77, ch. 2002-1.

Note.—Former s. 468.823.

► **464.204 Denial, suspension, or revocation of certification; disciplinary actions.—**

(1) The following acts constitute grounds for which the board may impose disciplinary sanctions as specified in subsection (2):

(a) Obtaining or attempting to obtain certification or an exemption, or possessing or attempting to possess certification or a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the board.

(b) Intentionally violating any provision of this chapter, chapter 456, or the rules adopted by the board.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(a) Denial, suspension, or revocation of certification.

(b) Imposition of an administrative fine not to exceed \$150 for each count or separate offense.

(c) Imposition of probation or restriction of certification, including conditions such as corrective actions as retraining or compliance with an approved treatment program for impaired practitioners.

(3) The board may, upon the request of a certificateholder, exempt the certificateholder from disqualification of employment in accordance with chapter 435 and issue a letter of exemption. The board must notify an applicant seeking an exemption from disqualification from certification or employment of its decision to approve or deny the request within 30 days after the date the board receives all required documentation.

History.—s. 204, ch. 99-397; s. 165, ch. 2000-160; s. 79, ch. 2000-318. Note.—Former s. 468.824.

464.205 Availability of disciplinary records and proceedings.—Pursuant to s. 456.073, any complaint or record maintained by the department pursuant to the discipline of a certified nursing assistant and any proceeding held by the board to discipline a certified nursing assistant shall remain open and available to the public.

History.—s. 204, ch. 99-397; s. 166, ch. 2000-160; s. 79, ch. 2000-318. Note.—Former s. 468.825.

464.206 Exemption from liability.—If an employer terminates or denies employment to a certified nursing assistant whose certification is inactive as shown on the certified nursing assistant registry or whose name appears on a criminal screening report of the Department of Law Enforcement, the employer is not civilly liable for such termination and a cause of action may not be brought against the employer for damages, regardless of whether the employee has filed for an exemption from the board under s. 464.204(3). There may not be any monetary liability on the part of, and a cause of action for damages may not arise against, any licensed facility, its governing board or members thereof, medical staff, disciplinary board, agents, investigators, witnesses, employees, or any other person for any action taken in good faith without intentional fraud in carrying out this section.

History.—s. 204, ch. 99-397; s. 79, ch. 2000-318; s. 105, ch. 2000-349. Note.—Former s. 468.826.

464.207 Penalties.—It is a misdemeanor of the first degree, punishable as provided under s. 775.082 or s. 775.083, for any person, knowingly or intentionally, to fail to disclose, by false statement, misrepresentation, impersonation, or other fraudulent means, in any application for voluntary or paid employment or certification regulated under this part, a material fact used in making a determination as to such person's qualifications to be an employee or certificateholder.

History.—s. 204, ch. 99-397; s. 79, ch. 2000-318. Note.—Former s. 468.827.

464.208 Background screening information; rulemaking authority.—

- (1) The Agency for Health Care Administration shall allow the board to electronically access its background screening database and records.
- (2) An employer, or an agent thereof, may not use criminal records or juvenile records relating to vulnerable adults for any purpose other than determining if the person meets the requirements of this part. Such records and information obtained by the board shall remain confidential and exempt from s. 119.07(1).
- (3) If the requirements of the Omnibus Budget Reconciliation Act of 1987, as amended, for the certification of nursing assistants are in conflict with this part, the federal requirements shall prevail for those facilities certified to provide care under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act.
- (4) The board shall adopt rules to administer this part.

History.—s. 204, ch. 99-397; s. 129, ch. 2000-153; s. 79, ch. 2000-318; s. 106, ch. 2000-349.

Note.—Former s. 468.828.

► **464.2085 Council on Certified Nursing Assistants.**—The Council on Certified Nursing Assistants is created within the department, under the Board of Nursing.

(1) The council shall consist of five members appointed as follows:

- (a) The chairperson of the Board of Nursing shall appoint two members who are registered nurses. One of the members must currently supervise a certified nursing assistant in a licensed nursing home.
- (b) The chairperson of the Board of Nursing shall appoint one member who is a licensed practical nurse who is currently working in a licensed nursing home.

(c) The secretary of the department or his or her designee shall appoint two certified nursing assistants currently certified under this chapter, at least one of whom is currently working in a licensed nursing home.

(2) The council shall:

(a) Recommend to the department policies and procedures for the certification of nursing assistants.

(b) Develop all rules regulating the education, training, and certification process for nursing assistants certified under this chapter. The Board of Nursing shall consider adopting a proposed rule developed by the council at the regularly scheduled meeting immediately following the submission of the proposed rule by the council.

(c) Make recommendations to the board regarding all matters relating to the certification of nursing assistants.

(d) Address concerns and problems of certified nursing assistants in order to improve safety in the practice of certified nursing assistants.

History.—s. 80, ch. 2000-318.

FLORIDA STATUTES 2002

CHAPTER 400

400.211 Persons employed as nursing assistants; certification requirement.—

(1) To serve as a nursing assistant in any nursing home, a person must be certified as a nursing assistant under part II of chapter 464, unless the person is a registered nurse or practical nurse licensed in accordance with part I of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules adopted by the Board of Nursing pursuant to part I of chapter 464.

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a period of 4 months:

- (a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program;
- (b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse, neglect, or exploitation in that state; or
- (c) Persons who have preliminarily passed the state's certification exam.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

(3) Nursing homes shall require persons seeking employment as a certified nursing assistant to submit an employment history to the facility. The facility shall verify the employment history unless, through diligent efforts, such verification is not possible. There shall be no monetary liability on the part of, and no cause of action for damages shall arise against, a former employer who reasonably and in good faith communicates his or her honest opinion about a former employee's job performance.

► (4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must:

- (a) Be sufficient to ensure the continuing competence of nursing assistants, must be at least 18 hours per year, and may include hours accrued under [1]s. 464.203(8);
 - (b) Include, at a minimum:
 - 1. Techniques for assisting with eating and proper feeding;
 - 2. Principles of adequate nutrition and hydration;
 - 3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;
 - 4. Techniques for caring for the resident at the end-of-life; and
 - 5. Recognizing changes that place a resident at risk for pressure ulcers and falls; and
 - (c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.
- Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

TITLE 42--PUBLIC HEALTH

PART 483--REQUIREMENTS FOR STATES AND LONG TERM CARE FACILITIES

Subpart D--Requirements That Must Be Met by States and State Agencies: Nurse Aide Training and Competency Evaluation

Sec. 483.152 Requirements for approval of a nurse aide training and competency evaluation program.

(a) For a nurse aide training and competency evaluation program to be approved by the State, it must, at a minimum—

- (1) Consist of no less than 75 clock hours of training;
- (2) Include at least the subjects specified in paragraph (b) of this section;
- (3) Include at least 16 hours of supervised practical training.

Supervised practical training means training in a laboratory or other setting in which the trainee demonstrates knowledge while performing tasks on an individual under the direct supervision of a registered nurse or a licensed practical nurse;

(4) Ensure that--

- (i) Students do not perform any services for which they have not trained and been found proficient by the instructor; and
- (ii) Students who are providing services to residents are under the general supervision of a licensed nurse or a registered nurse;

(5) Meet the following requirements for instructors who train nurse aides;

(i) The training of nurse aides must be performed by or under the general supervision of a registered nurse who possesses a minimum of 2 years of nursing experience, at least 1 year of which must be in the provision of long term care facility services;

(ii) Instructors must have completed a course in teaching adults or have experience in teaching adults or supervising nurse aides;

(iii) In a facility-based program, the training of nurse aides may be performed under the general supervision of the director of nursing for the facility who is prohibited from performing the actual training; and

(iv) Other personnel from the health professions may supplement the instructor, including, but not limited to, registered nurses, licensed practical/vocational nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. Supplemental personnel must have at least 1 year of experience in their fields;

(6) Contain competency evaluation procedures specified in Sec. 483.154.

(b) The curriculum of the nurse aide training program must include--

(1) At least a total of 16 hours of training in the following areas prior to any direct contact with a resident:

- (i) Communication and interpersonal skills;
- (ii) Infection control;
- (iii) Safety/emergency procedures, including the Heimlich maneuver;
- (iv) Promoting residents' independence; and
- (v) Respecting residents' rights.

(2) Basic nursing skills;

- (i) Taking and recording vital signs;
- (ii) Measuring and recording height and weight;
- (iii) Caring for the residents' environment;
- (iv) Recognizing abnormal changes in body functioning and the importance of reporting such changes to a supervisor; and
- (v) Caring for residents when death is imminent.

(3) Personal care skills, including, but not limited to--

- (i) Bathing;
- (ii) Grooming, including mouth care;
- (iii) Dressing;
- (iv) Toileting;
- (v) Assisting with eating and hydration;
- (vi) Proper feeding techniques;
- (vii) Skin care; and
- (viii) Transfers, positioning, and turning.

(4) Mental health and social service needs:

- (i) Modifying aide's behavior in response to residents' behavior;
- (ii) Awareness of developmental tasks associated with the aging process;
- (iii) How to respond to resident behavior;
- (iv) Allowing the resident to make personal choices, providing and reinforcing other behavior consistent with the resident's dignity; and
- (v) Using the resident's family as a source of emotional support.

(5) Care of cognitively impaired residents:

- (i) Techniques for addressing the unique needs and behaviors of individual with dementia (Alzheimer's and others);
- (ii) Communicating with cognitively impaired residents;
- (iii) Understanding the behavior of cognitively impaired residents;
- (iv) Appropriate responses to the behavior of cognitively impaired residents; and
- (v) Methods of reducing the effects of cognitive impairments.

(6) Basic restorative services:

- (i) Training the resident in self care according to the resident's abilities;
- (ii) Use of assistive devices in transferring, ambulation, eating, and dressing;
- (iii) Maintenance of range of motion;
- (iv) Proper turning and positioning in bed and chair;
- (v) Bowel and bladder training; and
- (vi) Care and use of prosthetic and orthotic devices.

(7) Residents' Rights.

- (i) Providing privacy and maintenance of confidentiality;
- (ii) Promoting the residents' right to make personal choices to accommodate their needs;
- (iii) Giving assistance in resolving grievances and disputes;
- (iv) Providing needed assistance in getting to and participating in resident and family groups and other activities;
- (v) Maintaining care and security of residents' personal possessions;
- (vi) Promoting the resident's right to be free from abuse, mistreatment, and neglect and the need to report any instances of such treatment to appropriate facility staff;
- (vii) Avoiding the need for restraints in accordance with current professional standards.

(c) Prohibition of charges.

(1) No nurse aide who is employed by, or who has received an offer of employment from, a facility on the date on which the aide begins a nurse aide training and competency evaluation program may be charged for any portion of the program (including any fees for textbooks or other required course materials).

► (2) If an individual who is not employed, or does not have an offer to be employed, as a nurse aide becomes employed by, or receives an offer of employment from, a facility not later than 12 months after completing a nurse aide training and competency evaluation program, the State must provide for the reimbursement of costs incurred in completing the program on a pro rata basis during the period in which the individual is employed as a nurse aide.

End

CNA REPORTING REQUIREMENTS

1. CURRENT ADDRESS

The CNA's statute, Chapter 464 Part II, reads that "a CNA shall maintain a current address with the Board of Nursing". Contact the CNA Registry (they are part of the Board of Nursing) at 850 245 4567 to report an address change.

There is another rule that addresses disciplinary guidelines for Certified Nursing Assistants. It was written by the Board of Nursing to protect the public from CNAs who do not meet minimum requirements for safe practice. This rule (64B9-15.009) has some important reporting requirements for Certified Nursing Assistants.

2. FAILURE TO REPORT (64B9-15.009) (L)

CNAs must report to the Board of Nursing any person who has a license or certificate who they know is in violation of Chapter 64B9-15 or any rules of the Board of Nursing. The Board of Nursing may be reached at 850 245 4125.

3. FALSE REPORTING (64B9-15.009) (Q)

CNAs may not submit a false report or complaint to the Board of Nursing about another person who has a license or certificate.

4. CONVICTED OF A CRIME (64B9-15.009) (CC)

If a CNA has been found guilty of, or entered a plea of "nolo contendere" to a crime anywhere, he or she must report it to the Board of Nursing in writing within 30 days. The Board of Nursing may be reached at 850 245 4125.

IN-SERVICE REQUIREMENTS

12

Certified Nursing Assistants are required by law (Chapter 464 Part II) to take at least ~~8~~ hours of in-service education every year. The goal of in-service training is to keep important concepts updated, to learn new issues about working as a CNA, and to help a CNA who is weak in some particular area.

All CNAs working in Florida are required to take in service training in these areas over a two year period of time:

- HIV/AIDs
- Infection Control
- Domestic Violence
- Medical Record Documentation
- Legal Aspects Appropriate to Nursing Assistants
- Resident Rights
- Communication with Cognitively Impaired Clients
- CPR Skills
- Medical Error Prevention and Safety

Many of these topics will be covered by training your employer offers. Employer training is usually offered free of charge and you need it to keep your certification current.

In addition to the above topics, a CNA working in a nursing home in Florida is required to have in service training in the following areas *every year*:

- Techniques for assisting with eating and proper feeding;
- Principles of adequate nutrition and hydration;
- Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;
- Techniques for caring for the resident at the end-of-life; and
- Recognizing changes that place a resident at risk for pressure ulcers and falls; and
- Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Because YOU are responsible for your own certification, you must keep track of your own in-service training, just like nurses do. Therefore, ask your employer for some documentation that you may keep to prove to the Board of Nursing you have had the necessary in-service training. The Board of Nursing may never ask to see proof of your in-service training, but if they do, you will be the one responsible for providing it. CNAs must keep their in-service training records for four years, 64B9-15.010 (6), FAC.

MAINTAINING YOUR CERTIFICATION

Your certification as a CNA remains until:

- You do not complete the required in-service training for a two year period of time
- You do not work for pay in any nursing-related service for 24 consecutive months
- Your certificate is revoked by the Board of Nursing as a result of some serious action taken against your Certificate (like a crime of some kind, or continued problems with addiction, or perhaps continued failure to pay a fine)

If you have a change of address, you must notify the CNA Registry at 850 245 4567.

STATE CONTACTS

Certified Nursing Assistants in Florida should know about the CNA Registry and the Florida Board of Nursing. These two groups will help you with any questions you have about keeping your certification active and current. They will also answer questions you have about reporting requirements or in-service education.

A CNA can check his/her address and certification status by going online to www.doh.state.fl.us/mqa and selecting *CNA Verification Screen*.

Florida Board of Nursing Department of Health 4052 Bald Cypress Way, Bin C02 Tallahassee, FL 32399-3252 850 245 4125 Fax 850 245 4172 Web Site: www.doh.state.fl.us/mqa	Florida CNA Registry Board of Nursing Department of Health 4052 Bald Cypress Way, Bin C02 Tallahassee, FL 32399-3252 850 245 4567 Fax 850 488 4281 Web Site: www.doh.state.fl.us/mqa
--	--

OTHER CONTACTS OF INTEREST

CNA Council

This five member group consists of:

- 2 Certified Nursing Assistants
- 1 LPN who supervises CNAs
- 2 RNs, one of whom supervises CNAs

The Council is a sub-group of the Board of Nursing and they work on rules that govern the practice of CNAs in Florida. You may contact the CNA Council by writing to the Board of Nursing and addressing the envelope or document to: Florida CNA Council, c/o Florida Board of Nursing. You might contact the CNA Council if you have an idea for making the practice of CNAs better, safer, or easier in the state of Florida. The CNA Council meets about every other month.

UNDERSTANDING LEGAL ASPECTS FOR CNAS

NAME: _____ DATE: _____

Please read each question and circle your answer.

1. Which part of the CNA law contains the discipline guidelines?
 - A. Florida Statutes Chapter 464 Part II
 - B. Florida Statutes Chapter 400
 - C. Code of Federal Regulations Part 483
 - D. Florida Administrative Code 64B9-15

2. How many hours of in-service education is a CNA working Florida required to have each year?
 - A. At least 12
 - B. 8
 - C. At least 2
 - D. At least 18

3. Which part of the CNA law is National?
 - A. Florida Statutes Chapter 464 Part II
 - B. Florida Statutes Chapter 400
 - C. Code of Federal Regulations Part 483
 - D. Florida Administrative Code 64B9-15

4. If you wanted to tell another CNA where to go in the law to find a list of the required special in-services for CNAs working in a nursing home, which part of the law would you tell her/him to look?
 - A. Florida Statutes Chapter 464 Part II
 - B. Florida Statutes Chapter 400
 - C. Code of Federal Regulations Part 483
 - D. Florida Administrative Code 64B9-15

- 5.. Which part of the CNA law contains general information about becoming a CNA and working as a CNA?
 - A. Florida Statutes Chapter 464 Part II
 - B. Florida Statutes Chapter 400
 - C. Code of Feral Regulations Part 483
 - D. Florida Administrative Code 64B9-15

6. A CNA may not submit a false report or complaint about another person who has a license or certificate; if she/he does this, there are serious penalties.
A. True B. False
7. Which of the following is a special in-service topic required for CNAs who work in a nursing home facility?
A. Medical Record Documentation
B. Principles of adequate nutrition and hydration
C. Medical Error Prevention and Safety
D. CPR Skills
8. The CNA/ employer is responsible for keeping up with his/her own in-service training.
A. True B. False
9. A CNA in Florida is required to have HIV/AIDS in-service training at least:
A. Once in a two year period C. Once a year
B. Once a month D. Never
10. A CNA contacts this group when she/he has an address change:
A. CNA council C. Florida Health Care Association
B. Board of Nursing D. CNA Registry
11. CNAs must keep their in-service training records for five(5) years.
A. True B. False
12. A CNA contact this group is she/his convicted of a crime:
A. CNA Council C. Florida Health Care Association
B. Board of Nursing D. CNA Registry
13. The CNA is responsible for keeping up with his/her own in-service training.
A. True B. False
14. Which of the below is NOT an accepted rule for Medical Documentation:
A. Use standard medical abbreviations
B. Use a pencil in all of your documentation
C. Use correct spelling
D. Always be honest when documenting
15. Poor documentation can mean that a resident does not receive the care he/she needs.
A. True B. False

NAME: _____ DATE: _____

16. A CNA's certification remains current until she/he:
 - A. Fails to complete the required in-service training for a two year period of time.
 - B. Does not work for pay in any nursing-related service for 24 consecutive months
 - C. Has her/his certificate revoked by the Board of Nursing as a result of some serious action taken against the certificate (like a crime of some kind or continued problems with addiction, or perhaps continued failure to pay a fine)
 - D. All the above
17. When correcting your own mistakes in documentation, which of the following apply:
 - A. Draw a single line through the mistake
 - B. Do not mark out the error with scribbles
 - C. Do not use correction fluid
 - D. All of the above.
18. It is okay to occasionally document before giving care to a resident.
 - A. True
 - B. False
19. A CNA can check their address and certification status by going online to www.doh.state.fl.us/mqa and selecting CNA Verification Screen.
 - A. True
 - B. False
20. Why is medical documentation important?
 - A. It helps caregivers communicate with each other
 - B. Documentation can show how a resident is responding to care treatment
 - C. It is a legal record which can be used in a court of law.
 - D. All of the above.

PEGCO Inc.
532 N. RIDGEWOOD AVE
DAYTONA BEACH, FL. 32114
Phone: (386) 756-4266 Fax (386) 492-7821
WEB SITE: www.VolusiaCPR.com EMAIL: Bill@VolusiaCPR.com
NURSING HOME #NH 2772
ASSISTED LIVING #ALF 909

PROGRAM EVALUATION

COURSE TITLE: MEDICAL RECORD & LEGAL ASPECTS (2 HR)

DATE: _____ LOCATION: _____

Please evaluate by circling the appropriate rating:

5-Excellent 4-Above average 3-Average 2-Fair 1-Poor

- | | |
|---|----------------------|
| 1. Overall quality of the program | 5 4 3 2 1 |
| 2. Overall content of the program | |
| a. content can improve my ability to perform my job | 5 4 3 2 1 |
| b. content reflected knowledge level and needs of learner | 5 4 3 2 1 |
| c. the material was current | 5 4 3 2 1 |
| 3. Achieved stated objectives | |
| a. total number of objectives in program _____ | |
| b. circle the number of met objectives | 1 2 3 4 5 6 7 8 9 10 |
| c. the test material reflected the objectives listed | 5 4 3 2 1 |
| 4. Overall organization of the program | |
| a. material was organized to facilitate learning | 5 4 3 2 1 |
| b. material covered was adequate and accurate | 5 4 3 2 1 |

What did you like best about the program?

Your suggestions for improving this program.

Any topic ideas for future in-service programs

THANK YOU FOR USING PEGCO INC. WE APPRECIATE YOU.