

By Representative Gibson

1 A bill to be entitled
 2 An act relating to health care; creating the
 3 Florida Alzheimer's Training Act; creating ss.
 4 400.55715 and 400.626, F.S., and amending ss.
 5 400.4785 and 400.6045, F.S.; prescribing
 6 training standards for employees of home health
 7 agencies, adult day care centers, adult
 8 family-care homes, and hospices, respectively,
 9 that provide care for persons with Alzheimer's
 10 disease or related disorders; prescribing
 11 duties of the Department of Elderly Affairs;
 12 providing for compliance with guidelines within
 13 a certain time period; providing for approval
 14 of Alzheimer's training and trainers; providing
 15 for application of training to meet specified
 16 requirements; providing authority to adopt
 17 rules; providing legislative findings and
 18 intent; providing effective dates.

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 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. This act may be cited as the "Florida
 23 Alzheimer's Training Act."

24 Section 2. Effective July 1, 2004, section 400.4785,
 25 Florida Statutes, is amended to read:

26 400.4785 Patients with Alzheimer's disease or other
 27 related disorders; certain training mandates and
 28 disclosures.--

29 (1)(a) An agency licensed under this part which
 30 provides direct service to adults shall require each newly
 31 hired employee who provides direct care to patients under

1 federal home health regulations to dedicate 4 hours to
2 training in Alzheimer's disease and dementia-related
3 illnesses. This training shall include, but is not limited to,
4 overview of dementia, demonstrating basic skills in
5 communicating with persons with dementia, managing problem
6 behaviors, promoting the client's independence in activities
7 of daily living, and skills in working with families and
8 caregivers.

9 (b) The Department of Elderly Affairs, or its
10 designee, shall approve the required training. The department
11 must consider for approval training offered in a variety of
12 formats. The department shall keep a list of current providers
13 who are approved to provide the 4-hour training. The
14 department shall adopt rules to establish standards for the
15 trainers and the training required in this section.

16 (c) Upon completing the training listed in this
17 section, the employee shall be issued a certificate that
18 states that the training mandated under this section has been
19 received. The certificate shall be dated and signed by the
20 training provider. The certificate is evidence of completion
21 of this training, and the employee is not required to repeat
22 this training if the employee changes employment to a
23 different home health agency or to an assisted living
24 facility, nursing home, adult day care center, adult
25 family-care home, or hospice.

26 (2) An agency licensed under this part which claims
27 that it provides special care for persons who have Alzheimer's
28 disease or other related disorders must disclose in its
29 advertisements or in a separate document those services that
30 distinguish the care as being especially applicable to, or
31 suitable for, such persons. The agency must give a copy of

1 all such advertisements or a copy of the document to each
2 person who requests information about the agency and must
3 maintain a copy of all such advertisements and documents in
4 its records. The Agency for Health Care Administration shall
5 examine all such advertisements and documents in the agency's
6 records as part of the license renewal procedure.

7 Section 3. Effective July 1, 2003, section 400.55715,
8 Florida Statutes, is created to read:

9 400.55715 Care for persons with Alzheimer's disease or
10 related disorders.--

11 (1) As a condition of licensure, adult day care
12 centers licensed under this part must provide to each of their
13 employees, upon beginning employment, basic written
14 information about interacting with persons with Alzheimer's
15 disease or a related disorder.

16 (2) All employees who are expected to, or whose
17 responsibilities require them to, have direct contact with
18 clients with Alzheimer's disease or a related disorder must,
19 in addition to being provided the information required in this
20 section, also have an initial training of at least 1 hour
21 completed in the first 3 months after beginning employment.
22 This training must include, but is not limited to, an overview
23 of dementias and must provide basic skills in communicating
24 with persons with dementia.

25 (3) An individual who provides direct care shall be
26 considered a direct caregiver and must complete the required
27 1-hour training and an additional 3 hours of training within 9
28 months after beginning employment. This training shall
29 include, but is not limited to, managing problem behaviors,
30 promoting the client's independence in activities of daily
31 living, and skills in working with families and caregivers.

1 (a) For certified nursing assistants, the required 4
2 hours of training shall be part of the total hours of training
3 required annually.

4 (b) For a health care practitioner as defined in s.
5 456.001, continuing education hours taken as required by that
6 practitioner's licensing board shall be counted toward this
7 total of 4 hours.

8 (4) For an employee who is a licensed health care
9 practitioner as defined in s. 456.001, training that is
10 sanctioned by that practitioner's licensing board shall be
11 considered to be approved by the Department of Elderly
12 Affairs.

13 (5) The Department of Elderly Affairs or its designee
14 shall approve the 1-hour and 3-hour training provided to
15 employees and direct caregivers under this section. The
16 department must consider for approval training offered in a
17 variety of formats. The department shall keep a list of
18 current providers who are approved to provide the 1-hour and
19 3-hour training. The department shall adopt rules to establish
20 standards for the trainers and the training required in this
21 section.

22 (6) Upon completing any training listed in this
23 section, the employee or direct caregiver shall be issued a
24 certificate that includes the name of the training provider,
25 the topic covered, and the date and signature of the training
26 provider. The certificate is evidence of completion of
27 training in the identified topic, and the employee or direct
28 caregiver is not required to repeat training in that topic if
29 the employee or direct caregiver changes employment to a
30 different adult day care center or to an assisted living
31 facility, nursing home, home health agency, adult family-care

1 home, or hospice. The direct caregiver must comply with other
2 applicable continuing education requirements.

3 Section 4. Effective July 1, 2004, section 400.626,
4 Florida Statutes, is created to read:

5 400.626 Care for persons with Alzheimer's disease or
6 related disorders.--

7 (1) As a condition of licensure, adult family-care
8 homes licensed under this part must provide to each of their
9 employees, upon beginning employment, basic written
10 information about interacting with persons with Alzheimer's
11 disease or a related disorder.

12 (2) All employees who are expected to, or whose
13 responsibilities require them to, have direct contact with
14 clients with Alzheimer's disease or a related disorder must,
15 in addition to being provided the information required in this
16 section, also have an initial training of at least 1 hour
17 completed in the first 3 months after beginning employment.
18 This training must include, but is not limited to, an overview
19 of dementias and must provide basic skills in communicating
20 with persons with dementia.

21 (3) An individual who provides direct care shall be
22 considered a direct caregiver and must complete the required
23 1-hour training and an additional 3 hours of training within 9
24 months after beginning employment. This training shall
25 include, but is not limited to, managing problem behaviors,
26 promoting the client's independence in activities of daily
27 living, and skills in working with families and caregivers.

28 (a) For certified nursing assistants, the required 4
29 hours of training shall be part of the total hours of training
30 required annually.

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1 (b) For a health care practitioner as defined in s.
2 456.001, continuing education hours taken as required by that
3 practitioner's licensing board shall be counted toward this
4 total of 4 hours.

5 (4) For an employee who is a licensed health care
6 practitioner as defined in s. 456.001, training that is
7 sanctioned by that practitioner's licensing board shall be
8 considered to be approved by the Department of Elderly
9 Affairs.

10 (5) The Department of Elderly Affairs or its designee
11 shall approve the 1-hour and 3-hour training provided to
12 employees or direct caregivers under this section. The
13 department must consider for approval training offered in a
14 variety of formats. The department shall keep a list of
15 current providers who are approved to provide 1-hour and
16 3-hour training. The department shall adopt rules to establish
17 standards for the trainers and the training required in this
18 section.

19 (6) Upon completing any training listed in this
20 section, 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 adult family-care home or to an assisted living
28 facility, nursing home, home health agency, adult day care
29 center, or hospice.

30 Section 5. Effective July 1, 2003, section 400.6045,
31 Florida Statutes, is amended to read:

1 400.6045 Patients with Alzheimer's disease or other
2 related disorders; certain disclosures; training.--

3 (1) A hospice licensed under this part which claims
4 that it provides special care for persons who have Alzheimer's
5 disease or other related disorders must disclose in its
6 advertisements or in a separate document those services that
7 distinguish the care as being especially applicable to, or
8 suitable for, such persons. The hospice must give a copy of
9 all such advertisements or a copy of the document to each
10 person who requests information about programs and services
11 for persons with Alzheimer's disease or other related
12 disorders offered by the hospice and must maintain a copy of
13 all such advertisements and documents in its records. The
14 agency shall examine all such advertisements and documents in
15 the hospice's records as part of the license renewal
16 procedure.

17 (2) A hospice licensed under this part must provide to
18 each of its employees, upon beginning employment, basic
19 written information about interacting with persons with
20 Alzheimer's disease or a related disorder.

21 (3) All employees who are expected to, or whose
22 responsibilities require them to, have direct contact with
23 patients with Alzheimer's disease or a related disorder must,
24 in addition to being provided the information required in this
25 section, have an initial training of at least 1 hour completed
26 in the first 3 months after beginning employment. This
27 training shall include, but is not limited to, an overview of
28 dementias and shall provide basic skills in communicating with
29 persons with dementia.

30 (4) An individual who provides direct care to a person
31 with Alzheimer's disease or a related disorder shall be

1 considered a direct caregiver and must complete the required
2 1-hour training and an additional 3 hours of training within 9
3 months after beginning to work with the hospice. This training
4 shall include, but is not limited to, managing problem
5 behaviors, promoting the patient's independence in activities
6 of daily living, and skills in working with families and
7 caregivers.

8 (a) For certified nursing assistants, the required 4
9 hours of training shall be part of the total hours of training
10 required annually.

11 (b) For a health care practitioner as defined in s.
12 456.001, continuing education hours taken as required by that
13 practitioner's licensing board shall be counted toward this
14 total of 4 hours.

15 (5) For an employee who is a licensed health care
16 practitioner as defined in s. 456.001, training that is
17 sanctioned by that practitioner's licensing board shall be
18 considered to be approved by the Department of Elderly
19 Affairs.

20 (6) The Department of Elderly Affairs or its designee
21 shall approve the required 1-hour and 3-hour training provided
22 to employees or direct caregivers under this section. The
23 department must consider for approval training offered in a
24 variety of formats. The department shall keep a list of
25 current providers who are approved to provide the 1-hour and
26 3-hour training. The department shall adopt rules to establish
27 standards for the trainers and the training required in this
28 section.

29 (7) Upon completing any training described in this
30 section, 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 hospice or to a home health agency, assisted living
7 facility, nursing home, adult day care center, or adult
8 family-care home.

9 Section 6. An employee hired on or after July 1, 2002,
10 need not comply with the guidelines created in this act before
11 July 1, 2003, or July 1, 2004, as provided in this act.

12 Section 7. The Department of Elderly Affairs or its
13 designee must approve the initial and continuing training
14 provided pursuant to this act. The department shall keep a
15 list of current providers who are approved to provide initial
16 and continuing training. The department shall adopt rules to
17 establish standards for the trainers and the training required
18 in this act. Any trainer approved pursuant to this act shall
19 be considered to be an approved trainer for the purposes of
20 meeting the Alzheimer's training requirements for any entity
21 licensed under chapter 400, Florida Statutes. Any training
22 curricula approved pursuant to this act shall be considered to
23 meet the Alzheimer's training requirements for any entity
24 licensed under chapter 400, Florida Statutes, except that the
25 approved training curricula shall be considered to meet only a
26 part of the Alzheimer's training requirements for assisted
27 living facilities licensed under part III of chapter 400,
28 Florida Statutes. A trainer shall submit to the department or
29 its designee the additional curricula necessary to meet the
30 Alzheimer's training requirements set forth in s. 400.4178,
31 Florida Statutes, for employees of assisted living facilities.

1 The department shall apply the training completed by employees
2 who meet the Alzheimer's training requirements for any entity
3 licensed pursuant to part II, part IV, part V, part VI, or
4 part VII of chapter 400, Florida Statutes, toward the
5 completion of the additional Alzheimer's training required in
6 s. 400.4178, Florida Statutes.

7 Section 8. The Legislature finds that Alzheimer's
8 disease and related disorders pose an urgent health need in
9 this state. Therefore, each state university, college, or
10 postsecondary school that prepares undergraduate or graduate
11 students for health professions as described in chapter 456,
12 Florida Statutes, is encouraged to include in its curriculum
13 basic training about Alzheimer's disease and related
14 disorders.

15 Section 9. Except as otherwise provided herein, this
16 act shall take effect July 1, 2002.

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19 HOUSE SUMMARY

20
21 Creates the Florida Alzheimer's Training Act. Prescribes
22 training standards, effective July 1, 2003, for new
23 employees of adult day care centers and hospices who
24 provide care for persons with Alzheimer's disease or a
25 related disorder. Prescribes training standards,
26 effective July 1, 2004, for new employees of home health
27 agencies and adult family-care homes who provide such
28 care. Specifies duties of the Department of Elderly
29 Affairs with respect to approval of training and
30 trainers. Authorizes the department to adopt rules.
31 Provides for cross-application among such facilities of
the training provided to their employees under the act,
and provides for the application of such training with
respect to employees of nursing homes and assisted living
facilities. Encourages postsecondary educational
institutions to include basic training about Alzheimer's
disease and related disorders in their curriculum for
students in the health professions.