



905162

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/25/2012	.	
	.	
	.	
	.	

The Committee on Health Regulation (Fasano) 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



905162

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 or designated
21 to provide specialized Alzheimer's services unless the adult day
22 care center's license has been designated as such pursuant to s.
23 429.918.

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

26 429.918 Licensure designation as a specialized Alzheimer's
27 services adult day care center.—

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

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

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

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



905162

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

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

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

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

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



905162

71 services adult day care center at the time of initial licensure
72 or at licensure renewal.

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

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

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

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

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

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

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

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



905162

100 urinary and bowel incontinence care.

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

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

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

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

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

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



905162

- 129 (l) Provide dementia-specific educational materials
130 regularly to ADRD participants, as appropriate, and their
131 caregivers.
- 132 (m) Routinely conduct and document a count of all ADRD
133 participants present in the center throughout each day. This
134 count must be compared to each ADRD participant's attendance
135 record in order to ensure that an ADRD participant is not
136 missing from the center.
- 137 (n) Be a secured unit or have working alarm or security
138 devices installed on every door that is accessible to the ADRD
139 participant and provides egress from the center or areas of the
140 center designated for the provision of adult day care -
141 specialized Alzheimer's services.
- 142 (o) Not allow an ADRD participant to administer his or her
143 own medication.
- 144 (p) Condition the ADRD participant's eligibility for
145 admission on whether the ADRD participant has a coordinated mode
146 of transportation to and from the adult day care center, to
147 ensure the participant does not drive to or from the center.
- 148 (5) (a) The operator of an adult day care center having a
149 licensed designated under this section, and the operator's
150 designee, as applicable, hired on or after July 1, 2012, shall:
- 151 1. Have at least a bachelor's degree in health care
152 services, social services, or a related field, 1 year of staff
153 supervisory experience in a social services or health care
154 services setting, and a minimum of 1 year of experience in
155 providing services to persons who have dementia;
- 156 2. Be a registered or practical nurse licensed in this
157 state, have 1 year of staff supervisory experience in a social



905162

158 services or health care services setting, and have a minimum of
159 1 year of experience in providing services to persons who have
160 dementia; or

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

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

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

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

177 2. Upon beginning employment with the center, each employee
178 must receive and review basic written information about
179 interacting with ADRD participants.

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

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



905162

187 hours of dementia-specific training within 6 months after
188 employment.

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

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

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

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

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

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

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

215 1. Require ongoing supervision to maintain the highest



905162

216 level of medical or custodial functioning and have a
217 demonstrated need for a responsible party to oversee his or her
218 care.

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

221 3. Provide the following medical documentation signed by a
222 licensed physician, licensed physician assistant, or a licensed
223 advanced registered nurse practitioner:

224 a. Any physical, health, or emotional conditions that
225 require medical care.

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

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

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

236 1. The medical, psychological, safety, and behavioral
237 support and intervention required by the ADRD participant can be
238 provided by the center.

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

242 (8) (a) An ADRD participant's file must include a data
243 sheet, which must be completed within 45 days before or within
244 24 hours after admission to an adult day care center having a



905162

245 license designated under this section. The data sheet must
246 contain:

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

250 2. A current photograph of the ADRD participant.

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

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

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

264 (9) An adult day care center having a license designated
265 under this section must give to each person who enrolls as an
266 ADRD participant in the center, or the caregiver, a copy of the
267 ADRD participant's plan of care, as well as information
268 regarding resources to assist in ensuring the safety and
269 security of the ADRD participant, which must include, but need
270 not be limited to, information pertaining to driving for those
271 persons affected by dementia, available technology on wandering-
272 prevention devices and identification devices, the Silver Alert
273 program in this state, and dementia-specific safety



905162

274 interventions and strategies that can be used in the home
275 setting.

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

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

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

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

289
290

291 ===== T I T L E A M E N D M E N T =====

292 And the title is amended as follows:

293 Delete everything before the enacting clause
294 and insert:

295 A bill to be entitled

296 An act relating to adult day care centers;
297 amending s. 429.917, F.S.; prohibiting an adult day
298 care center from claiming to be licensed or designated
299 as a specialized Alzheimer's services adult day care
300 center under certain circumstances; creating s.

301 429.918, F.S.; providing a short title; providing
302 definitions; providing for the licensure designation



905162

303 of adult day care centers that provide specialized
304 Alzheimer's services by the Agency for Health Care
305 Administration; providing for the denial or revocation
306 of such designation under certain circumstances;
307 requiring an adult day care center seeking such
308 designation to meet specified criteria; providing
309 educational and experience requirements for the
310 operator of an adult day care center seeking licensure
311 designation as a specialized Alzheimer's services
312 adult day care center; providing criteria for staff
313 training and supervision; requiring the Department of
314 Elderly Affairs to approve the staff training;
315 requiring the department to adopt rules; requiring
316 that the employee be issued a certificate upon
317 completion of the staff training; providing
318 requirements for staff orientation; providing
319 requirements for admission into such an adult day care
320 center; requiring that a participant's file include a
321 data sheet, which shall be completed within a certain
322 timeframe; requiring that certain information be
323 included in the data sheet; requiring that dementia-
324 specific services be documented in a participant's
325 file; requiring that a participant's plan of care be
326 reviewed quarterly; requiring that certain notes be
327 entered into a participant's file; requiring the
328 participant, or caregiver, to provide the adult day
329 care center with updated medical documentation;
330 requiring the center to give each person who enrolls
331 as a participant, or the caregiver, a copy of the



905162

332 participant's plan of care and safety information;
333 requiring that the center coordinate and execute
334 discharge procedures with a participant who has a
335 documented diagnosis of Alzheimer's disease or a
336 dementia-related disorder and the caregiver if the
337 participant's enrollment in the center is
338 involuntarily terminated; providing that the act does
339 not prohibit a licensed adult day care center that
340 does not receive such a designation from providing
341 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.
345