

# 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: SB 1608

SPONSOR: Senator Saunders and others

SUBJECT: Health Care Facilities/Alzheimer's Training

DATE: February 8, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Liem	Wilson	HC	Favorable
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1608 imposes Alzheimer's disease and related disorders training requirements for employees of home health agencies, hospices, adult day care centers and adult family-care homes. 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 disorders 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 allows DOEA to accept grants, donations, and gifts to meet costs associated with the activities required in the bill.

The bill amends s. 400.6045, F.S.; and creates ss. 400.4786, 400.55715 and 400.626, F.S., and four undesignated sections of law.

**II. Present Situation:**

Alzheimer's disease is a progressive degenerative disorder that results in impaired thinking, memory, and behavior. It is characterized by a distinctive pattern of "plaques and tangles in the brain." Plaques are patches of dying nerve fibers clustered outside of the nerve cell, and tangles are minute threads of nerve fiber twisted in a double helix shape. The disease destroys brain cells and ultimately leads to death.

Because Alzheimer's is a progressive disease, victims get increasingly worse, never better. The disease is neither preventable or curable, and its causes are unknown. Although there is no known cure for Alzheimer's, there are effective ways that the victim and family can manage the environment, activities of daily living, recreation, and social relationships to allow some ease and

pleasure. Alzheimer's and related diseases affect 13.7 percent of the state's population over age 65, and nearly 50 percent of those over 85. It is estimated that more than 370,000 Floridians currently suffer from Alzheimer's disease.

Currently, there are no specific Alzheimer's disease training requirements for staff of home health agencies, adult day care centers (ADCC), adult family-care homes (AFCH) and hospices in Florida Statutes. Nursing Homes are required to provide basic information about Alzheimer's disease and related disorders to all employees, an additional hour of training to employees expected to have direct contact with persons with Alzheimer's disease, and an additional 3 hours of training in Alzheimer's disease to employees who are direct caregivers. 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.

The Department of Elderly Affairs develops or approves the initial and continuing education courses and the training providers. The department is also required to keep a current list of training providers.

The Agency for Health Care Administration (AHCA) develops licensure rules for home health agencies, nurse registries, and nursing homes, whereas DOEA, in consultation with other state agencies, has rule writing authority for ALFs, AFCHs, ADCCs and hospices.

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

**Section 1.** Provides a title for the act, the "Florida Alzheimer's Training Act."

**Section 2.** Creates s. 400.4786, F.S., to require home health agencies to provide, as a condition of licensure, basic written information about interacting with persons with Alzheimer's disease and related disorders. All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must have initial training of at least 1 hour within 3 months after beginning employment at a home health agency or nurse registry, which must include an overview of dementias and must provide basic skills in communicating with persons with dementia. An individual who provides direct care to a person with Alzheimer's disease or a related disorder must complete the initial 1 hour training and, within 9 months of employment, an additional 3 hours of training on dementia topics specified in the bill.

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. Training sanctioned by a health care practitioner board is considered to be approved by DOEA.

DOEA or its designee is required to approve the 1-hour and 3-hour training and must consider for approval training offered in a variety of formats. DOEA is to keep a list of approved training providers, and is to adopt rules establishing the standards for trainers and training.

Employees or direct caregivers are to be issued a certificate upon completion of the training, describing the name of the provider, the topic covered, and the date and the signature of the provider. If the employee changes employment to a different home health agency, assisted living facility, nursing home, adult day care center, adult family-care home, or hospice they do not have to repeat the training.

**Sections 3, 4, and 5.** Create ss. 400.55715 and 400.626, F.S., and amends s. 400.6045, F.S., to establish the same requirements for adult day care centers, adult family-care homes, and hospices, respectively.

**Section 6.** Provides that employees hired on or after July 1, 2002, need not comply with the guidelines created in the bill before July 1, 2003, or July 1, 2004, as provided. The effective date for home health agencies is July 1, 2004; for adult day care centers, July 1, 2003; for adult family-care homes, July 1, 2004; and for hospice, July 1, 2003.

**Section 7.** Permits DOEA to contract with or enter into a cooperative agreement with a state university or statewide advocacy organization that possesses expertise in the area of Alzheimer's disease or related disorders to review potential trainers and training materials. DOEA may accept grants donations, and gifts to meet the costs of providing the review and approval and the required training.

**Section 8.** Provides legislative findings that Alzheimer's disease and related disorders pose an urgent health need and encourages each university, college, or postsecondary school training students in health care professions to include basic training about Alzheimer's disease and related disorders.

**Section 9.** Provides an effective date of July 1, 2002.

#### **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:**

DOEA provided estimates obtained from industry sources that the cost of compliance with the provisions of the bill for home health agencies would be \$2,711,422. The department did not provide estimates for costs to adult day care centers, adult family-care homes, or hospices.

**C. Government Sector Impact:**

DOEA estimates that the bill will increase its costs by \$187,785 by FY 2003-2004.

**VI. Technical Deficiencies:**

DOEA pointed out that section 1 of the bill creates s. 400.4786, F.S. Subsection (1) of the new section states that the section pertains to licensure of home health agencies, however, subsection (3) places the requirements on individuals who are employed by both home health agencies and nurse registries. Provisions pertaining to nurse registries are the subject of s. 400.506, F.S. The bill should be amended to correct this inconsistency to avoid potential confusion in interpretation.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.