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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2012	.	
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The Committee on Children, Families, and Elder Affairs (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

(2) A center licensed under this part which claims that it provides special care for persons who have Alzheimer's disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the



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13 care as being especially applicable to, or suitable for, such
14 persons. The center must give a copy of all such advertisements
15 or a copy of the document to each person who requests
16 information about the center and must maintain a copy of all
17 such advertisements and documents in its records. The agency
18 shall examine all such advertisements and documents in the
19 center's records as part of the license renewal procedure. An
20 adult day care center may not claim to be licensed to provide
21 specialized Alzheimer's services unless it has been licensed
22 pursuant to s. 429.918.

23 Section 2. Section 429.918, Florida Statutes, is created to
24 read:

25 429.918 Certification for specialized Alzheimer's
26 services.-

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

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

30 (a) "ADRD participant" means a participant who has a
31 documented diagnosis of Alzheimer's disease or a dementia-
32 related disorder (ADRD) from a licensed physician or a health
33 care provider who is under the direct supervision of a licensed
34 physician.

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

41 (c) "Specialized Alzheimer's services" means therapeutic,



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42 behavioral, health, safety, and security interventions; clinical
43 care; support services; and educational services that are
44 customized for the specialized needs of a participant's
45 caregiver and the participant who is affected by Alzheimer's
46 disease or an irreversible, degenerative condition resulting in
47 dementia.

48 (3) In addition to the standards required for licensure as
49 an adult day care center under this part, an adult day care
50 center may seek voluntary licensure under this section as an
51 adult day care center - specialized Alzheimer's services.

52 (4) An adult day care center seeking licensure under this
53 section must:

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

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

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

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

69 (e) Provide ADRD participants with hands-on assistance with
70 activities of daily living, inclusive of the provision of



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71 urinary and bowel incontinence care.

72 (f) Use assessment tools that identify the ADRD
73 participant's cognitive deficits and identify the specialized
74 and individualized needs of the ADRD participant and the
75 caregiver. This assessment shall be conducted when the ADRD
76 participant is initially admitted into the center and shall be
77 updated when the ADRD participant experiences a significant
78 change, but no less frequently than annually.

79 (g) Create an individualized plan of care for each ADRD
80 participant which addresses the identified, dementia-specific
81 needs of the ADRD participant and the caregiver. The plan of
82 care shall be established when the ADRD participant is initially
83 admitted into the center and reviewed at least quarterly.

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

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

91 (j) Assist in the referral or coordination of other
92 dementia-specific services and resources needed by the ADRD
93 participant or the caregiver, such as medical services,
94 counseling, medical planning, legal planning, financial
95 planning, safety and security planning, disaster planning,
96 driving assessment, transportation coordination, or wandering
97 prevention.

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



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100 (l) Provide dementia-specific educational materials
101 regularly to ADRD participants, as appropriate, and their
102 caregivers.

103 (m) Routinely conduct and document a count of all ADRD
104 participants present in the center throughout each day. This
105 count must be compared to each ADRD participant's attendance
106 record in order to ensure that an ADRD participant is not
107 missing from the center.

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

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

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

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

120 (a) Have at least a bachelor's degree in health care
121 services, social services, or a related field, 1 year of
122 supervisory experience in a social services or health care
123 services setting, and a minimum of 1 year of experience in
124 providing services to persons who have dementia;

125 (b) Be a registered or practical nurse licensed in this
126 state, have 1 year of supervisory experience in a social
127 services or health care services setting, and have a minimum of
128 1 year of experience in providing services to persons who have



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129 dementia; or

130 (c) Have 5 years of supervisory experience in a social
131 services or health care services setting and a minimum of 3
132 years of experience in providing services to persons who have
133 dementia.

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

136 1. A registered nurse or licensed practical nurse must be
137 on site daily for at least 75 percent of the time that the
138 center is open to ADRD participants. Each licensed practical
139 nurse who works at the center must be supervised in accordance
140 with chapter 464.

141 2. Upon beginning employment with the center, each employee
142 must receive basic written information about interacting with
143 ADRD participants.

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

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

153 (b) The Department of Elderly Affairs or its designee shall
154 approve the training required under this section. The department
155 shall adopt rules to establish standards for employees who are
156 subject to this training, for trainers, and for the training
157 required in this section.



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158 (c) Upon completing any training described in this section,
159 the employee shall be issued a certificate that includes the
160 name of the training provider, the topics covered, and the date
161 and signature of the training provider. The certificate is
162 evidence of completion of training in the identified topics, and
163 the employee is not required to repeat training in those topics
164 if the employee changes employment to a different adult day care
165 center.

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

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

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

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

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

178 1. Require ongoing supervision to maintain the highest
179 level of medical or custodial functioning and have a
180 demonstrated need for a responsible party to oversee his or her
181 care.

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

184 3. Provide the following medical documentation signed by a
185 licensed physician or a health care provider who is under the
186 direct supervision of a licensed physician:



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187 a. Any physical, health, or emotional conditions that
188 require medical care.

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

192 4. Provide documentation signed by a health care provider
193 licensed in this state which indicates that the ADRD participant
194 is free of the communicable form of tuberculosis and free of
195 signs and symptoms of other communicable diseases.

196 (b) Before admitting an ADRD participant to an adult day
197 care center licensed under this section, the center shall
198 determine whether:

199 1. The medical, psychological, safety, and behavioral
200 support and intervention required by the ADRD participant can be
201 provided by the center.

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

205 (8) (a) An ADRD participant's file must include a data
206 sheet, which must be completed within 45 days before or within
207 24 hours after admission to an adult day care center licensed
208 under this section. The data sheet must contain:

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

212 2. A current photograph of the ADRD participant.

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

215 (c) An ADRD participant's plan of care must be reviewed at



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216 least quarterly. Notes regarding services provided to the ADRD
217 participant must be entered at least monthly in the ADRD
218 participant's file, and must indicate the ADRD participant's
219 status or progress toward achieving identified goals. Additional
220 notes must be entered more frequently if indicated by the ADRD
221 participant's condition.

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

226 (9) An adult day care center licensed under this section
227 must give to each person who enrolls as an ADRD participant in
228 the center, or the caregiver, a copy of the ADRD participant's
229 plan of care, as well as information regarding resources to
230 assist in ensuring the safety and security of the ADRD
231 participant, which must include, but need not be limited to,
232 information pertaining to driving for those persons affected by
233 dementia, available technology on wandering-prevention devices
234 and identification devices, the Silver Alert program in this
235 state, and dementia-specific safety interventions and strategies
236 that can be used in the home setting.

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

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



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

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

248
249 ===== T I T L E A M E N D M E N T =====

250 And the title is amended as follows:

251 Delete everything before the enacting clause
252 and insert:

253 A bill to be entitled
254 An act relating to adult day care centers; amending s.
255 429.917, F.S.; prohibiting an adult day care center
256 from claiming to be licensed to provide specialized
257 Alzheimer's services under certain circumstances;
258 creating s. 429.918, F.S.; providing a short title;
259 providing definitions; providing for the voluntary
260 licensure of adult day care centers that provide
261 specialized Alzheimer's services; requiring an adult
262 day care center seeking such licensure to meet
263 specified criteria; providing educational and
264 experience requirements for the operator of an adult
265 day care center seeking licensure to provide
266 specialized Alzheimer's services; providing criteria
267 for staff training and supervision; requiring that the
268 Department of Elderly Affairs approve the staff
269 training; requiring the department to adopt rules;
270 requiring that the employee be issued a certificate
271 upon completion of the staff training; providing
272 requirements for staff orientation; providing
273 requirements for admission into such an adult day care



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274 center; requiring that a participant's file include a
275 data sheet, which shall be completed within a certain
276 timeframe; requiring that certain information be
277 included in the data sheet; requiring that dementia-
278 specific services be documented in a participant's
279 file; requiring that a participant's plan of care be
280 reviewed quarterly; requiring that certain notes be
281 entered into a participant's file; requiring the
282 participant to provide the adult day care center with
283 updated medical documentation; requiring the center to
284 give each person who enrolls as a participant, or the
285 caregiver, a copy of the participant's plan of care
286 and safety information; requiring that the center
287 coordinate and execute discharge procedures with a
288 participant who has a documented diagnosis of
289 Alzheimer's disease or a dementia-related disorder and
290 the caregiver if the participant's enrollment in the
291 center is involuntarily terminated; providing that the
292 act does not prohibit an adult day care center that
293 does not become licensed to provide specialized
294 Alzheimer's services from providing adult day care
295 services to persons who have Alzheimer's disease or
296 other dementia-related disorders; authorizing the
297 Department of Elderly Affairs to adopt rules;
298 providing an effective date.