

By the Committee on Children, Families, and Elder Affairs; and Senators Fasano, Haridopolos, Norman, Sachs, Gaetz, Bullard, and Garcia

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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
29 entered into a participant's file; requiring the

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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

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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 to
69 read:

70 429.918 Certification for specialized Alzheimer's
71 services.-

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

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

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

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

86 (c) "Specialized Alzheimer's services" means therapeutic,
87 behavioral, health, safety, and security interventions; clinical

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88 care; support services; and educational services that are
89 customized for the specialized needs of a participant's
90 caregiver and the participant who is affected by Alzheimer's
91 disease or an irreversible, degenerative condition resulting in
92 dementia.

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

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

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

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

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

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

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

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

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

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

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

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

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

145 (l) Provide dementia-specific educational materials

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146 regularly to ADRD participants, as appropriate, and their
147 caregivers.

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

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

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

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

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

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

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

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

179 (6) (a) An adult day care center licensed under this section
180 must provide the following staff training and 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 employee
187 must receive basic written information about interacting with
188 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 employment.

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

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

203 (c) Upon completing any training described in this section,

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

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

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

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

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

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

223 1. Require ongoing supervision to maintain the highest
224 level of medical or custodial functioning and have a
225 demonstrated need for a responsible party to oversee his or her
226 care.

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

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

232 a. Any physical, health, or emotional conditions that

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233 require medical care.

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

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

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

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

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

250 (8) (a) An ADRD participant's file must include a data
251 sheet, which must be completed within 45 days before or within
252 24 hours after admission to an adult day care center licensed
253 under this section. The data sheet must contain:

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

257 2. A current photograph of the ADRD participant.

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

260 (c) An ADRD participant's plan of care must be reviewed at
261 least quarterly. Notes regarding services provided to the ADRD

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262 participant must be entered at least monthly in the ADRD
263 participant's file, and must indicate the ADRD participant's
264 status or progress toward achieving identified goals. Additional
265 notes must be entered more frequently if indicated by the ADRD
266 participant's condition.

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

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

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

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

290 (12) The Department of Elderly Affairs may adopt rules to

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291 administer this section.

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