

1 A bill to be entitled
2 An act relating to certification of assisted living
3 facility administrators; creating s. 429.501, F.S.;
4 providing legislative intent; providing definitions;
5 requiring the Department of Elderly Affairs to approve
6 one or more third-party credentialing entities to
7 develop and administer a certification program for
8 assisted living facility administrators; establishing
9 standards for third-party credentialing entity
10 compliance and department approval within a specified
11 timeframe; requiring certain credentialing entities to
12 have their certification programs accredited by the
13 National Commission for Certifying Agencies (NCCA);
14 requiring administrators to be certified; providing an
15 exemption; providing a fine; providing for a
16 credentialing entity to issue certification to certain
17 established administrators; providing for the
18 establishment of core competencies; establishing
19 certification program requirements; amending s.
20 429.52, F.S.; requiring administrators to meet the
21 training and education requirements of s. 429.501,
22 F.S., by a date certain; removing an exemption for
23 other licensed professionals; removing
24 responsibilities of the Agency for Health Care
25 Administration for determining the need for additional
26 training and education; authorizing the department to
27 adopt rules; repealing provisions relating to
28 competency tests, continuing education, and training,

29 | effective July 1, 2014; amending s. 429.178, F.S.;

30 | revising training requirements for individuals

31 | employed by facilities that provide special care for

32 | residents with Alzheimer's disease and other related

33 | disorders; providing an effective date.

34 |

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

36 |

37 | Section 1. Section 429.501, Florida Statutes, is created

38 | to read:

39 | 429.501 Assisted living facility administrator;

40 | certification.—

41 | (1) LEGISLATIVE INTENT.—It is the intent of the

42 | Legislature that each assisted living facility administrator

43 | earns and maintains a professional certification from a third-

44 | party credentialing entity approved by the department. The

45 | Legislature further intends that certification will ensure an

46 | administrator has the competencies necessary to appropriately

47 | respond to the needs of residents, to maintain resident care and

48 | facility standards, and to meet facility licensure requirements.

49 | The Legislature recognizes professional certification by a

50 | nationally recognized professional credentialing organization as

51 | an equivalent alternative to a state-run licensure program and

52 | therefore intends that certification under this section is

53 | sufficient as an acceptable alternative to licensure.

54 | (2) DEFINITIONS.—As used in this section, the term:

55 | (a) "Assisted living facility administrator certification"

56 | means a professional credential awarded by a third-party

57 | credentialing entity approved by the department to an individual
 58 | meeting core competency requirements in assisted living facility
 59 | practice areas.

60 | (b) "Core competency" means the minimum knowledge and
 61 | skills necessary to carry out work responsibilities.

62 | (c) "Nonprofit organization" means an organization that is
 63 | designated as a tax-exempt nonprofit organization under s.
 64 | 501(c) of the Internal Revenue Code.

65 | (d) "Third-party credentialing entity" means a nonprofit
 66 | organization that develops and administers certification
 67 | programs according to the standards set forth by the National
 68 | Commission for Certifying Agencies (NCCA).

69 | (3) THIRD-PARTY CREDENTIALING ENTITIES.-

70 | (a) The department shall approve one or more third-party
 71 | credentialing entities for the purpose of developing and
 72 | administering a professional certification program for assisted
 73 | living facility administrators. Within 90 days after receiving
 74 | documentation from a third-party credentialing entity, the
 75 | department shall approve any third-party credentialing entity
 76 | that documents compliance with the following minimum standards:

77 | 1. Establishment of assisted living facility administrator
 78 | core competencies, certification standards, testing instruments,
 79 | and recertification standards according to the standards set
 80 | forth by the National Commission for Certifying Agencies (NCCA).

81 | 2. Establishment of a process to administer the
 82 | certification application, award, and maintenance processes
 83 | according to the standards set forth by the National Commission
 84 | for Certifying Agencies (NCCA).

85 3. Demonstrated ability to administer a professional code
86 of ethics and disciplinary process that applies to all certified
87 individuals.

88 4. Establishment of and ability to maintain a public-
89 access, web-based database of all persons applying for and
90 holding certification, to include the individual's first and
91 last name, certification status, and ethical and disciplinary
92 history.

93 5. Demonstrated ability to administer biannual continuing
94 education and certification renewal requirements.

95 6. Demonstrated ability to administer an education
96 provider program to approve qualified training entities to
97 provide precertification training to certification applicants
98 and continuing education opportunities to certified
99 professionals.

100 (b) Credentialing entities that apply for department
101 approval before December 31, 2013, must have their assisted
102 living facility administrator certification program accredited
103 by the National Commission for Certifying Agencies (NCCA) by
104 July 1, 2014, and shall continuously maintain such
105 accreditation. Credentialing entities applying for department
106 approval after December 31, 2013, must already hold National
107 Commission for Certifying Agencies (NCCA) accreditation at the
108 time the entity applies for department approval.

109 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION
110 REQUIRED.-Effective July 1, 2014, an assisted living facility
111 administrator must be certified by a third-party credentialing
112 entity approved by the department under this section. Failure to

113 do so is a violation of this part and subjects the violator to
 114 an administrative fine as provided in s. 429.19. Administrators
 115 licensed in accordance with part II of chapter 468 are exempt
 116 from this requirement.

117 (5) GRANDFATHER CLAUSE.—For a period ending on October 1,
 118 2014, a third-party credentialing entity approved by the
 119 department shall establish a process, at no cost to the
 120 department or the individual, to issue certification to any
 121 individual who:

122 (a) Is employed as an assisted living facility
 123 administrator and is in compliance with the requirements of s.
 124 429.52, including the continuing education requirements in place
 125 before July 1, 2014; or

126 (b) Has completed the administrator training requirements
 127 required by law, including the competency test and the
 128 continuing education requirements, before July 1, 2014.

129 (6) CORE COMPETENCIES.—The third-party credentialing
 130 entity approved by the department shall establish the core
 131 competencies of assisted living facility administrators
 132 according to the standards set forth by the National Commission
 133 for Certifying Agencies (NCCA).

134 (7) CERTIFICATION PROGRAM REQUIREMENTS.—A third-party
 135 credentialing entity approved by the department must meet the
 136 certification requirements of this subsection.

137 (a) Certification program requirements shall be:

138 1. Established according to the standards set forth by the
 139 National Commission for Certifying Agencies (NCCA).

140 2. Directly related to the core competencies.

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141 3. Established in each of the following categories: formal
142 education, training, on-the-job work experience, supervision,
143 testing, and biannual continuing education.

144 (b) The certification program shall:

145 1. Administer a professional code of ethics and
146 disciplinary process that applies to all certificated
147 individuals.

148 2. Administer and maintain a public-access, web-based
149 database of all persons applying for and holding certification.

150 3. Approve qualified training entities to provide
151 precertification training to certification applicants and
152 continuing education to certified assisted living facility
153 administrators.

154 Section 2. Section 429.52, Florida Statutes, is amended to
155 read:

156 429.52 Staff training and educational programs; core
157 educational requirement.—

158 (1) Effective July 1, 2014, administrators must meet the
159 training and education requirements established by a third-party
160 credentialing entity approved by the department under s.

161 429.501, and other assisted living facility staff must meet
162 minimum training and education requirements established by the
163 Department of Elderly Affairs by rule. This training and
164 education is intended to assist facilities to appropriately
165 respond to the needs of residents, to maintain resident care and
166 facility standards, and to meet licensure requirements.

167 (2) (a) The department shall establish a competency test
168 and a minimum required score to indicate successful completion

169 of the training and educational requirements. The competency
170 test must be developed by the department in conjunction with the
171 agency and providers. The required training and education must
172 cover at least the following topics:

173 1.(a) State law and rules relating to assisted living
174 facilities.

175 2.(b) Resident rights and identifying and reporting abuse,
176 neglect, and exploitation.

177 3.(e) Special needs of elderly persons, persons with
178 mental illness, and persons with developmental disabilities and
179 how to meet those needs.

180 4.(d) Nutrition and food service, including acceptable
181 sanitation practices for preparing, storing, and serving food.

182 5.(e) Medication management, recordkeeping, and proper
183 techniques for assisting residents with self-administered
184 medication.

185 6.(f) Firesafety requirements, including fire evacuation
186 drill procedures and other emergency procedures.

187 7.(g) Care of persons with Alzheimer's disease and related
188 disorders.

189 (b) Effective July 1, 2014, this subsection is repealed.

190 (3) (a) Before July 1, 2014 ~~Effective January 1, 2004,~~ a
191 new facility administrator must:

192 1. Complete the required training and education, including
193 the competency test, within a reasonable time after being
194 employed as an administrator, as determined by the department;
195 or

196 2. Earn and maintain certification as an administrator

197 from a third-party credentialing entity approved by the
198 department under s. 429.501.

199
200 Failure to meet the training, education, and certification
201 requirements of this paragraph ~~do so~~ is a violation of this part
202 and subjects the violator to an administrative fine as
203 prescribed in s. 429.19. Administrators licensed in accordance
204 with part II of chapter 468 are exempt from the requirements of
205 this paragraph ~~this requirement. Other licensed professionals~~
206 ~~may be exempted, as determined by the department by rule.~~

207 (b) Effective July 1, 2014, this subsection is repealed.

208 (4) (a) Before July 1, 2014, administrators are required to
209 participate in continuing education for a minimum of 12 contact
210 hours every 2 years.

211 (b) Effective July 1, 2014, this subsection is repealed.

212 (5) Staff involved with the management of medications and
213 assisting with the self-administration of medications under s.
214 429.256 must complete a minimum of 4 additional hours of
215 training provided by a registered nurse, licensed pharmacist, or
216 department staff. The department shall establish by rule the
217 minimum requirements of this additional training.

218 (6) Other facility staff shall participate in training
219 relevant to their job duties as specified by rule of the
220 department.

221 (7) If the department ~~or the agency~~ determines that there
222 is a need for ~~are problems in a facility that could be reduced~~
223 ~~through~~ specific staff training or education beyond that already
224 required under this section, the department ~~or the agency~~ may

225 | require, and provide, or cause to be provided, the training or
 226 | education of any personal care staff in the facility, except for
 227 | training and education provided under s. 429.501.

228 | (8) (a) The department shall adopt rules related to these
 229 | training requirements, the competency test, necessary
 230 | procedures, and competency test fees and shall adopt or contract
 231 | with another entity to develop a curriculum, which shall be used
 232 | as the minimum core training requirements. The department shall
 233 | consult with representatives of stakeholder associations and
 234 | agencies in the development of the curriculum.

235 | (b) Effective July 1, 2014, this subsection is repealed.

236 | (9) (a) Before July 1, 2014, the training required by this
 237 | section shall be conducted by persons registered with the
 238 | department as having the requisite experience and credentials to
 239 | conduct the training. A person seeking to register as a trainer
 240 | must provide the department with proof of completion of the
 241 | minimum core training education requirements, successful passage
 242 | of the competency test established under this section, and proof
 243 | of compliance with the continuing education requirement in
 244 | subsection (4).

245 | (b) Effective July 1, 2014, this subsection is repealed.

246 | (10) (a) Before July 1, 2014, a person seeking to register
 247 | as a trainer must also:

248 | 1. (a) Provide proof of completion of a 4-year degree from
 249 | an accredited college or university and must have worked in a
 250 | management position in an assisted living facility for 3 years
 251 | after being core certified;

252 | 2. (b) Have worked in a management position in an assisted

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253 living facility for 5 years after being core certified and have
254 1 year of teaching experience as an educator or staff trainer
255 for persons who work in assisted living facilities or other
256 long-term care settings;

257 3.(e) Have been previously employed as a core trainer for
258 the department; or

259 4.(d) Meet other qualification criteria as defined in
260 rule, which the department is authorized to adopt.

261 (b) Effective July 1, 2014, this subsection is repealed.

262 (11) The department may ~~shall~~ adopt rules to establish
263 staff training ~~trainer registration~~ requirements.

264 Section 3. Paragraphs (a) and (b) of subsection (2) of
265 section 429.178, Florida Statutes, are amended to read:

266 429.178 Special care for persons with Alzheimer's disease
267 or other related disorders.—

268 (2)(a) An individual who is employed by a facility that
269 provides special care for residents with Alzheimer's disease or
270 other related disorders, and who has regular contact with such
271 residents, must complete up to 4 hours of initial dementia-
272 specific training developed or approved by the department. The
273 training shall be completed within 3 months after beginning
274 employment ~~and shall satisfy the core training requirements of~~
275 ~~s.429.52(2)(g)~~.

276 (b) A direct caregiver who is employed by a facility that
277 provides special care for residents with Alzheimer's disease or
278 other related disorders, and who provides direct care to such
279 residents, must complete the required initial training and 4
280 additional hours of training developed or approved by the

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281 | department. The training shall be completed within 9 months
282 | after beginning employment ~~and shall satisfy the core training~~
283 | ~~requirements of s. 429.52(2)(g).~~

284 | Section 4. This act shall take effect July 1, 2013.