

By Senator Bean

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1 A bill to be entitled
2 An act relating to certification of assisted living
3 facility administrators; amending s. 429.178, F.S.;
4 conforming provisions to changes made by the act;
5 amending s. 429.52, F.S.; requiring assisted living
6 facility administrators to meet the training and
7 education requirements established by a third-party
8 credentialing entity; revising requirements for new
9 administrators; authorizing the Department of Elderly
10 Affairs to require additional training or education of
11 any personal care staff in the facility except an
12 administrator; authorizing the department to adopt
13 rules to establish staff training requirements;
14 providing for the future repeal of s. 429.52(2), (3),
15 (4), (8), (9), and (10), F.S., relating to training
16 and educational requirements for administrators and
17 assisted living facility staff, continuing education,
18 adoption of rules, trainers, and requirements for
19 trainers; creating s. 429.55, F.S.; providing
20 legislative intent; providing definitions; requiring
21 the department to approve third-party credentialing
22 entities for the purpose of developing and
23 administering a professional credentialing program for
24 assisted living facility administrators; requiring the
25 department to approve a third-party credentialing
26 entity that documents compliance with certain minimum
27 standards; requiring a third-party credentialing
28 entity that applies for department approval before a
29 specified date to have its assisted living facility

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30 administrator certification program accredited with
31 the National Commission for Certifying Agencies;
32 requiring an administrator to be certified by a third-
33 party credentialing entity; providing that an
34 administrator who fails to be certified is subject to
35 an administrative fine; providing an exemption for an
36 administrator licensed under part II of ch. 468, F.S.;
37 requiring an approved third-party credentialing entity
38 to establish a process for certifying persons who meet
39 certain qualifications; requiring an approved third-
40 party credentialing entity to establish the core
41 competencies for administrators according to the
42 standards set forth by the National Commission for
43 Certifying Agencies; requiring a third-party
44 credentialing entity to meet certain certification
45 requirements; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Effective July 1, 2014, paragraphs (a) and (b)
50 of subsection (2) of section 429.178, Florida Statutes, are
51 amended to read:

52 429.178 Special care for persons with Alzheimer's disease
53 or other related disorders.—

54 (2) (a) An individual who is employed by a facility that
55 provides special care for residents with Alzheimer's disease or
56 other related disorders, and who has regular contact with such
57 residents, must complete up to 4 hours of initial dementia-
58 specific training developed or approved by the department. The

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59 training shall be completed within 3 months after beginning
60 employment ~~and shall satisfy the core training requirements of~~
61 ~~s. 429.52(2)(g).~~

62 (b) A direct caregiver who is employed by a facility that
63 provides special care for residents with Alzheimer's disease or
64 other related disorders, and who provides direct care to such
65 residents, must complete the required initial training and 4
66 additional hours of training developed or approved by the
67 department. The training shall be completed within 9 months
68 after beginning employment ~~and shall satisfy the core training~~
69 ~~requirements of s. 429.52(2)(g).~~

70 Section 2. Section 429.52, Florida Statutes, is amended to
71 read:

72 429.52 Staff training and educational programs; core
73 educational requirement.—

74 (1) Effective July 1, 2014, administrators shall meet the
75 training and education requirements established by a third-party
76 credentialing entity pursuant to s. 429.55, and other assisted
77 living facility staff shall ~~must~~ meet minimum training and
78 education requirements established by the Department of Elderly
79 Affairs by rule. This training and education is intended to
80 assist facilities to appropriately respond to the needs of
81 residents, to maintain resident care and facility standards, and
82 to meet licensure requirements.

83 (2) The department shall establish a competency test and a
84 minimum required score to indicate successful completion of the
85 training and educational requirements. The department, in
86 conjunction with the agency and providers, shall develop the
87 competency test ~~must be developed by the department in~~

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88 ~~conjunction with the agency and providers.~~ The required training
89 and education must cover at least the following topics:

90 (a) State law and rules relating to assisted living
91 facilities.

92 (b) Resident rights and identifying and reporting abuse,
93 neglect, and exploitation.

94 (c) Special needs of elderly persons, persons with mental
95 illness, and persons with developmental disabilities and how to
96 meet those needs.

97 (d) Nutrition and food service, including acceptable
98 sanitation practices for preparing, storing, and serving food.

99 (e) Medication management, recordkeeping, and proper
100 techniques for assisting residents with self-administered
101 medication.

102 (f) Firesafety requirements, including fire evacuation
103 drill procedures and other emergency procedures.

104 (g) Care of persons with Alzheimer's disease and related
105 disorders.

106 (3) Before July 1, 2014 ~~Effective January 1, 2004,~~ a new
107 facility administrator shall: ~~must~~

108 (a) Complete the required training and education, including
109 the competency test, within a reasonable time after being
110 employed as an administrator, as determined by the department;
111 or

112 (b) Earn and maintain certification as an assisted living
113 facility administrator from a third-party credentialing entity
114 that is approved by the department as provided in s. 429.55.

115
116 Failure to do so is a violation of this part and subjects the

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117 violator to an administrative fine as prescribed in s. 429.19.
118 Administrators licensed in accordance with part II of chapter
119 468 are exempt from this requirement. ~~Other licensed~~
120 ~~professionals may be exempted, as determined by the department~~
121 ~~by rule.~~

122 (4) Administrators are required to participate in
123 continuing education for a minimum of 12 contact hours every 2
124 years.

125 (5) Staff involved with the management of medications and
126 assisting with the self-administration of medications under s.
127 429.256 must complete a minimum of 4 additional hours of
128 training provided by a registered nurse, licensed pharmacist, or
129 department staff. The department shall establish by rule the
130 minimum requirements of this additional training.

131 (6) Other facility staff shall participate in training
132 relevant to their job duties as specified by rule of the
133 department.

134 (7) If the department ~~or the agency~~ determines that there
135 is a need for ~~are problems in a facility that could be reduced~~
136 ~~through~~ specific staff training or education beyond that already
137 required under this section, the department ~~or the agency~~ may
138 require, and provide, or cause to be provided, the training or
139 education of ~~any~~ personal care staff in the facility. However,
140 this subsection does not apply to an assisted living facility
141 administrator certified under s. 429.55.

142 (8) The department shall adopt rules related to these
143 training requirements, the competency test, necessary
144 procedures, and competency test fees and shall adopt or contract
145 with another entity to develop a curriculum, which shall be used

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146 as the minimum core training requirements. The department shall
147 consult with representatives of stakeholder associations and
148 agencies in the development of the curriculum.

149 (9) The training required by this section must ~~shall~~ be
150 conducted by a person ~~persons~~ registered with the department as
151 having the requisite experience and credentials to conduct the
152 training. A person seeking to register as a trainer must provide
153 the department with proof of completion of the minimum core
154 training education requirements, successful passage of the
155 competency test established under this section, and proof of
156 compliance with the continuing education requirement in
157 subsection (4).

158 (10) A person seeking to register as a trainer must also:

159 (a) Provide proof of completion of a 4-year degree from an
160 accredited college or university and must have worked in a
161 management position in an assisted living facility for 3 years
162 after being core certified;

163 (b) Have worked in a management position in an assisted
164 living facility for 5 years after being core certified and have
165 1 year of teaching experience as an educator or staff trainer
166 for persons who work in assisted living facilities or other
167 long-term care settings;

168 (c) Have been previously employed as a core trainer for the
169 department; or

170 (d) Meet other qualification criteria as defined in rule,
171 which the department is authorized to adopt.

172 (11) The department may ~~shall~~ adopt rules to establish
173 staff training ~~trainer registration~~ requirements.

174 Section 3. Effective July 1, 2014, subsections (2), (3),

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175 (4), (8), (9), and (10) of section 429.52, Florida Statutes, are
176 repealed.

177 Section 4. Section 429.55, Florida Statutes, is created to
178 read:

179 429.55 Assisted living facility administrator;
180 certification.—

181 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
182 that each assisted living facility administrator earn and
183 maintain professional certification from a third-party
184 credentialing entity that is approved by the Department of
185 Elderly Affairs. The Legislature further intends that
186 certification will ensure that an administrator has the
187 competencies necessary to appropriately respond to the needs of
188 residents, to maintain resident care and facility standards, and
189 to meet licensure requirements for a facility. The Legislature
190 recognizes professional certification by a nationally recognized
191 professional credentialing organization as an equivalent
192 alternative to a state-run licensure program and, therefore,
193 intends that certification pursuant to this section is
194 sufficient as an acceptable alternative to licensure.

195 (2) DEFINITIONS.—As used in this section, the term:

196 (a) "Assisted living facility administrator certification"
197 means a professional credential awarded by a third-party
198 credentialing entity that is approved by the department to a
199 person who meets core competency requirements in assisted living
200 facility practice areas.

201 (b) "Core competency" means the minimum knowledge and
202 skills necessary to carry out work responsibilities.

203 (c) "Department" means the Department of Elderly Affairs.

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204 (d) "Nonprofit organization" means an organization that is
205 exempt from federal income tax under s. 501(c) of the United
206 States Internal Revenue Code.

207 (e) "Third-party credentialing entity" means a nonprofit
208 organization that develops and administers certification
209 programs according to the standards established by the National
210 Commission for Certifying Agencies.

211 (3) THIRD-PARTY CREDENTIALING ENTITIES.—

212 (a) The department shall approve one or more third-party
213 credentialing entities for the purpose of developing and
214 administering a professional credentialing program for
215 administrators. Within 90 days after receiving documentation
216 from a third-party credentialing entity, the department shall
217 approve a third-party credentialing entity that demonstrates
218 compliance with the following minimum standards:

219 1. Establishment of assisted living facility administrator
220 core competencies, certification standards, testing instruments,
221 and recertification standards according to the standards
222 established by the National Commission for Certifying Agencies.

223 2. Establishment of a process to administer the
224 certification application, award, and maintenance processes
225 according to the standards established by the National
226 Commission for Certifying Agencies.

227 3. Demonstrated ability to administer a professional code
228 of ethics and disciplinary process that applies to all certified
229 persons.

230 4. Establishment of, and ability to maintain a publicly
231 accessible Internet-based database that contains information on
232 each person who applies for and holds certification, such as the

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233 person's first and last name, certification status, and ethical
234 or disciplinary history.

235 5. Demonstrated ability to administer biannual continuing
236 education and certification renewal requirements.

237 6. Demonstrated ability to administer an education provider
238 program to approve qualified training entities and to provide
239 precertification training to applicants and continuing education
240 opportunities to certified professionals.

241 (b) A credentialing entity that applies for department
242 approval before December 31, 2013, must have its program for
243 assisted living facility administrator certification accredited
244 with the National Commission for Certifying Agencies by July 1,
245 2014, and must continuously maintain such accreditation. A
246 credentialing entity that applies for department approval after
247 December 31, 2013, must hold accreditation from the National
248 Commission for Certifying Agencies at the time the entity
249 applies for department approval.

250 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION
251 REQUIRED.—Effective July 1, 2014, an assisted living facility
252 administrator must be certified by a third-party credentialing
253 entity that is approved by the department under this section. An
254 assisted living facility administrator who fails to be certified
255 violates this section and is subject to an administrative fine
256 as provided in s. 429.19. This subsection does not apply to an
257 administrator licensed under part II of chapter 468.

258 (5) GRANDFATHER CLAUSE.—For a period ending on October 1,
259 2014, a third-party credentialing entity that is approved by the
260 department shall establish a process, at no cost to the
261 department or the person, to certify a person who:

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262 (a) Is employed as an assisted living facility
263 administrator, and is in compliance with the requirements in s.
264 429.52, including continuing education requirements in place
265 before July 1, 2014; or

266 (b) Has completed before July 1, 2014, the required
267 training as an administrator, including the competency test and
268 continuing education requirements established in s. 429.52.

269 (6) CORE COMPETENCIES.—The third-party credentialing entity
270 that is approved by the department shall establish the core
271 competencies for assisted living facility administrators
272 according to the standards established by the National
273 Commission for Certifying Agencies.

274 (7) CERTIFICATION PROGRAM REQUIREMENTS.—A certification
275 program of a third-party credentialing entity that is approved
276 by the department must:

277 (a) Be established according to the standards set forth by
278 the National Commission for Certifying Agencies.

279 (b) Be directly related to the core competencies.

280 (c) Establish minimum requirements in each of the following
281 categories:

282 1. Formal education.

283 2. Training.

284 3. On-the-job work experience.

285 4. Supervision.

286 5. Testing.

287 6. Biannual continuing education.

288 (d) Administer a professional code of ethics and
289 disciplinary process that applies to all certified persons.

290 (e) Administer and maintain a publicly accessible Internet-

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291 based database that contains information on each person who
292 applies for or who holds certification.

293 (f) Approve qualified training entities that provide
294 precertification training to applicants and continuing education
295 to certified assisted living facility administrators.

296 Section 5. Except as otherwise expressly provided in this
297 act, this act shall take effect July 1, 2013.