

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/CS/SB 1456

SPONSOR: Appropriations Subcommittee on Health and Human Services, Health, Aging and Long-Term Care Committee, Senator Saunders and others

SUBJECT: Health Care Facilities

DATE: April 18, 2001

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Liem	Wilson	HC	Favorable/CS
2.	Peters	Belcher	AHS	Favorable/CS
3.			AP	
4.				
5.				
6.				

## I. Summary:

The CS/CS/SB 1456 proposes dementia specific training requirements for nursing home facilities; home health agencies, nurse registries, adult day care centers (ADCCs) and adult family care homes (AFCHs). The bill allows the Department of Elderly Affairs (DOEA) to contract with or enter into an agreement with a state university or statewide advocacy organization to assess potential trainers and training materials. Due to the health impact which Alzheimer's disease and related dementias have in Florida, this bill encourages each state university, college, or postsecondary school preparing undergraduate and graduate students for health professions to include training about Alzheimer's disease and related disorders in their curriculum.

The bill creates s. 400.1755, 400.4786, 400.55715 and 400.626, F.S., and creates an undesignated section of law.

## II. Present Situation:

Currently, there are no specific Alzheimer's disease training requirements for staff in nursing homes, home health agencies, adult day care centers, and adult family-care homes in Florida Statutes. Under s. 400.4178, F.S., assisted living facilities (ALFs) which advertise that they provide special care for persons with Alzheimer's disease are required to employ staff who have completed up to 4 hours of initial dementia-specific training within 3 months of beginning employment. Individuals who are direct caregivers in ALFs must complete an additional 4 hours of training. Individuals employed by ALFs who have only incidental contact with residents with Alzheimer's disease must be given general information about interacting with people with Alzheimer's disease and related disorders within 3 months of employment. Section 400.452,

F.S., requires the Department of Elderly Affairs to provide or cause to be provided, training and other educational programs for administrators and other ALF staff covering a variety of topics such as laws and rules relating to ALFs, resident rights, special needs of elderly persons, and other topics. Section 400.452(2)(g), F.S., specifies that one of the topics is to be the care of persons with Alzheimer's disease and related disorders.

Section 400.4178, F.S., requires the Department of Elderly Affairs to develop or approve the initial and continuing education courses and the training providers. According to the department there are 191 approved training programs. The department is also required to keep a current list of training providers and establish fees for the training.

The Agency for Health Care Administration (AHCA) administers and develops rules for the home health agency, nurse registry, and nursing home programs, whereas DOEA has lead rule writing authority for AFCHs and ADCCs.

### **III. Effect of Proposed Changes:**

**Section 1.** This section states that the act may be cited as the Florida Alzheimer's Training Act.

**Section 2.** Creates s. 400.1755, F.S., requiring nursing homes licensed in Florida to provide each employee with basic written information about Alzheimer's disease or related conditions at the beginning of their employment and requires additional dementia specific training for employees. The bill specifies that employees who may be expected to have contact with Alzheimer's disease must have one hour of training on an overview of the disease and must provide basic communication skills in communicating with persons with dementia. This training must be provided within 3 months of beginning employment. Bill language requires an additional 3 hours of dementia-specific training within nine months of beginning employment.

Initial and continuing training provided in nursing homes must be approved by the Department of Elderly Affairs and must be in a variety of formats, including internet-based training, videos, teleconferencing, and classroom instruction. DOEA shall keep a list of current providers who are approved to provide initial and continuing training. DOEA shall adopt rules to establish standards for the trainers and the training required in this section.

This section requires that a certificate be provided to persons completing the training provided in the first 9 months of employment. The certificate is required to identify the trainer, date and topic of the training. The training will be acceptable for work in other facilities to which the person may move as an employee. The bill affirms that employees or caregivers must comply with other applicable continuing education requirements.

This requirement for training will be included in the proposed 18 hour annual training for CNAs in nursing homes. While this training may replace or reduce the time available for other important topics, there will not be an additional fiscal impact beyond the required annual training. The required Alzheimer's disease and related disorders training has been identified in this bill as being a part of the total hours of CNA training required annually rather than an additional training requirement as in the previous bill.

**Section 3:** Creates s.400.4786, F.S. which requires home health agencies and nurse registries to provide or arrange for the training of employees. The bill requires home health agencies and nurse registries, as a condition of licensure, to provide basic written information about interacting with persons with Alzheimer's disease and related disorders. Within 3 months of employment, persons who have direct contact with residents must have initial training of at least 1 hour on communicating with persons with dementia. Within 9 months of employment, an additional 3 hours of training on dementia topics specified in the bill must be completed.

The 4 hours of training can be part of the training required of certified nursing assistants annually. Training required by health practitioner boards can be counted toward the total of 4 hours.

DOEA is required to approve the training provided in facilities and must keep a list of providers. DOEA must prepare rules on standards for trainers and the training required.

Providers of training are to issue employee certificates when they have completed the basic training. If the employee changes employment to a different home health agency, ALF, AFCH, nursing home or ADCC they do not have to repeat the training. While nurse registries are added to this section, they are not included in this provision.

Since the amendment makes the training a condition of licensure, AHCA will need to survey home health agencies and nurse registries for compliance with the law, which will add time to each survey.

This section uses the words "resident" and "facility" that are not typically used to refer to patients of home health agencies and nurse registries since these businesses generally serve people in their homes.

**Section 4.** Creates s. 400.55715 F.S., which adds new language to the adult day care center (ADCC) statutes requiring additional dementia specific training for employees. This bill provides, as a condition of ADCC licensure, facilities to provide to their employees upon employment basic written information about interacting with persons with Alzheimer's disease and related disorders. This bill requires employees having direct contact with residents with Alzheimer's disease or related disorders to, in addition to receiving the above basic information, receive at least 1 hour of initial dementia-overview and communication skills training within 3 months of employment. Employees providing direct care are considered direct caregivers and in addition to the initial training must receive 3 additional hours of training within 9 months of employment in the areas of managing problem behaviors, promoting resident independence, and skills in working with families and caregivers. The required 4 hours of training for CNAs are part of the total hours of training required annually. Continuing-education hours taken by a health care practitioner as defined in s. 456.001 and as required by their licensing board shall be counted toward the 4 hours. Sanctioned training by a licensing board for a licensed health care practitioner defined in s. 456.001 is considered approved by DOEA. This bill requires DOEA or its designee to approve the initial and continuing education training provided in these facilities and to offer a variety of training methods. DOEA must also keep a list of providers approved to provide the training. This bill requires DOEA to adopt rules regarding trainer standards and training required. An employee or direct caregiver will be issued a certificate of training,

including the trainer's name, topic covered, and the date and signature of the trainer. A certificate of Alzheimer's or related dementia training is evidence of completion in an identified topic and does not have to be repeated if the employee or caregiver changes employment to another adult day care center, or to an assisted living facility, nursing home, home health agency, or adult family care home. Direct caregivers must comply with all other continuing education requirements.

**Section 5.** Creates s. 400.626 F.S., which adds new language to the adult family care home (AFCH) statutes requiring additional dementia specific training for employees. This bill provides, as a condition of AFCH licensure, facilities to provide to their employees upon employment basic written information about interacting with persons with Alzheimer's disease and related disorders. This bill requires employees having direct contact with residents with Alzheimer's disease or related disorders to, in addition to receiving the above basic information, receive at least 1 hour of initial dementia-overview and communication skills training within 3 months of employment. Employees providing direct care are considered direct caregivers and in addition to the initial training must receive 3 additional hours of training within 9 months of employment in the areas of managing problem behaviors, promoting resident independence, and skills in working with families and caregivers. The required 4 hours of training for CNAs are part of the total hours of training required annually. Continuing-education hours taken by a health care practitioner as defined in s. 456.001 and as required by their licensing board shall be counted toward the 4 hours. Sanctioned training by a licensing board for a licensed health care practitioner defined in s. 456.001 is considered approved by DOEA. The bill requires DOEA or its designee to approve the initial and continuing education training provided in these facilities which are to offer a variety of training methods. DOEA must also keep a list of providers approved to provide the training. This bill requires DOEA to adopt rules regarding trainer standards and training required. An employee or direct caregiver will be issued a certificate of training, including the trainer's name, topic covered, and the date and signature of the trainer. A certificate of Alzheimer's or related dementia training is evidence of completion in an identified topic and does not have to be repeated if the employee or caregiver changes employment to another adult family care home, or to an assisted living facility, nursing home, home health agency, or adult day care center. Direct caregivers must comply with all other continuing education requirements.

**Section 6:** Employees hired on or after July 1, 2001, do not have to comply with the Alzheimer's and related training guidelines before July 1, 2002.

**Section 7.** This bill allows DOEA to contract with or enter into an agreement with a state university or statewide advocacy organization with expertise in Alzheimer's disease and related disorders to assess potential trainers and training materials. This bill allows DOEA to accept grants, donations, and gifts to meet the costs of training review and approval.

**Section 8.** This section provides that persons afflicted with Alzheimer's disease and related disorders pose an urgent health need in Florida. State universities, colleges, and postsecondary schools preparing students for health professions described in Chapter 456, F.S., are encouraged to provide Alzheimer's and related disorders training.

**Section 9:** This section specifies that a community care system must have a dementia-specific care provider network to address care needs of persons with dementia and their families.

**Section 10.** This section establishes an effective date of July 1, 2001. It may be difficult for DOEA to develop rules and implement the training in such a short time period. The rule writing process must follow the time frames in Chapter 120, Florida Statutes, and it takes several months to get a rule promulgated. Also, the curriculum framework would need to be developed as well as a process for approval of continuing education providers prior to developing the rules for each of the facility types included in the bill.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, s. 19(f) of the Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

The bill requires additional employee training standards on specified long-term care providers as a part of currently required training.

##### **C. Government Sector Impact:**

The required Alzheimer's disease and related disorders training has been identified in this bill as part of the total hours of CNA training required annually rather than an additional training requirement as in the previous bill. Federal regulations, 42 Code of Federal Regulations 483.75(e)(8)(i) require certified nursing assistants in nursing homes complete at least 12 hours of in-service training each year, and section (iii) requires that the in-service for those nurse aides who provide service to individuals with cognitive impairment must address the care of the cognitively impaired. Therefore, this bill should not have a fiscal impact on the state Medicaid budget.

This bill allows DOEA to contract with or enter into an agreement with a state university or statewide advocacy organization to assess potential trainers and training materials. DOEA may accept grants, donations, and gifts to meet the costs of training review and approval.

**VI. Technical Deficiencies:**

The Department of Elderly Affairs may not be able to promulgate rules by July 1, 2001 due to the rule guidelines and notice period requirements.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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