

1 A bill to be entitled
2 An act relating to adult day care centers; amending s.
3 429.917, F.S.; prohibiting an adult day care center
4 from claiming to be licensed to provide specialized
5 Alzheimer's services under certain circumstances;
6 creating s. 429.918, F.S.; providing a short title;
7 providing definitions; providing for the voluntary
8 licensure of adult day care centers that provide
9 specialized Alzheimer's services; requiring an adult
10 day care center seeking such licensure to meet
11 specified criteria; providing educational and
12 experience requirements for the operator of an adult
13 day care center seeking licensure to provide
14 specialized Alzheimer's services; providing criteria
15 for staff training and supervision; requiring that the
16 Department of Elderly Affairs approve the staff
17 training; requiring the department to adopt rules;
18 requiring that the employee be issued a certificate
19 upon completion of the staff training; providing
20 requirements for staff orientation; providing
21 requirements for admission into such an adult day care
22 center; requiring that a participant's file include a
23 data sheet, which shall be completed within a certain
24 timeframe; requiring that certain information be
25 included in the data sheet; requiring that dementia-
26 specific services be documented in a participant's
27 file; requiring that a participant's plan of care be
28 reviewed quarterly; requiring that certain notes be

CS/HB 529

2012

29 entered into a participant's file; requiring the
30 participant to provide the adult day care center with
31 updated medical documentation; requiring the center to
32 give each person who enrolls as a participant, or the
33 caregiver, a copy of the participant's plan of care
34 and safety information; requiring that the center
35 coordinate and execute discharge procedures with a
36 participant who has a documented diagnosis of
37 Alzheimer's disease or a dementia-related disorder and
38 the caregiver if the participant's enrollment in the
39 center is involuntarily terminated; providing that the
40 act does not prohibit an adult day care center that
41 does not become licensed to provide specialized
42 Alzheimer's services from providing adult day care
43 services to persons who have Alzheimer's disease or
44 other dementia-related disorders; authorizing the
45 Department of Elderly Affairs to adopt rules;
46 providing an effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Subsection (2) of section 429.917, Florida
51 Statutes, is amended to read:

52 429.917 Patients with Alzheimer's disease or other related
53 disorders; staff training requirements; certain disclosures.—

54 (2) A center licensed under this part which claims that it
55 provides special care for persons who have Alzheimer's disease
56 or other related disorders must disclose in its advertisements

57 | or in a separate document those services that distinguish the
 58 | care as being especially applicable to, or suitable for, such
 59 | persons. The center must give a copy of all such advertisements
 60 | or a copy of the document to each person who requests
 61 | information about the center and must maintain a copy of all
 62 | such advertisements and documents in its records. The agency
 63 | shall examine all such advertisements and documents in the
 64 | center's records as part of the license renewal procedure. An
 65 | adult day care center may not claim to be licensed to provide
 66 | specialized Alzheimer's services unless it has been licensed
 67 | pursuant to s. 429.918.

68 | Section 2. Section 429.918, Florida Statutes, is created
 69 | to read:

70 | 429.918 Specialized Alzheimer's services licensure.-

71 | (1) This section may be cited as the "Specialized
 72 | Alzheimer's Services Adult Day Care Act."

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

74 | (a) "ADRD participant" means a participant who has a
 75 | documented diagnosis of Alzheimer's disease or a dementia-
 76 | related disorder (ADRD) from a licensed physician or a health
 77 | care provider who is under the direct supervision of a licensed
 78 | physician.

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

85 (c) "Specialized Alzheimer's services" means therapeutic,
86 behavioral, health, safety, and security interventions; clinical
87 care; support services; and educational services that are
88 customized for the specialized needs of an ADRD participant's
89 caregiver and the participant who is affected by Alzheimer's
90 disease or an irreversible, degenerative condition resulting in
91 dementia.

92 (3) In addition to the standards required for licensure as
93 an adult day care center under this part, an adult day care
94 center may seek voluntary licensure under this section as a
95 specialized Alzheimer's services licensee.

96 (4) An adult day care center seeking licensure under this
97 section must:

98 (a) Have a mission statement that includes a commitment to
99 proving dementia-specific services and disclose in the center's
100 advertisements or in a separate document the services that
101 distinguish the care as being suitable for a person who has
102 Alzheimer's disease or a dementia-related disorder.

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

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

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

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

116 (f) Use assessment tools that identify the ADRD
117 participant's cognitive deficits and identify the specialized
118 and individualized needs of the ADRD participant and the
119 caregiver. This assessment shall be conducted when the ADRD
120 participant is initially admitted into the center and shall be
121 updated when the ADRD participant experiences a significant
122 change, but no less frequently than annually.

123 (g) Create an individualized plan of care for each ADRD
124 participant which addresses the identified, dementia-specific
125 needs of the ADRD participant and the caregiver. The plan of
126 care shall be established when the ADRD participant is initially
127 admitted into the center and reviewed at least quarterly.

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

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

135 (j) Assist in the referral or coordination of other
136 dementia-specific services and resources needed by the ADRD
137 participant or the caregiver, such as medical services,
138 counseling, medical planning, legal planning, financial
139 planning, safety and security planning, disaster planning,
140 driving assessment, transportation coordination, or wandering

141 prevention.

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

144 (l) Provide dementia-specific educational materials
145 regularly to ADRD participants, as appropriate, and their
146 caregivers.

147 (m) Routinely conduct and document a count of all ADRD
148 participants present in the center throughout each day. This
149 count must be compared to each ADRD participant's attendance
150 record in order to ensure that an ADRD participant is not
151 missing from the center.

152 (n) Be a secured unit or have working alarm or security
153 devices installed on every door that is accessible to the ADRD
154 participants and provides egress from the center or areas of the
155 center designated for the provision of specialized Alzheimer's
156 adult day care services.

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

159 (p) Not allow an ADRD participant to drive himself or
160 herself to or from the center.

161 (5) The operator of an adult day care center licensed
162 under this section, and the operator's designee, as applicable,
163 hired on or after July 1, 2012, shall:

164 (a) Have at least a bachelor's degree in health care
165 services, social services, or a related field, at least 1 year
166 of supervisory experience in a social services or health care
167 services setting, and at least 1 year of experience in providing
168 services to persons who have dementia;

169 (b) Be a registered or practical nurse licensed in this
 170 state, have at least 1 year of supervisory experience in a
 171 social services or health care services setting, and have at
 172 least 1 year of experience in providing services to persons who
 173 have dementia; or

174 (c) Have at least 5 years of supervisory experience in a
 175 social services or health care services setting and at least 3
 176 years of experience in providing services to persons who have
 177 dementia.

178 (6) (a) An adult day care center licensed under this
 179 section must provide the following staff training and
 180 supervision:

181 1. A registered nurse or licensed practical nurse must be
 182 on site daily for at least 75 percent of the time that the
 183 center is open to ADRD participants. Each licensed practical
 184 nurse who works at the center must be supervised in accordance
 185 with chapter 464.

186 2. Upon beginning employment with the center, each
 187 employee must receive basic written information about
 188 interacting with ADRD participants.

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

194 4. In addition to the requirements of subparagraphs 2. and
 195 3., each employee hired on or after July 1, 2012, who provides
 196 direct care to ADRD participants shall complete an additional 4

197 hours of dementia-specific training within 6 months after
198 beginning employment.

199 (b) The Department of Elderly Affairs or its designee
200 shall approve the training required under this section. The
201 department shall adopt rules to establish standards for
202 employees who are subject to this training, for trainers, and
203 for the training required in this section.

204 (c) Upon completing any training described in this
205 section, the employee shall be issued a certificate that
206 includes the name of the training provider, the topics covered,
207 and the date and signature of the training provider. The
208 certificate is evidence of completion of training in the
209 identified topics, and the employee is not required to repeat
210 training in those topics if the employee changes employment to a
211 different adult day care center.

212 (d) Each employee hired on or after July 1, 2012, who
213 provides direct care to ADRD participants, must receive an
214 orientation plan that includes, at a minimum:

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

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

219 3. Information regarding available products or programs
220 used to identify ADRD participants or prevent them from
221 wandering away from the center, their homes, or other locations.

222 (7) (a) An ADRD participant admitted to an adult day care
223 center licensed under this section must:

224 1. Require ongoing supervision to maintain the highest

225 level of medical or custodial functioning and have a
 226 demonstrated need for a responsible party to oversee his or her
 227 care.

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

230 3. Provide the following medical documentation signed by a
 231 licensed physician or a health care provider who is under the
 232 direct supervision of a licensed physician:

233 a. Any physical, health, or emotional condition that
 234 requires medical care.

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

238 4. Provide documentation signed by a health care provider
 239 licensed in this state which indicates that the ADRD participant
 240 is free of the communicable form of tuberculosis and free of
 241 signs and symptoms of other communicable diseases.

242 (b) Before admitting an ADRD participant to an adult day
 243 care center licensed under this section, the center shall
 244 determine whether:

245 1. The medical, psychological, safety, and behavioral
 246 support and intervention required by the ADRD participant can be
 247 provided by the center.

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

251 (8) (a) An ADRD participant's file must include a data
 252 sheet, which must be completed within 45 days before or within

253 24 hours after admission to an adult day care center licensed
254 under this section. The data sheet must contain:

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

258 2. A current photograph of the ADRD participant.

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

261 (c) An ADRD participant's plan of care must be reviewed at
262 least quarterly. Notes regarding services provided to the ADRD
263 participant must be entered at least monthly in the ADRD
264 participant's file, and must indicate the ADRD participant's
265 status or progress toward achieving identified goals. Additional
266 notes must be entered more frequently if indicated by the ADRD
267 participant's condition.

268 (d) An ADRD participant shall annually provide the center
269 with updated medical documentation required under subparagraphs
270 (7)(a)3. and 4., and the center must place that documentation in
271 the ADRD participant's file.

272 (9) An adult day care center licensed under this section
273 must give to each person who enrolls as an ADRD participant in
274 the center, or the caregiver, a copy of the ADRD participant's
275 plan of care, as well as information regarding resources to
276 assist in ensuring the safety and security of the ADRD
277 participant, which must include, but need not be limited to,
278 information pertaining to driving for those persons affected by
279 dementia, available technology on wandering-prevention devices
280 and identification devices, the Silver Alert program in this

CS/HB 529

2012

281 state, and dementia-specific safety interventions and strategies
282 that can be used in the home setting.

283 (10) If an ADRD participant's enrollment in the center is
284 involuntarily terminated due to medical or behavioral reasons,
285 the center shall coordinate and execute appropriate discharge
286 procedures with the ADRD participant and the caregiver.

287 (11) This section does not prohibit an adult day care
288 center that does not become licensed under this section from
289 providing adult day care services to persons who have
290 Alzheimer's disease or other dementia-related disorders.

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

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