

By the Committees on Budget Subcommittee on Health and Human Services Appropriations; Health Regulation; and Children, Families, and Elder Affairs; and Senators Fasano, Haridopolos, Norman, Sachs, Gaetz, Bullard, Garcia, and Dockery

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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 or designated as a
5 specialized Alzheimer's services adult day care center
6 under certain circumstances; creating s. 429.918,
7 F.S.; providing a short title; providing definitions;
8 providing for the licensure designation of adult day
9 care centers that provide specialized Alzheimer's
10 services by the Agency for Health Care Administration;
11 providing for the denial or revocation of such
12 designation under certain circumstances; requiring an
13 adult day care center seeking such designation to meet
14 specified criteria; providing educational and
15 experience requirements for the operator of an adult
16 day care center seeking licensure designation as a
17 specialized Alzheimer's services adult day care
18 center; providing criteria for staff training and
19 supervision; requiring the Department of Elderly
20 Affairs to approve the staff training; requiring the
21 department to adopt rules; requiring that the employee
22 be issued a certificate upon completion of the staff
23 training; providing requirements for staff
24 orientation; providing requirements for admission into
25 such an adult day care center; requiring that a
26 participant's file include a data sheet, which shall
27 be completed within a certain timeframe; requiring
28 that certain information be included in the data
29 sheet; requiring that dementia-specific services be

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

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (2) of section 429.917, Florida
54 Statutes, is amended to read:

55 429.917 Patients with Alzheimer's disease or other related
56 disorders; staff training requirements; certain disclosures.—

57 (2) A center licensed under this part which claims that it
58 provides special care for persons who have Alzheimer's disease

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59 or other related disorders must disclose in its advertisements
60 or in a separate document those services that distinguish the
61 care as being especially applicable to, or suitable for, such
62 persons. The center must give a copy of all such advertisements
63 or a copy of the document to each person who requests
64 information about the center and must maintain a copy of all
65 such advertisements and documents in its records. The agency
66 shall examine all such advertisements and documents in the
67 center's records as part of the license renewal procedure. An
68 adult day care center may not claim to be licensed or designated
69 to provide specialized Alzheimer's services unless the adult day
70 care center's license has been designated as such pursuant to s.
71 429.918.

72 Section 2. Section 429.918, Florida Statutes, is created to
73 read:

74 429.918 Licensure designation as a specialized Alzheimer's
75 services adult day care center.-

76 (1) This act may be cited as the "Josephine Corcoran
77 Specialized Alzheimer's Services Adult Day Care Act."

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

79 (a) "ADRD participant" means a participant who has a
80 documented diagnosis of Alzheimer's disease or a dementia-
81 related disorder (ADRD) from a licensed physician, licensed
82 physician assistant, or a licensed advanced registered nurse
83 practitioner.

84 (b) "Dementia" means the loss of at least two intellectual
85 functions, such as thinking, remembering, and reasoning, which
86 is severe enough to interfere with a person's daily function.
87 The term does not describe a disease, but describes a group of

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88 symptoms that may accompany certain diseases or physical
89 conditions.

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

97 (d) "Therapeutic activity" means an individual or group
98 activity that is intended to promote, maintain, or enhance the
99 ADRD participant's physical, cognitive, social, spiritual, or
100 emotional health.

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

105 (a) The adult day care center must notify the agency at
106 least 30 days prior to initial licensure under s. 429.907 or, if
107 already licensed, at least 6 months prior to the expiration of a
108 license issued under s. 429.907, that the adult day care center
109 is seeking a designation as a specialized Alzheimer's services
110 adult day care center.

111 (b) The agency, after receiving the notification pursuant
112 to paragraph (a), may make a determination at an initial
113 licensure inspection or at a licensure renewal inspection as to
114 whether the adult day care center meets the requirements of this
115 section to be designated as a specialized Alzheimer's services
116 adult day care center. If the agency determines that the adult

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117 day care center meets the requirements of this section it must
118 designate the adult day care center as a specialized Alzheimer's
119 services adult day care center at the time of initial licensure
120 or at licensure renewal.

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

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

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

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

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

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

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

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

149 (f) Use assessment tools that identify the ADRD
150 participant's cognitive deficits and identify the specialized
151 and individualized needs of the ADRD participant and the
152 caregiver. This assessment shall be conducted when the ADRD
153 participant is initially admitted into the center and shall be
154 updated when the ADRD participant experiences a significant
155 change, but no less frequently than annually.

156 (g) Create an individualized plan of care for each ADRD
157 participant which addresses the identified, dementia-specific
158 needs of the ADRD participant and the caregiver. The plan of
159 care shall be established when the ADRD participant is initially
160 admitted into the center and reviewed at least quarterly.

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

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

168 (j) Assist in the referral or coordination of other
169 dementia-specific services and resources needed by the ADRD
170 participant or the caregiver, such as medical services,
171 counseling, medical planning, legal planning, financial
172 planning, safety and security planning, disaster planning,
173 driving assessment, transportation coordination, or wandering
174 prevention.

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

177 (l) Provide dementia-specific educational materials
178 regularly to ADRD participants, as appropriate, and their
179 caregivers.

180 (m) Routinely conduct and document a count of all ADRD
181 participants present in the center throughout each day. This
182 count must be compared to each ADRD participant's attendance
183 record in order to ensure that an ADRD participant is not
184 missing from the center.

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

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

192 (p) Condition the ADRD participant's eligibility for
193 admission on whether the ADRD participant has a coordinated mode
194 of transportation to and from the adult day care center, to
195 ensure that the participant does not drive to or from the
196 center.

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

200 1. Have at least a bachelor's degree in health care
201 services, social services, or a related field, 1 year of staff
202 supervisory experience in a social services or health care
203 services setting, and a minimum of 1 year of experience in

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204 providing services to persons who have dementia;

205 2. Be a registered or practical nurse licensed in this
206 state, have 1 year of staff supervisory experience in a social
207 services or health care services setting, and have a minimum of
208 1 year of experience in providing services to persons who have
209 dementia; or

210 3. Have 5 years of staff supervisory experience in a social
211 services or health care services setting and a minimum of 3
212 years of experience in providing services to persons who have
213 dementia.

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

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

221 1. A registered nurse or licensed practical nurse must be
222 on site daily for at least 75 percent of the time that the
223 center is open to ADRD participants. Each licensed practical
224 nurse who works at the center must be supervised in accordance
225 with chapter 464.

226 2. Upon beginning employment with the center, each employee
227 must receive and review basic written information about
228 interacting with ADRD participants.

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

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

238 (b) The Department of Elderly Affairs or its designee shall
239 approve the training required under this section. The department
240 shall adopt rules to establish standards for employees who are
241 subject to this training, for trainers, and for the training
242 required in this section.

243 (c) Upon completing any training described in this section,
244 the employee shall be issued a certificate that includes the
245 name of the training provider, the topics covered, and the date
246 and signature of the training provider. The certificate is
247 evidence of completion of training in the identified topics, and
248 the employee is not required to repeat training in those topics
249 if the employee changes employment to a different adult day care
250 center.

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

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

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

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

261 (7) (a) An ADRD participant admitted to an adult day care

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262 center having a license designated under this section, or the
263 caregiver when applicable, must:

264 1. Require ongoing supervision to maintain the highest
265 level of medical or custodial functioning and have a
266 demonstrated need for a responsible party to oversee his or her
267 care.

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

270 3. Provide the following medical documentation signed by a
271 licensed physician, licensed physician assistant, or a licensed
272 advanced registered nurse practitioner:

273 a. Any physical, health, or emotional conditions that
274 require medical care.

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

278 4. Provide documentation signed by a health care provider
279 licensed in this state which indicates that the ADRD participant
280 is free of the communicable form of tuberculosis and free of
281 signs and symptoms of other communicable diseases.

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

285 1. The medical, psychological, safety, and behavioral
286 support and intervention required by the ADRD participant can be
287 provided by the center.

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

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291 (8) (a) An ADRD participant's file must include a data
292 sheet, which must be completed within 45 days before or within
293 24 hours after admission to an adult day care center having a
294 license designated under this section. The data sheet must
295 contain:

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

299 2. A current photograph of the ADRD participant.

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

302 (c) Notes regarding services provided to the ADRD
303 participant must be entered at least monthly in the ADRD
304 participant's file, and must indicate the ADRD participant's
305 status or progress toward achieving identified goals. Additional
306 notes must be entered more frequently if indicated by the ADRD
307 participant's condition.

308 (d) An ADRD participant, or the participant's caregiver,
309 shall annually provide the center with updated medical
310 documentation required under subparagraphs (7) (a) 3. and 4., and
311 the center must place that documentation in the ADRD
312 participant's file.

313 (9) An adult day care center having a license designated
314 under this section must give to each person who enrolls as an
315 ADRD participant in the center, or the caregiver, a copy of the
316 ADRD participant's plan of care, as well as information
317 regarding resources to assist in ensuring the safety and
318 security of the ADRD participant, which must include, but need
319 not be limited to, information pertaining to driving for those

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320 persons affected by dementia, available technology on wandering-
321 prevention devices and identification devices, the Silver Alert
322 program in this state, and dementia-specific safety
323 interventions and strategies that can be used in the home
324 setting.

325 (10) If an ADRD participant's enrollment in the center is
326 involuntarily terminated due to medical or behavioral reasons,
327 the center shall coordinate and execute appropriate discharge
328 procedures, to be determined by rule, with the ADRD participant
329 and the caregiver.

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

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

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