



503718

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Budget (Wise) recommended the following:

Senate Amendment (with title amendment)

Between lines 3416 and 3417
insert:

Section 83. Subsections (3), (5), and (8) of section 429.52, Florida Statutes, are amended, present subsection (11) of that section is redesignated as subsection (12), and a new subsection (11) is added to that section, to read:

429.52 Staff training and educational programs; core educational requirement.—

(3) Effective January 1, 2004, a new facility administrator must complete the required training and education, including the competency test, within a reasonable time after being employed



503718

14 as an administrator, as determined by the department. Failure to
15 do so is a violation of this part and subjects the violator to
16 an administrative fine as prescribed in s. 429.19.

17 Administrators licensed in accordance with part II of chapter
18 468 are exempt from this requirement. ~~Other licensed~~
19 ~~professionals may be exempted, as determined by the department~~
20 ~~by rule.~~

21 (5) Staff involved with the management of medications and
22 assisting with the self-administration of medications under s.
23 429.256 must complete a minimum of 4 additional hours of
24 training provided by a registered nurse, licensed pharmacist, or
25 department staff, and must complete 2 hours of continuing
26 education training annually. ~~The department shall establish by~~
27 ~~rule the minimum requirements of this additional training.~~

28 (8) The department shall adopt rules related to these
29 training requirements, the competency test, necessary
30 procedures, and competency test fees and shall adopt or contract
31 with another entity to develop a curriculum, which shall be used
32 as the minimum core training requirements. The department shall
33 consult with representatives of ~~stakeholder~~ associations and
34 organizations representing assisted living facilities and
35 agencies in the development of the curriculum.

36 (11) A trainer certified by the department must meet
37 continuing educational requirements and other standards as set
38 forth in rules adopted by the department. A trainer or trainee
39 may be sanctioned pursuant to s. 430.081 for failing to comply
40 with the standards set forth in the rules.

41 Between lines 3529 and 3530
42 insert:



503718

43 Section 87. Section 430.081, Florida Statutes, is created to
44 read:

45 430.081 Sanctioning of trainers and trainees.—

46 (1) The Department of Elderly Affairs may sanction trainers
47 and trainees for infractions involving any required training
48 that the department has the authority to regulate under chapter
49 400, chapter 429, or chapter 430 in order to ensure that such
50 trainers and trainees satisfy specific qualification
51 requirements and adhere to training curricula that is approved
52 by the department.

53 (2) Training infractions include, but are not limited to,
54 falsification of training records, falsification of training
55 certificates, falsification of a trainer's qualifications,
56 failure to adhere to the required number of training hours,
57 failure to use the required curriculum, failure to maintain the
58 continuing education for the trainer's recertification, failure
59 to obtain reapproval of a curriculum when required, providing
60 false or inaccurate information, misrepresentation of the
61 required materials, and use of a false identification as a
62 trainer or trainee.

63 (3) Sanctions may be progressive in nature and may consist
64 of corrective action measures; suspension or termination from
65 participation as an approved trainer or trainee, including
66 sitting for any required examination; and administrative fines
67 not to exceed \$1,000 per incident. One or more sanctions may be
68 levied per incident.

69
70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:



503718

72 Delete lines 294 - 304
73 and insert:
74 care in an assisted living facility; amending s.
75 429.52, F.S.; revising provisions relating to staff
76 training and educational requirements; requiring that
77 a trainer who is certified by the department continue
78 to meet continuing education requirements; amending s.
79 429.53, F.S.; revising provisions relating to
80 consultation by the agency; revising a definition;
81 amending s. 429.54, F.S.; requiring licensed assisted
82 living facilities to electronically report certain
83 data semiannually to the agency in accordance with
84 rules adopted by the department; amending s. 429.71,
85 F.S.; revising schedule of inspection violations for
86 adult family-care homes; amending s. 429.915, F.S.;
87 revising agency responsibilities regarding the
88 issuance of conditional licenses; creating s. 430.081,
89 F.S.; authorizing the Department of Elderly Affairs to
90 sanction trainers and trainees for infractions
91 involving required training under ch. 400, ch. 429, or
92 ch. 430, F.S.; providing training infractions;
93 providing for sanctions; repealing s.