

1 A bill to be entitled
2 An act relating to assisted living facilities;
3 amending s. 394.4574, F.S.; providing responsibilities
4 of the Department of Children and Families and mental
5 health service providers for mental health residents
6 who reside in assisted living facilities; directing
7 the agency to impose contract penalties on Medicaid
8 prepaid health plans under specified circumstances;
9 directing the department to impose contract penalties
10 on mental health service providers under specified
11 circumstances; directing the department and the agency
12 to enter into an interagency agreement for the
13 enforcement of their respective responsibilities and
14 procedures related thereto; amending s. 409.212, F.S.;
15 increasing a limitation on additional supplementation
16 a person who receives optional supplementation may
17 receive; amending s. 429.02, F.S.; revising
18 definitions applicable to the Assisted Living
19 Facilities Act; amending s. 429.26, F.S.; providing
20 that the owner or administrator of a facility is
21 responsible for arranging medical evaluations and
22 reevaluations of individuals admitted to or residing
23 in the facility to assess appropriateness of admission
24 or continued residence; requiring that the medical
25 examination be conducted by a physician, physician
26 assistant, or nurse practitioner and that the
27 subsequent report be submitted within a specified
28 timeframe; requiring the medical examination report to

29 | be recorded on a specified form provided by the Agency
 30 | for Health Care Administration; providing immunity
 31 | from liability for owners and administrators under
 32 | certain circumstances; amending s. 429.29, F.S.;
 33 | providing that a cause of action does not accrue
 34 | against an employee or agent of a facility unless the
 35 | employee or agent has been found personally guilty of
 36 | a criminal offense that constitutes abuse, neglect, or
 37 | exploitation; amending s. 429.34, F.S.; providing a
 38 | schedule for the inspection of assisted living
 39 | facilities; providing exceptions; providing for fees
 40 | for additional inspections after specified violations;
 41 | amending s. 429.41, F.S.; including policies and
 42 | procedures relating to infection control in
 43 | established standards for assisted living facilities;
 44 | authorizing the Agency for Health Care Administration
 45 | to establish health quality initiative pilot projects;
 46 | amending s. 429.52, F.S.; providing training,
 47 | competency testing, and continuing education
 48 | requirements for assisted living facility
 49 | administrators and license applicants; specifying
 50 | entities that may provide training; providing a
 51 | definition; requiring assisted living facility
 52 | trainers to keep certain training records and submit
 53 | those records to the agency; providing rulemaking
 54 | authority; providing an effective date.

55 |
 56 | Be It Enacted by the Legislature of the State of Florida:

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57
58 Section 1. Section 394.4574, Florida Statutes, is amended
59 to read:

60 394.4574 Department responsibilities for a mental health
61 resident who resides in an assisted living facility ~~that holds a~~
62 ~~limited mental health license.~~

63 (1) The term "mental health resident," for purposes of
64 this section, means an individual who receives social security
65 disability income due to a mental disorder as determined by the
66 Social Security Administration or receives supplemental security
67 income due to a mental disorder as determined by the Social
68 Security Administration and receives optional state
69 supplementation.

70 (2) The department must ensure that:

71 (a) A mental health resident has been assessed by a
72 psychiatrist, clinical psychologist, clinical social worker, or
73 psychiatric nurse, or an individual who is supervised by one of
74 these professionals, and determined to be appropriate to reside
75 in an assisted living facility. The documentation must be
76 provided to the administrator of the facility within 30 days
77 after the mental health resident has been admitted to the
78 facility. An evaluation completed upon discharge from a state
79 mental hospital meets the requirements of this subsection
80 related to appropriateness for placement as a mental health
81 resident if it was completed within 90 days before ~~prior to~~
82 admission to the facility.

83 (b) A cooperative agreement, as required in s. 429.0751
84 ~~429.075~~, is developed between the mental health care services

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85 provider that serves a mental health resident and ~~the~~
86 ~~administrator of the assisted living facility with a limited~~
87 ~~mental health license~~ in which the mental health resident is
88 living. ~~Any entity that provides Medicaid prepaid health plan~~
89 ~~services shall ensure the appropriate coordination of health~~
90 ~~care services with an assisted living facility in cases where a~~
91 ~~Medicaid recipient is both a member of the entity's prepaid~~
92 ~~health plan and a resident of the assisted living facility. If~~
93 ~~the entity is at risk for Medicaid targeted case management and~~
94 ~~behavioral health services, the entity shall inform the assisted~~
95 ~~living facility of the procedures to follow should an emergent~~
96 ~~condition arise.~~

97 (c) The community living support plan, as defined in s.
98 429.02, has been prepared by a mental health resident and a
99 mental health case manager of that resident in consultation with
100 the administrator of the facility or the administrator's
101 designee. The plan must be provided to the administrator of the
102 assisted living facility ~~with a limited mental health license~~ in
103 which the mental health resident lives. The support plan and the
104 agreement may be in one document.

105 (d) The assisted living facility ~~with a limited mental~~
106 ~~health license~~ is provided with documentation that the
107 individual meets the definition of a mental health resident.

108 (e) The mental health services provider assigns a case
109 manager to each mental health resident who lives in an assisted
110 living facility ~~with a limited mental health license~~. The case
111 manager is responsible for coordinating the development of and
112 implementation of the community living support plan defined in

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113 s. 429.02. The plan must be updated as needed, but at least
114 annually, to ensure that the ongoing needs of the residents are
115 addressed.

116
117 The department shall adopt rules to implement the community
118 living support plans and cooperative agreements established
119 under this section.

120 (3) A Medicaid prepaid health plan shall ensure the
121 appropriate coordination of health care services with an
122 assisted living facility when a Medicaid recipient is both a
123 member of the entity's prepaid health plan and a resident of the
124 assisted living facility. If the Medicaid prepaid health plan is
125 responsible for Medicaid-targeted case management and behavioral
126 health services, the plan shall inform the assisted living
127 facility of the procedures to follow when an emergent condition
128 arises.

129 (4) The department shall include in contracts with mental
130 health service providers provisions that require the service
131 provider to assign a case manager for a mental health resident,
132 prepare a community living support plan, enter into a
133 cooperative agreement with the assisted living facility, and
134 otherwise comply with the provisions of this section. The
135 department shall establish and impose contract penalties for
136 mental health service providers under contract with the
137 department that fail to comply with this section.

138 (5) The Agency for Health Care Administration shall
139 include in contracts with Medicaid prepaid health plans
140 provisions that require the mental health service provider to

141 prepare a community living support plan, enter into a
 142 cooperative agreement with the assisted living facility, and
 143 otherwise comply with the provisions of this section. The agency
 144 shall also establish and impose contract penalties for Medicaid
 145 prepaid health plans that fail to comply with this section.

146 (6) The department shall enter into an interagency
 147 agreement with the Agency for Health Care Administration that
 148 delineates their respective responsibilities and procedures for
 149 enforcing the requirements of this section with respect to
 150 assisted living facilities and mental health service providers.

151 (7)-(3) The Secretary of Children and Family Services, in
 152 consultation with the Agency for Health Care Administration,
 153 shall annually require each district administrator to develop,
 154 with community input, detailed plans that demonstrate how the
 155 district will ensure the provision of state-funded mental health
 156 and substance abuse treatment services to residents of assisted
 157 living facilities ~~that hold a limited mental health license.~~
 158 These plans must be consistent with the substance abuse and
 159 mental health district plan developed pursuant to s. 394.75 and
 160 must address case management services; access to consumer-
 161 operated drop-in centers; access to services during evenings,
 162 weekends, and holidays; supervision of the clinical needs of the
 163 residents; and access to emergency psychiatric care.

164 Section 2. Paragraph (c) of subsection (4) of section
 165 409.212, Florida Statutes, is amended to read:

166 409.212 Optional supplementation.—

167 (4) In addition to the amount of optional supplementation
 168 provided by the state, a person may receive additional

169 supplementation from third parties to contribute to his or her
 170 cost of care. Additional supplementation may be provided under
 171 the following conditions:

172 (c) The additional supplementation shall not exceed four
 173 ~~two~~ times the provider rate recognized under the optional state
 174 supplementation program.

175 Section 3. Subsections (7) and (8) of section 429.02,
 176 Florida Statutes, are amended, subsections (15), (16), and (17)
 177 are renumbered as subsections (16), (17), and (18),
 178 respectively, present subsections (18) through (26) are
 179 renumbered as subsections (20) through (28), respectively, and
 180 new subsections (15) and (19) are added to that section, to
 181 read:

182 429.02 Definitions.—When used in this part, the term:

183 (7) "Community living support plan" means a written
 184 document prepared by a mental health resident and the resident's
 185 mental health case manager in consultation with the
 186 administrator of an assisted living facility ~~with a limited~~
 187 ~~mental health license~~ or the administrator's designee. A copy
 188 must be provided to the administrator. The plan must include
 189 information about the supports, services, and special needs of
 190 the resident which enable the resident to live in the assisted
 191 living facility and a method by which facility staff can
 192 recognize and respond to the signs and symptoms particular to
 193 that resident which indicate the need for professional services.

194 (8) "Cooperative agreement" means a written statement of
 195 understanding between a mental health care provider and the
 196 administrator of the assisted living facility ~~with a limited~~

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197 ~~mental health license~~ in which a mental health resident is
 198 living. The agreement must specify directions for accessing
 199 emergency and after-hours care for the mental health resident. A
 200 single cooperative agreement may service all mental health
 201 residents who are clients of the same mental health care
 202 provider.

203 (15) "Point-of-care devices" means testing equipment
 204 designed and approved to be used by the resident with assistance
 205 and supervision from trained staff to help gather, collect, and
 206 record information regarding the resident's condition.

207 (19) "Medication technician" means an unlicensed staff
 208 member who has completed 6 hours of training approved by the
 209 department and provided by a trainer that is certified by the
 210 department. A medication technician is authorized to provide
 211 assistance with the self-administration of medications and
 212 provide assistance with point-of-care devices.

213 Section 4. Subsections (1) and (4) of section 429.26,
 214 Florida Statutes, are amended to read:

215 429.26 Appropriateness of placements; examinations of
 216 residents.—

217 (1) The owner or administrator of a facility is
 218 responsible for arranging a medical evaluation to determine
 219 ~~determining~~ the appropriateness of admission of an individual to
 220 the facility and for arranging a medical reevaluation at least
 221 annually or when a significant change in condition is observed
 222 and reported to the administrator regarding ~~determining~~ the
 223 continued appropriateness of residence of an individual in the
 224 facility. A determination shall be based upon an assessment of

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225 the strengths, needs, and preferences of the resident, the care
226 and services offered or arranged for by the facility in
227 accordance with facility policy, and any limitations in law or
228 rule related to admission criteria or continued residency for
229 the type of license held by the facility under this part. The
230 owner or administrator shall base his or her determination of
231 the initial and continuing appropriateness of placement of an
232 individual in a facility on a medical examination report,
233 conducted within 60 days before admission by a physician,
234 physician assistant, or nurse practitioner. A resident may not
235 be moved from one facility to another without consultation with
236 and agreement from the resident or, if applicable, the
237 resident's representative or designee or the resident's family,
238 guardian, surrogate, or attorney in fact. In the case of a
239 resident who has been placed by the department or the Department
240 of Children and Families ~~Family Services~~, the administrator must
241 notify the appropriate contact person in the applicable
242 department.

243 (4) If possible, each resident shall have been examined by
244 a licensed physician, a licensed physician assistant, or a
245 licensed nurse practitioner within 60 days before admission to
246 the facility. The signed and completed medical examination
247 report, which is recorded on AHCA form 1823, the Resident Health
248 Assessment for Assisted Living Facilities, as required by Rule
249 58A-5.0181(2)(b), Florida Administrative Code, shall be
250 submitted to the owner or administrator of the facility who
251 shall use the information contained therein to assist in the
252 determination of the appropriateness of the resident's admission

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253 and continued stay in the facility. The owner or administrator
254 is required to ensure that the AHCA Form 1823 is thoroughly
255 completed. An owner or administrator who obtains the medical
256 evaluation and verifies its completeness is not personally
257 liable in any administrative, civil, or criminal action for any
258 error in determining that an individual is appropriate for
259 admission or continued residency. The medical examination report
260 shall become a permanent part of the record of the resident at
261 the facility and shall be made available to the agency during
262 inspection or upon request. An assessment that has been
263 completed through the Comprehensive Assessment and Review for
264 Long-Term Care Services (CARES) Program fulfills the
265 requirements for a medical examination under this subsection and
266 s. 429.07(3)(b)6.

267 Section 5. Subsection (1) of section 429.29, Florida
268 Statutes, is amended to read:

269 429.29 Civil actions to enforce rights.—

270 (1) Any person or resident whose rights as specified in
271 this part are violated shall have a cause of action. The action
272 may be brought by the resident or his or her guardian, or by a
273 person or organization acting on behalf of a resident with the
274 consent of the resident or his or her guardian, or by the
275 personal representative of the estate of a deceased resident
276 regardless of the cause of death. If the action alleges a claim
277 for the resident's rights or for negligence that caused the
278 death of the resident, the claimant shall be required to elect
279 either survival damages pursuant to s. 46.021 or wrongful death
280 damages pursuant to s. 768.21 before the initial pretrial

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281 | conference. If the action alleges a claim for the resident's
282 | rights or for negligence that did not cause the death of the
283 | resident, the personal representative of the estate may recover
284 | damages for the negligence that caused injury to the resident.
285 | The action may be brought in any court of competent jurisdiction
286 | to enforce such rights and to recover actual damages, and
287 | punitive damages for violation of the rights of a resident or
288 | negligence. Any resident who prevails in seeking injunctive
289 | relief or a claim for an administrative remedy is entitled to
290 | recover the costs of the action and a reasonable attorney's fee
291 | assessed against the defendant not to exceed \$25,000. Fees shall
292 | be awarded solely for the injunctive or administrative relief
293 | and not for any claim or action for damages whether such claim
294 | or action is brought together with a request for an injunction
295 | or administrative relief or as a separate action, except as
296 | provided under s. 768.79 or the Florida Rules of Civil
297 | Procedure. Sections 429.29-429.298 provide the exclusive remedy
298 | for a cause of action for recovery of damages for the personal
299 | injury or death of a resident arising out of negligence or a
300 | violation of rights specified in s. 429.28. This section does
301 | not preclude theories of recovery not arising out of negligence
302 | or s. 429.28 which are available to a resident or to the agency.
303 | The provisions of chapter 766 do not apply to any cause of
304 | action brought under ss. 429.29-429.298.

305 | Section 6. Section 429.34, Florida Statutes, is amended to
306 | read:

307 | 429.34 Right of entry and inspection.—

308 | (1) In addition to the requirements of s. 408.811, any

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309 | duly designated officer or employee of the department, the
310 | Department of Children and Families ~~Family Services~~, the
311 | Medicaid Fraud Control Unit of the Office of the Attorney
312 | General, the state or local fire marshal, or a member of the
313 | state or local long-term care ombudsman council may ~~shall have~~
314 | ~~the right to~~ enter unannounced upon and into the premises of any
315 | facility licensed pursuant to this part in order to determine
316 | the state of compliance with ~~the provisions of~~ this part, part
317 | II of chapter 408, and applicable rules. Data collected by the
318 | state or local long-term care ombudsman councils or the state or
319 | local advocacy councils may be used by the agency in
320 | investigations involving violations of regulatory standards.

321 | (2) In accordance with s. 408.811, every 24 months the
322 | agency shall conduct at least one unannounced inspection to
323 | determine compliance with this part, part II of chapter 408, and
324 | applicable rules. If the assisted living facility is accredited
325 | by the Joint Commission, the Council on Accreditation, or the
326 | Commission on Accreditation of Rehabilitation Facilities, the
327 | agency may conduct inspections less frequently, but in no event
328 | less than once every 5 years.

329 | (a) Two additional inspections shall be conducted every 6
330 | months for the next year if the assisted living facility has
331 | been cited for a class I violation or two or more class II
332 | violations arising from separate inspections within a 60-day
333 | period. In addition to any fines imposed on an assisted living
334 | facility under s. 429.19, the agency shall assess a fee of \$69
335 | per bed for each of the additional two inspections, not to
336 | exceed \$12,000 per inspection.

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337 (b) The agency shall verify through subsequent inspections
338 that any violation identified during an inspection is corrected.
339 However, the agency may verify the correction of a class III or
340 class IV violation unrelated to resident rights or resident care
341 without reinspection if the facility submits adequate written
342 documentation that the violation has been corrected.

343 Section 7. Paragraph (h) of subsection (1) of section
344 429.41, Florida Statutes, is amended to read:

345 429.41 Rules establishing standards.—

346 (1) It is the intent of the Legislature that rules
347 published and enforced pursuant to this section shall include
348 criteria by which a reasonable and consistent quality of
349 resident care and quality of life may be ensured and the results
350 of such resident care may be demonstrated. Such rules shall also
351 ensure a safe and sanitary environment that is residential and
352 noninstitutional in design or nature. It is further intended
353 that reasonable efforts be made to accommodate the needs and
354 preferences of residents to enhance the quality of life in a
355 facility. The agency, in consultation with the department, may
356 adopt rules to administer the requirements of part II of chapter
357 408. In order to provide safe and sanitary facilities and the
358 highest quality of resident care accommodating the needs and
359 preferences of residents, the department, in consultation with
360 the agency, the Department of Children and Family Services, and
361 the Department of Health, shall adopt rules, policies, and
362 procedures to administer this part, which must include
363 reasonable and fair minimum standards in relation to:

364 (h) The care and maintenance of residents, which must

- 365 include, but is not limited to:
- 366 1. The supervision of residents;
- 367 2. The provision of personal services;
- 368 3. The provision of, or arrangement for, social and
- 369 leisure activities;
- 370 4. The arrangement for appointments and transportation to
- 371 appropriate medical, dental, nursing, or mental health services,
- 372 as needed by residents;
- 373 5. The management of medication;
- 374 6. Policies and procedures relating to infection control;
- 375 ~~7.6.~~ The nutritional needs of residents;
- 376 ~~8.7.~~ Resident records; and
- 377 ~~9.8.~~ Internal risk management and quality assurance.

378 Section 8. Section 429.52, Florida Statutes, is amended to

379 read:

380 429.52 Staff training and educational programs; core

381 educational requirement.—

382 (1) Administrators and other assisted living facility

383 staff must meet minimum training and education requirements

384 established by the Department of Elderly Affairs by rule. This

385 training and education is intended to assist facilities to

386 appropriately respond to the needs of residents, to maintain

387 resident care and facility standards, and to meet licensure

388 requirements.

389 (2) The department shall establish a competency test and a

390 minimum required score to indicate successful completion of the

391 training and educational requirements. The competency test must

392 be developed by the department in conjunction with the agency

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393 and providers. The required training and education must cover at
394 least the following topics:

395 (a) State law and rules relating to assisted living
396 facilities.

397 (b) Resident rights and identifying and reporting abuse,
398 neglect, and exploitation.

399 (c) Special needs of elderly persons, persons with mental
400 illness, and persons with developmental disabilities and how to
401 meet those needs.

402 (d) Nutrition and food service, including acceptable
403 sanitation practices for preparing, storing, and serving food.

404 (e) Medication management, recordkeeping, and proper
405 techniques for assisting residents with self-administered
406 medication.

407 (f) Firesafety requirements, including fire evacuation
408 drill procedures and other emergency procedures.

409 (g) Care of persons with Alzheimer's disease and related
410 disorders.

411 (3) Effective January 1, 2004, a new facility
412 administrator must complete the required training and education,
413 including the competency test, within a reasonable time after
414 being employed as an administrator, as determined by the
415 department. Failure to do so is a violation of this part and
416 subjects the violator to an administrative fine as prescribed in
417 s. 429.19. Administrators licensed in accordance with part II of
418 chapter 468 are exempt from this requirement. Other licensed
419 professionals may be exempted, as determined by the department
420 by rule.

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421 (4) Administrators are required to participate in
422 continuing education for a minimum of 12 contact hours every 2
423 years.

424 (5) Medication technicians ~~Staff involved with the~~
425 ~~management of medications and assisting with the self-~~
426 ~~administration of medications under s. 429.256~~ must complete a
427 minimum of 6 4 additional hours of training provided by a
428 registered nurse, licensed pharmacist, or department staff. The
429 department shall establish by rule the minimum requirements of
430 medication technician this additional training, which shall
431 address infection control, safe handling and use of point-of-
432 care devices, communicating with case managers and health care
433 providers, and methods of assistance with the self-
434 administration of medications. The department shall authorize
435 approved training for medication technicians to be conducted
436 using online materials and courses approved by the department.
437 An online training course must administer a posttest, provide a
438 certificate with a passing score on the document, and provide a
439 unique identification number for the person who was trained. The
440 department shall post on its website approved courses and
441 certified trainers approved to offer medication technician
442 training. The department shall maintain a list of approved
443 devices as new technologies make point-of-care devices more
444 accessible. The department shall establish requirements for the
445 training of staff and supervision of point-of-care devices used
446 by residents in a licensed facility.

447 (6) Other facility staff shall participate in training
448 relevant to their job duties as specified by rule of the

449 department.

450 (7) If the department or the agency determines that there
451 are problems in a facility that could be reduced through
452 specific staff training or education beyond that already
453 required under this section, the department or the agency may
454 require, and provide, or cause to be provided, the training or
455 education of any personal care staff in the facility.

456 (8) The department, in consultation with the agency, the
457 Department of Children and Families, and stakeholders, shall
458 approve a standardized core training curriculum that must be
459 completed by an applicant for licensure as an assisted living
460 facility administrator. The curriculum must be offered in
461 English and Spanish and timely updated to reflect changes in the
462 law, rules, and best practices. The required training must
463 cover, at a minimum, the following topics:

464 (a) State law and rules relating to assisted living
465 facilities.

466 (b) Residents' rights and procedures for identifying and
467 reporting abuse, neglect, and exploitation.

468 (c) Special needs of elderly persons, persons who have
469 mental illnesses, and persons who have developmental
470 disabilities and how to meet those needs.

471 (d) Nutrition and food service, including acceptable
472 sanitation practices for preparing, storing, and serving food.

473 (e) Medication management, recordkeeping, and proper
474 techniques for assisting residents who self-administer
475 medication.

476 (f) Firesafety requirements, including procedures for fire

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477 evacuation drills and other emergency procedures.

478 (g) Care of persons who have Alzheimer's disease and
479 related disorders.

480 (h) Elopement prevention.

481 (i) Aggression and behavior management, deescalation
482 techniques, and proper protocols and procedures of the Baker Act
483 as provided in part I of chapter 394.

484 (j) Do-not-resuscitate orders.

485 (k) Infection control.

486 (l) Admission, continuing residency, and best practices in
487 the assisted living industry.

488 (m) Phases of care and interacting with residents.

489 (9) The department, in consultation with the agency, the
490 Department of Children and Families, and stakeholders, shall
491 approve a supplemental training curriculum consisting of topics
492 related to extended congregate care, limited mental health, and
493 business operations, including human resources, financial
494 management, and supervision of staff, which must be completed by
495 an applicant for licensure as an assisted living facility
496 administrator.

497 (10) The department shall approve a competency test for
498 applicants for licensure as an assisted living facility
499 administrator which tests the individual's comprehension of the
500 training required in subsections (5) and (6). The competency
501 test must be reviewed annually and timely updated to reflect
502 changes in the law, rules, and best practices. The competency
503 test must be offered in English and Spanish and may be made
504 available through testing centers.

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505 (11) The department, in consultation with the agency and
506 stakeholders, shall approve curricula for continuing education
507 for administrators and staff members of an assisted living
508 facility. Continuing education shall include topics similar to
509 that of the core training required for staff members and
510 applicants for licensure as assisted living facility
511 administrators. Continuing education may be offered through
512 online courses, and any fees associated with the online service
513 shall be borne by the licensee or the assisted living facility.
514 Required continuing education must, at a minimum, cover the
515 following topics:

516 (a) Elopement prevention.429.50.

517 (b) Deescalation techniques.

518 (c) Phases of care and interacting with residents.

519 (10) The training required by this section shall be
520 conducted by:

521 (a) Any Florida College System institution;

522 (b) Any nonpublic postsecondary educational institution
523 licensed or exempted from licensure pursuant to chapter 1005; or

524 (c) Any statewide association that contracts with the
525 department to provide training. The department may specify
526 minimum trainer qualifications in the contract. For the purposes
527 of this section, the term "statewide association" means any
528 statewide entity that represents and provides technical
529 assistance to assisted living facilities.

530 (12) Assisted living facility trainers shall keep a record
531 of individuals who complete training and shall, within 30 days
532 after the individual completes the course, electronically submit

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533 | the record to the agency and to all third-party credentialing
534 | entities under contract with the agency pursuant to s.
535 | 429.50(5).

536 | (13) The department shall adopt rules as necessary to
537 | administer this section.

538 | ~~(8) The department shall adopt rules related to these~~
539 | ~~training requirements, the competency test, necessary~~
540 | ~~procedures, and competency test fees and shall adopt or contract~~
541 | ~~with another entity to develop a curriculum, which shall be used~~
542 | ~~as the minimum core training requirements. The department shall~~
543 | ~~consult with representatives of stakeholder associations and~~
544 | ~~agencies in the development of the curriculum.~~

545 | ~~(9) The training required by this section shall be~~
546 | ~~conducted by persons registered with the department as having~~
547 | ~~the requisite experience and credentials to conduct the~~
548 | ~~training. A person seeking to register as a trainer must provide~~
549 | ~~the department with proof of completion of the minimum core~~
550 | ~~training education requirements, successful passage of the~~
551 | ~~competency test established under this section, and proof of~~
552 | ~~compliance with the continuing education requirement in~~
553 | ~~subsection (4).~~

554 | ~~(10) A person seeking to register as a trainer must also:~~

555 | ~~(a) Provide proof of completion of a 4-year degree from an~~
556 | ~~accredited college or university and must have worked in a~~
557 | ~~management position in an assisted living facility for 3 years~~
558 | ~~after being core certified;~~

559 | ~~(b) Have worked in a management position in an assisted~~
560 | ~~living facility for 5 years after being core certified and have~~

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561 ~~1 year of teaching experience as an educator or staff trainer~~
562 ~~for persons who work in assisted living facilities or other~~
563 ~~long-term care settings;~~

564 ~~(c) Have been previously employed as a core trainer for~~
565 ~~the department; or~~

566 ~~(d) Meet other qualification criteria as defined in rule,~~
567 ~~which the department is authorized to adopt.~~

568 ~~(11) The department shall adopt rules to establish trainer~~
569 ~~registration requirements.~~

570 Section 9. The Agency for Health Care Administration may
571 establish pilot projects to test consultative health quality
572 initiatives in the state. The pilot projects shall include
573 criteria for quality improvement plans and a means of measuring
574 progress towards implementation of the plans. The pilot projects
575 shall include data collection requirements regarding resident
576 satisfaction, quality of care indicators, and use of best
577 practices by frontline caregivers.

578 Section 10. This act shall take effect July 1, 2013.