

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Corcoran offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
7 Section 1. Subsection (2) of section 429.917, Florida
8 Statutes, is amended to read:

9 429.917 Patients with Alzheimer's disease or other related
10 disorders; staff training requirements; certain disclosures.—

11 (2) A center licensed under this part which claims that it
12 provides special care for persons who have Alzheimer's disease
13 or other related disorders must disclose in its advertisements
14 or in a separate document those services that distinguish the
15 care as being especially applicable to, or suitable for, such
16 persons. The center must give a copy of all such advertisements
17 or a copy of the document to each person who requests
18 information about the center and must maintain a copy of all
19 such advertisements and documents in its records. The agency

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20 shall examine all such advertisements and documents in the
21 center's records as part of the license renewal procedure. An
22 adult day care center may not claim to be licensed or designated
23 to provide specialized Alzheimer's services unless the adult day
24 care center's license has been designated as such pursuant to s.
25 429.918.

26 Section 2. Section 429.918, Florida Statutes, is created
27 to read:

28 429.918 Licensure designation as a specialized Alzheimer's
29 services adult day care center.-

30 (1) This act may be cited as the "Specialized Alzheimer's
31 Services Adult Day Care Act."

32 (2) As used in this section, the term:

33 (a) "ADRD participant" means a participant who has a
34 documented diagnosis of Alzheimer's disease or a dementia-
35 related disorder (ADRD) from a licensed physician, licensed
36 physician assistant, or a licensed advanced registered nurse
37 practitioner.

38 (b) "Dementia" means the loss of at least two intellectual
39 functions, such as thinking, remembering, and reasoning, which
40 is severe enough to interfere with a person's daily function.
41 The term does not describe a disease, but describes a group of
42 symptoms that may accompany certain diseases or physical
43 conditions.

44 (c) "Specialized Alzheimer's services" means therapeutic,
45 behavioral, health, safety, and security interventions; clinical
46 care; support services; and educational services that are
47 customized for the specialized needs of a participant's

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48 caregiver and the participant who is affected by Alzheimer's
49 disease or an irreversible, degenerative condition resulting in
50 dementia.

51 (d) "Therapeutic activity" means an individual or group
52 activity that is intended to promote, maintain, or enhance the
53 ADRD participant's physical, cognitive, social, spiritual, or
54 emotional health.

55 (3) An adult day care center may apply to the agency to
56 have its license issued under s. 429.907, designated as a
57 "specialized Alzheimer's services adult day care center," if the
58 requirements under this section have been met.

59 (a) The adult day care center must notify the agency at
60 least 30 days prior to initial licensure under s. 429.907 or, if
61 already licensed, at least 6 months prior to the expiration of a
62 license issued under s. 429.907, that the adult day care center
63 is seeking a designation as a specialized Alzheimer's services
64 adult day care center.

65 (b) The agency, after receiving the notification pursuant
66 to paragraph (a), may make a determination at an initial
67 licensure inspection or at a licensure renewal inspection as to
68 whether the adult day care center meets the requirements of this
69 section to be designated as a specialized Alzheimer's services
70 adult day care center. If the agency determines that the adult
71 day care center meets the requirements of this section it must
72 designate the adult day care center as a specialized Alzheimer's
73 services adult day care center at the time of initial licensure
74 or at licensure renewal.

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75 (c) If the agency, during the initial or renewal
76 inspection, determines that the adult day care center has
77 committed an act under s. 429.911(2), the agency may deny the
78 request for the designation or revoke such designation.

79 (d) The agency may at any time revoke the designation if
80 the adult day care center fails to maintain the requirements
81 under this section.

82 (4) To obtain or maintain the designation under this
83 section, an adult day care center must:

84 (a) Have a mission statement that includes a commitment to
85 providing dementia-specific services and disclose in the
86 center's advertisements or in a separate document, which must be
87 made available to the public upon request, the services that
88 distinguish the care as being suitable for a person who has
89 Alzheimer's disease or a dementia-related disorder.

90 (b) Provide ADRD participants with a program for dementia-
91 specific, therapeutic activities, including, but not limited to,
92 physical, cognitive, and social activities appropriate for the
93 ADRD participant's age, culture, and level of function.

94 (c) Maintain at all times a minimum staff-to-participant
95 ratio of one staff member who provides direct services for every
96 five ADRD participants.

97 (d) Provide ADRD participants with a program for
98 therapeutic activity at least 70 percent of the time that the
99 center is open.

100 (e) Provide ADRD participants with hands-on assistance
101 with activities of daily living, inclusive of the provision of
102 urinary and bowel incontinence care.

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103 (f) Use assessment tools that identify the ADRD
104 participant's cognitive deficits and identify the specialized
105 and individualized needs of the ADRD participant and the
106 caregiver. This assessment shall be conducted when the ADRD
107 participant is initially admitted into the center and shall be
108 updated when the ADRD participant experiences a significant
109 change, but no less frequently than annually.

110 (g) Create an individualized plan of care for each ADRD
111 participant which addresses the identified, dementia-specific
112 needs of the ADRD participant and the caregiver. The plan of
113 care shall be established when the ADRD participant is initially
114 admitted into the center and reviewed at least quarterly.

115 (h) Conduct a monthly health assessment of each ADRD
116 participant which includes, but is not limited to, the ADRD
117 participant's weight, vital signs, and level of assistance
118 needed with activities of daily living.

119 (i) Complete a monthly update in each ADRD participant's
120 file regarding the ADRD participant's status or progress toward
121 meeting the goals indicated on the individualized plan of care.

122 (j) Assist in the referral or coordination of other
123 dementia-specific services and resources needed by the ADRD
124 participant or the caregiver, such as medical services,
125 counseling, medical planning, legal planning, financial
126 planning, safety and security planning, disaster planning,
127 driving assessment, transportation coordination, or wandering
128 prevention.

129 (k) Offer, facilitate, or provide referrals to a support
130 group for persons who are caregivers to ADRD participants.

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131 (l) Provide dementia-specific educational materials
132 regularly to ADRD participants, as appropriate, and their
133 caregivers.

134 (m) Routinely conduct and document a count of all ADRD
135 participants present in the center throughout each day. This
136 count must be compared to each ADRD participant's attendance
137 record in order to ensure that an ADRD participant is not
138 missing from the center.

139 (n) Be a secured unit or have working alarm or security
140 devices installed on every door that is accessible to the ADRD
141 participant and provides egress from the center or areas of the
142 center designated for the provision of adult day care -
143 specialized Alzheimer's services.

144 (o) Not allow an ADRD participant to administer his or her
145 own medication.

146 (p) Condition the ADRD participant's eligibility for
147 admission on whether the ADRD participant has a coordinated mode
148 of transportation to and from the adult day care center, to
149 ensure that the participant does not drive to or from the
150 center.

151 (5) (a) The operator of an adult day care center having a
152 license designated under this section, and the operator's
153 designee, as applicable, hired on or after July 1, 2012, shall:

154 1. Have at least a bachelor's degree in health care
155 services, social services, or a related field, 1 year of staff
156 supervisory experience in a social services or health care
157 services setting, and a minimum of 1 year of experience in
158 providing services to persons who have dementia;

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159 2. Be a registered or practical nurse licensed in this
160 state, have 1 year of staff supervisory experience in a social
161 services or health care services setting, and have a minimum of
162 1 year of experience in providing services to persons who have
163 dementia; or

164 3. Have 5 years of staff supervisory experience in a
165 social services or health care services setting and a minimum of
166 3 years of experience in providing services to persons who have
167 dementia.

168 (b) The owner must sign an affidavit under penalty of
169 perjury stating that he or she has verified that the operator,
170 and the operator's designee, if any, has completed the education
171 and experience requirements of this subsection.

172 (6) (a) An adult day care center having a license
173 designated under this section must provide the following staff
174 training and supervision:

175 1. A registered nurse or licensed practical nurse must be
176 on site daily for at least 75 percent of the time that the
177 center is open to ADRD participants. Each licensed practical
178 nurse who works at the center must be supervised in accordance
179 with chapter 464.

180 2. Upon beginning employment with the center, each
181 employee must receive and review basic written information about
182 interacting with ADRD participants.

183 3. In addition to the information provided in subparagraph
184 2., every employee hired on or after July 1, 2012, who has
185 direct contact with ADRD participants shall complete 4 hours of
186 dementia-specific training within 3 months after employment.

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187 4. In addition to the requirements of subparagraphs 2. and
188 3., each employee hired on or after July 1, 2012, who provides
189 direct care to ADRD participants shall complete an additional 4
190 hours of dementia-specific training within 6 months after
191 employment.

192 (b) The Department of Elderly Affairs or its designee
193 shall approve the training required under this section. The
194 department shall adopt rules to establish standards for
195 employees who are subject to this training, for trainers, and
196 for the training required in this section.

197 (c) Upon completing any training described in this
198 section, the employee shall be issued a certificate that
199 includes the name of the training provider, the topics covered,
200 and the date and signature of the training provider. The
201 certificate is evidence of completion of training in the
202 identified topics, and the employee is not required to repeat
203 training in those topics if the employee changes employment to a
204 different adult day care center.

205 (d) Each employee hired on or after July 1, 2012, who
206 provides direct care to ADRD participants, must receive and
207 review an orientation plan that includes, at a minimum:

208 1. Procedures to locate an ADRD participant who has
209 wandered from the center. These procedures shall be reviewed
210 regularly with all direct care staff.

211 2. Information on the Silver Alert program in this state.

212 3. Information regarding available products or programs
213 used to identify ADRD participants or prevent them from
214 wandering away from the center, their home, or other locations.

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215 (7) (a) An ADRD participant admitted to an adult day care
216 center having a license designated under this section, or the
217 caregiver when applicable, must:

218 1. Require ongoing supervision to maintain the highest
219 level of medical or custodial functioning and have a
220 demonstrated need for a responsible party to oversee his or her
221 care.

222 2. Not actively demonstrate aggressive behavior that
223 places himself, herself, or others at risk of harm.

224 3. Provide the following medical documentation signed by a
225 licensed physician, licensed physician assistant, or a licensed
226 advanced registered nurse practitioner:

227 a. Any physical, health, or emotional conditions that
228 require medical care.

229 b. A listing of the ADRD participant's current prescribed
230 and over-the-counter medications and dosages, diet restrictions,
231 mobility restrictions, and other physical limitations.

232 4. Provide documentation signed by a health care provider
233 licensed in this state which indicates that the ADRD participant
234 is free of the communicable form of tuberculosis and free of
235 signs and symptoms of other communicable diseases.

236 (b) Before admitting an ADRD participant to an adult day
237 care center that has a license designated under this section,
238 the center shall determine whether:

239 1. The medical, psychological, safety, and behavioral
240 support and intervention required by the ADRD participant can be
241 provided by the center.

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242 2. The resources required to assist with the ADRD
243 participant's acuity level of care and support needed can be
244 provided or coordinated by the center.

245 (8) (a) An ADRD participant's file must include a data
246 sheet, which must be completed within 45 days before or within
247 24 hours after admission to an adult day care center having a
248 license designated under this section. The data sheet must
249 contain:

250 1. Information regarding the status of the ADRD
251 participant's enrollment in an identification or wandering-
252 prevention program, including the name of the program; and

253 2. A current photograph of the ADRD participant.

254 (b) Dementia-specific services shall be documented in the
255 ADRD participant's file.

256 (c) Notes regarding services provided to the ADRD
257 participant must be entered at least monthly in the ADRD
258 participant's file, and must indicate the ADRD participant's
259 status or progress toward achieving identified goals. Additional
260 notes must be entered more frequently if indicated by the ADRD
261 participant's condition.

262 (d) An ADRD participant, or the participant's caregiver,
263 shall annually provide the center with updated medical
264 documentation required under subparagraphs (7) (a) 3. and 4., and
265 the center must place that documentation in the ADRD
266 participant's file.

267 (9) An adult day care center having a license designated
268 under this section must give to each person who enrolls as an
269 ADRD participant in the center, or the caregiver, a copy of the

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270 ADRD participant's plan of care, as well as information
271 regarding resources to assist in ensuring the safety and
272 security of the ADRD participant, which must include, but need
273 not be limited to, information pertaining to driving for those
274 persons affected by dementia, available technology on wandering-
275 prevention devices and identification devices, the Silver Alert
276 program in this state, and dementia-specific safety
277 interventions and strategies that can be used in the home
278 setting.

279 (10) If an ADRD participant's enrollment in the center is
280 involuntarily terminated due to medical or behavioral reasons,
281 the center shall coordinate and execute appropriate discharge
282 procedures, to be determined by rule, with the ADRD participant
283 and the caregiver.

284 (11) This section does not prohibit an adult day care
285 center that is licensed pursuant to s. 429.907, and without a
286 designation under this section, from providing adult day care
287 services to persons who have Alzheimer's disease or other
288 dementia-related disorders.

289 (12) The Department of Elderly Affairs may adopt rules to
290 administer this section.

291 Section 3. This act shall take effect July 1, 2012.

292

293

294 **T I T L E A M E N D M E N T**

295 Remove the entire title and insert:

296 A bill to be entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 529 (2012)

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297 | An act relating to adult day care centers; amending s.
298 | 429.917, F.S.; prohibiting an adult day care center
299 | from claiming to be licensed or designated as a
300 | specialized Alzheimer's services adult day care center
301 | under certain circumstances; creating s. 429.918,
302 | F.S.; providing a short title; providing definitions;
303 | providing for the licensure designation of adult day
304 | care centers that provide specialized Alzheimer's
305 | services by the Agency for Health Care Administration;
306 | providing for the denial or revocation of such
307 | designation under certain circumstances; requiring an
308 | adult day care center seeking such designation to meet
309 | specified criteria; providing educational and
310 | experience requirements for the operator of an adult
311 | day care center seeking licensure designation as a
312 | specialized Alzheimer's services adult day care
313 | center; providing criteria for staff training and
314 | supervision; requiring the Department of Elderly
315 | Affairs to approve the staff training; requiring the
316 | department to adopt rules; requiring that the employee
317 | be issued a certificate upon completion of the staff
318 | training; providing requirements for staff
319 | orientation; providing requirements for admission into
320 | such an adult day care center; requiring that a
321 | participant's file include a data sheet, which shall
322 | be completed within a certain timeframe; requiring
323 | that certain information be included in the data
324 | sheet; requiring that dementia-specific services be

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325 documented in a participant's file; requiring that a
326 participant's plan of care be reviewed quarterly;
327 requiring that certain notes be entered into a
328 participant's file; requiring the participant, or
329 caregiver, to provide the adult day care center with
330 updated medical documentation; requiring the center to
331 give each person who enrolls as a participant, or the
332 caregiver, a copy of the participant's plan of care
333 and safety information; requiring that the center
334 coordinate and execute discharge procedures with a
335 participant who has a documented diagnosis of
336 Alzheimer's disease or a dementia-related disorder and
337 the caregiver if the participant's enrollment in the
338 center is involuntarily terminated; providing that the
339 act does not prohibit a licensed adult day care center
340 that does not receive such a designation from
341 providing adult day care services to persons who have
342 Alzheimer's disease or other dementia-related
343 disorders; authorizing the Department of Elderly
344 Affairs to adopt rules; providing an effective date.