

By the Committee on Health, Aging and Long-Term Care; and
Senators Saunders, Peadar, Campbell, Pruitt, Smith, Latvala,
Dawson, Brown-Waite and Wasserman Schultz

317-1739-01

1 A bill to be entitled
2 An act relating to health care facilities;
3 creating the Florida Alzheimer's Training Act;
4 amending s. 400.4178, F.S.; revising training
5 standards for employees of assisted living
6 facilities that provide care for residents with
7 Alzheimer's disease or related disorders;
8 creating ss. 400.1755, 400.4786, 400.55715, and
9 400.626, F.S.; prescribing training standards
10 for employees of nursing homes, home health
11 agencies, adult day care centers, and adult
12 family-care homes, respectively, that provide
13 care for persons with Alzheimer's disease or
14 related disorders; providing for training fees;
15 prescribing duties of the Department of Elderly
16 Affairs; directing the department to convene a
17 working group to develop training guidelines;
18 providing for membership; providing for
19 compliance with guidelines within a certain
20 time period; requiring dementia-specific care
21 providers to be included in community care
22 service systems; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. This act may be cited as the "Florida
27 Alzheimer's Training Act."

28 Section 2. Section 400.4178, Florida Statutes, is
29 amended to read:

30 400.4178 ~~Special~~ Care for persons with Alzheimer's
31 disease or other related disorders.--

1 (1) Any ~~A~~ facility which admits or ~~advertises that it~~
2 provides ~~special~~ care to an individual for persons with
3 Alzheimer's disease or other related disorders must meet the
4 following standards of operation:

5 (a)1. If the facility has 17 or more residents, have
6 an awake staff member on duty at all hours of the day and
7 night; or

8 2. If the facility has fewer than 17 residents, have
9 an awake staff member on duty at all hours of the day and
10 night or have mechanisms in place to monitor and ensure the
11 safety of the facility's residents.

12 (b) Offer activities specifically designed for persons
13 who are cognitively impaired.

14 (c) Have a physical environment that provides for the
15 safety and welfare of the facility's residents.

16 (d) Employ staff who have completed the training and
17 continuing education required in subsections ~~subsection~~ (2)
18 and (3).

19 (2)(a) An individual who is employed by a facility
20 that provides ~~special~~ care for residents with Alzheimer's
21 disease or other related disorders, ~~and who has regular~~
22 ~~contact with such residents,~~ must complete ~~up to~~ 4 hours of
23 initial dementia-specific training developed or approved by
24 the department. The training shall be completed within 3
25 months after beginning employment and shall satisfy the core
26 training requirements of s. 400.452(2)(g).

27 (b) A direct caregiver who is employed by a facility
28 that provides ~~special~~ care for residents with Alzheimer's
29 disease or other related disorders, and who provides direct
30 care to such residents, must complete the required initial
31 training and 4 additional hours of training developed or

1 approved by the department. The training shall be completed
2 within 9 months after beginning employment and shall satisfy
3 the core training requirements of s. 400.452(2)(g).

4 ~~(c) An individual who is employed by a facility that~~
5 ~~provides special care for residents with Alzheimer's disease~~
6 ~~or other related disorders, but who only has incidental~~
7 ~~contact with such residents, must be given, at a minimum,~~
8 ~~general information on interacting with individuals with~~
9 ~~Alzheimer's disease or other related disorders, within 3~~
10 ~~months after beginning employment.~~

11 (3) In addition to the training required under
12 subsection (2), a direct caregiver must complete up to
13 ~~participate in a minimum of 4 contact~~ hours of
14 dementia-specific continuing education each calendar year as
15 approved by the department. ~~The continuing education must~~
16 ~~include one or more topics included in the dementia-specific~~
17 ~~training developed or approved by the department, in which the~~
18 ~~caregiver has not received previous training.~~

19 (4) Upon completing any training listed in subsection
20 (2), the employee or direct caregiver shall be issued a
21 certificate that includes the name of the training provider,
22 the topic covered, and the date and signature of the training
23 provider. The certificate is evidence of completion of
24 training in the identified topic, and the employee or direct
25 caregiver is not required to repeat training in that topic if
26 the employee or direct caregiver changes employment to a
27 different facility or to a nursing home, home health agency,
28 adult day care center, or adult family-care home. The
29 ~~employee or direct caregiver~~ must comply with other applicable
30 continuing education requirements.

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1 (5) The department, or its designee, shall approve the
2 initial and continuing education courses and providers.

3 (6) The department shall keep a current list of
4 providers who are approved to provide initial and continuing
5 education for staff of facilities that provide ~~special~~ care
6 for persons with Alzheimer's disease or other related
7 disorders.

8 (7) Any facility in which more than 90 percent of
9 whose residents receive monthly optional supplementation
10 payments is not required to pay for the training and education
11 programs required under this section. A facility that has one
12 or more such residents shall pay a reduced fee that is
13 proportional to the percentage of such residents in the
14 facility. A facility that does not have any residents who
15 receive monthly optional supplementation payments must pay a
16 reasonable fee, as established by the department, for such
17 training and education programs.

18 (8) The department shall adopt rules to establish
19 standards for trainers and training and to implement this
20 section.

21 Section 3. Section 400.1755, Florida Statutes, is
22 created to read:

23 400.1755 Care for persons with Alzheimer's disease or
24 other related disorders.--

25 (1)(a) An individual who is employed by a facility
26 licensed pursuant to this section must complete 4 hours of
27 initial dementia-specific training developed or approved by
28 the Department of Elderly Affairs. The training shall be
29 completed within 3 months after beginning employment.

30 (b) An individual who provides direct care shall be
31 considered a direct caregiver and must complete the required

1 initial training and 4 additional hours of training developed
2 or approved by the Department of Elderly Affairs. The training
3 shall be completed within 9 months after beginning employment.

4 (2) In addition to the training required under
5 subsection (1), a direct caregiver must complete up to 4 hours
6 of dementia-specific continuing education each calendar year
7 as approved by the Department of Elderly Affairs.

8 (3) Upon completing any training listed in subsection
9 (1), the employee or direct caregiver shall be issued a
10 certificate that includes the name of the training provider,
11 the topic covered, and the date and signature of the training
12 provider. The certificate is evidence of completion of
13 training in the identified topic, and the employee or direct
14 caregiver is not required to repeat training in that topic if
15 the employee or direct caregiver changes employment to a
16 different facility or to an assisted living facility, home
17 health agency, adult day care center, or adult family-care
18 home. The direct caregiver must comply with other applicable
19 continuing education requirements.

20 (4) The Department of Elderly Affairs, or its
21 designee, shall approve the initial and continuing education
22 courses and providers.

23 (5) The Department of Elderly Affairs shall keep a
24 current list of providers who are approved to provide initial
25 and continuing education for staff of facilities that provide
26 care for persons with Alzheimer's disease or other related
27 disorders.

28 (6) The Department of Elderly Affairs shall adopt
29 rules to establish standards for trainers and training and to
30 implement this section.

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1 Section 4. Section 400.4786, Florida Statutes, is
2 created to read:

3 400.4786 Care for persons with Alzheimer's disease or
4 other related disorders.--

5 (1)(a) An individual who is employed by a home health
6 agency must complete 4 hours of initial dementia-specific
7 training developed or approved by the Department of Elderly
8 Affairs. The training shall be completed within 3 months after
9 beginning employment.

10 (b) An individual who provides direct care shall be
11 considered a direct caregiver and must complete the required
12 initial training and 4 additional hours of training developed
13 or approved by the Department of Elderly Affairs. The training
14 shall be completed within 9 months after beginning employment.

15 (2) In addition to the training required under
16 subsection (1), a direct caregiver must complete up to 4 hours
17 of dementia-specific continuing education each calendar year
18 as approved by the Department of Elderly Affairs.

19 (3) Upon completing any training listed in subsection
20 (1), the employee or direct caregiver shall be issued a
21 certificate that includes the name of the training provider,
22 the topic covered, and the date and signature of the training
23 provider. The certificate is evidence of completion of
24 training in the identified topic, and the employee or direct
25 caregiver is not required to repeat training in that topic if
26 the employee or direct caregiver changes employment to a
27 different home health agency or to an assisted living
28 facility, nursing home, adult day care center, or adult
29 family-care home. The direct caregiver must comply with other
30 applicable continuing education requirements.

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1 (4) The Department of Elderly Affairs, or its
2 designee, shall approve the initial and continuing education
3 courses and providers.

4 (5) The Department of Elderly Affairs shall keep a
5 current list of providers who are approved to provide initial
6 and continuing education for staff of home health agencies
7 that provide care for persons with Alzheimer's disease or
8 other related disorders.

9 (6) The department shall adopt rules to establish
10 standards for trainers and training and to implement this
11 section.

12 Section 5. Section 400.55715, Florida Statutes, is
13 created to read:

14 400.55715 Care for persons with Alzheimer's disease or
15 other related disorders.--

16 (1)(a) An individual who is employed by an adult day
17 care center must complete 4 hours of initial dementia-specific
18 training developed or approved by the department. The training
19 shall be completed within 3 months after beginning employment.

20 (b) An individual who provides direct care shall be
21 considered a direct caregiver and must complete the required
22 initial training and 4 additional hours of training developed
23 or approved by the Department of Elderly Affairs. The training
24 shall be completed within 9 months after beginning employment.

25 (2) In addition to the training required under
26 subsection (1), a direct caregiver must complete up to 4 hours
27 of dementia-specific continuing education each calendar year
28 as approved by the department.

29 (3) Upon completing any training listed in subsection
30 (1), the employee or direct caregiver shall be issued a
31 certificate that includes the name of the training provider,

1 the topic covered, and the date and signature of the training
2 provider. The certificate is evidence of completion of
3 training in the identified topic, and the employee or direct
4 caregiver is not required to repeat training in that topic if
5 the employee or direct caregiver changes employment to a
6 different adult day care center or to an assisted living
7 facility, nursing home, home health agency, or adult
8 family-care home. The direct caregiver must comply with other
9 applicable continuing education requirements.

10 (4) The department, or its designee, shall approve the
11 initial and continuing education courses and providers.

12 (5) The department shall keep a current list of
13 providers who are approved to provide initial and continuing
14 education for staff of adult day care centers that provide
15 care for persons with Alzheimer's disease or other related
16 disorders.

17 (6) The department shall adopt rules to establish
18 standards for trainers and training and to implement this
19 section.

20 Section 6. Section 400.626, Florida Statutes, is
21 created to read:

22 400.626 Care for persons with Alzheimer's disease or
23 other related disorders.--

24 (1)(a) An individual who operates or is employed by an
25 adult family-care home that provides care for residents with
26 Alzheimer's disease or other related disorders must complete 4
27 hours of initial dementia-specific training developed or
28 approved by the department. The training shall be completed
29 within 3 months after beginning employment.

30 (b) An individual who provides direct care shall be
31 considered a direct caregiver and must complete the required

1 initial training and 4 additional hours of training developed
2 or approved by Department of Elderly Affairs. The training
3 shall be completed within 9 months after beginning employment.

4 (2) In addition to the training required under
5 subsection (1), a direct caregiver must complete up to 4 hours
6 of dementia-specific continuing education each calendar year
7 as approved by the department.

8 (3) Upon completing any training listed in subsection
9 (1), the employee or direct caregiver shall be issued a
10 certificate that includes the name of the training provider,
11 the topic covered, and the date and signature of the training
12 provider. The certificate is evidence of completion of
13 training in the identified topic, and the employee or direct
14 caregiver is not required to repeat training in that topic if
15 the employee or direct caregiver changes employment to a
16 different adult family-care home or to an assisted living
17 facility, nursing home, home health agency, or adult day care
18 center. The direct caregiver must comply with other
19 applicable continuing education requirements.

20 (4) The department, or its designee, shall approve the
21 initial and continuing education courses and providers.

22 (5) The department shall keep a current list of
23 providers who are approved to provide initial and continuing
24 education for staff of adult family-care homes that provide
25 care for persons with Alzheimer's disease or other related
26 disorders.

27 (6) The department shall adopt rules to establish
28 standards for trainers and training and to implement this
29 section.

30 Section 7. Effective July 1, 2001, the Department of
31 Elderly Affairs shall convene a working group to recommend

1 training guidelines; standards for training and trainers; and
2 materials for the required levels of dementia-specific
3 training as specified in this act. The group shall consider
4 and approve a variety of training methods including
5 self-taught modules, Internet-based training, video
6 conferencing, and "train-the-trainer" programs. The group
7 shall consist of a representative of the Florida Alzheimer's
8 Association, appointed by the association; a representative of
9 the Florida Assisted Living Association, appointed by the
10 board; a representative from one of the memory disorder
11 clinics, appointed by the secretary of the department; a
12 person from the department with knowledge of dementia and
13 community-based providers, appointed by the secretary; a
14 representative of the Department of Health, appointed by the
15 Secretary of Health, a representative of the Teaching Nursing
16 Home of Florida, appointed by the Secretary of the Agency for
17 Health Care Administration, a representative from independent
18 Alzheimer's resource centers and other dementia care providers
19 to be appointed by the Secretary of Elderly Affairs, and a
20 representative from the Agency for Health Care Administration
21 to be appointed by the Secretary of Health Care
22 Administration. The group shall hold its first meeting no
23 later than September 14, 2001. The group shall finalize its
24 recommendations no later than July 1, 2002. The Department of
25 Elderly Affairs shall provide staff support to the working
26 group. New employees shall have until July 1, 2003, to comply
27 with the guidelines. Existing employees shall have until July
28 1, 2004, to comply with the guidelines.

29 Section 8. A community care service system must
30 contain a dementia-specific care provider network to properly
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1 address the care of a person with dementia and the families of
2 such person.

3 Section 9. This act shall take effect July 1, 2001.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1456

8 The Committee Substitute for SB 1456 modifies training
9 requirements for all the provider types in the bill, requiring
10 4 hours of initial dementia-specific training; and "up to" 4
11 hours of continuing education; removes a section pertaining to
12 fees that the department may charge for the training;
13 establishes a work group at the Department of Elderly Affairs
14 to develop the training guidelines; requires that a
15 community-care services system must contain a
16 dementia-specific care provider network.

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