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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2014	.	
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The Committee on Children, Families, and Elder Affairs  
(Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 429.52, Florida Statutes, is amended to  
read:

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

(1) Effective July 1, 2014, administrators shall meet the  
minimum training and education requirements established by a



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11 third-party credentialing entity pursuant to s. 429.55 or by the  
12 Department of Elderly Affairs by rule. ~~and~~ Other assisted living  
13 facility staff shall ~~must~~ meet minimum training and education  
14 requirements established by the department ~~of Elderly Affairs~~ by  
15 rule. This training and education is intended to assist  
16 facilities to appropriately respond to the needs of residents,  
17 to maintain resident care and facility standards, and to meet  
18 licensure requirements.

19 (2) The department shall establish a competency test and a  
20 minimum required score to indicate successful completion of the  
21 training and educational requirements. The department shall  
22 develop the competency test ~~must be developed by the department~~  
23 in conjunction with the agency and providers. A third-party  
24 credentialing entity approved under s. 429.55 must also develop  
25 a competency test and a minimum required score to indicate  
26 successful completion of the training and educational  
27 requirements. The required training and education must cover at  
28 least the following topics:

29 (a) State law and rules relating to assisted living  
30 facilities.

31 (b) Resident rights and identifying and reporting abuse,  
32 neglect, and exploitation.

33 (c) Special needs of elderly persons, persons with mental  
34 illness, and persons with developmental disabilities and how to  
35 meet those needs.

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

38 (e) Medication management, recordkeeping, and proper  
39 techniques for assisting residents with self-administered



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40 medication.

41 (f) Firesafety requirements, including fire evacuation  
42 drill procedures and other emergency procedures.

43 (g) Care of persons who have ~~with~~ Alzheimer's disease and  
44 related disorders.

45 (3) ~~Effective January 1, 2004,~~ A new facility administrator  
46 hired on or after July 1, 2014, must:

47 (a) Complete the required training and education, including  
48 the competency test, within a reasonable time after being  
49 employed as an administrator, as determined by the department;  
50 or

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

54  
55 Failure of a facility administrator to comply with paragraph (a)  
56 or paragraph (b) ~~do so~~ is a violation of this part and subjects  
57 the violator to an administrative fine as prescribed in s.  
58 429.19. Administrators licensed in accordance with part II of  
59 chapter 468 are exempt from this requirement. ~~Other licensed~~  
60 ~~professionals may be exempted, as determined by the department~~  
61 ~~by rule.~~

62 (4) Administrators shall ~~are required to~~ participate in  
63 continuing education for a minimum of 12 contact hours every 2  
64 years.

65 (5) Staff involved with the management of medications and  
66 assisting with the self-administration of medications under s.  
67 429.256 must complete a minimum of 4 additional hours of  
68 training provided by a registered nurse, licensed pharmacist, or



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69 department staff. The department shall establish by rule the  
70 minimum requirements of this additional training.

71 (6) Other facility staff shall participate in training  
72 relevant to their job duties as specified by rule of the  
73 department.

74 (7) If the department ~~or the agency~~ determines that there  
75 is a need for ~~are problems in a facility that could be reduced~~  
76 ~~through~~ specific staff training or education beyond that already  
77 required under this section, the department ~~or the agency~~ may  
78 require, and provide, or cause to be provided, the training or  
79 education of ~~any~~ personal care staff in the facility. However,  
80 this subsection does not apply to an assisted living facility  
81 administrator certified under s. 429.55.

82 (8) The department shall adopt rules related to these  
83 training requirements, the competency test, necessary  
84 procedures, and competency test fees and shall adopt or contract  
85 with another entity to develop a curriculum, which shall be used  
86 as the minimum core training requirements. The department shall  
87 consult with representatives of stakeholder associations and  
88 agencies in the development of the curriculum.

89 (9) The training required by this section must ~~shall~~ be  
90 conducted by a person who is ~~persons~~ registered with the  
91 department as having the requisite experience and credentials to  
92 conduct the training or by a training entity recognized by a  
93 third-party credentialing entity under s. 429.55(7)(f). A person  
94 seeking to register as a trainer must provide the department  
95 with proof of completion of the minimum core training education  
96 requirements, successful passage of the competency test  
97 established under this section, and proof of compliance with the



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98 continuing education requirement in subsection (4).

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

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

104 (b) Have worked in a management position in an assisted  
105 living facility for 5 years after being core certified and have  
106 1 year of teaching experience as an educator or staff trainer  
107 for persons who work in assisted living facilities or other  
108 long-term care settings;

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

111 (d) Meet other qualification criteria as defined in rule,  
112 which the department may ~~is authorized to~~ adopt.

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

115 Section 2. Section 429.55, Florida Statutes, is created to  
116 read:

117 429.55 Assisted living facility administrator;  
118 certification.—

119 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
120 that each assisted living facility administrator have the option  
121 to earn and maintain professional certification from a third-  
122 party credentialing entity that is approved by the Department of  
123 Elderly Affairs. The Legislature further intends that  
124 certification ensure that an administrator has the competencies  
125 necessary to appropriately respond to the needs of residents, to  
126 maintain resident care and facility standards, and to meet



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127 licensure requirements for a facility. The Legislature  
128 recognizes professional certification by a professional  
129 credentialing organization as an equivalent alternative to a  
130 state-run licensure program and, therefore, intends that  
131 certification pursuant to this section is sufficient as an  
132 acceptable alternative to the training and educational  
133 requirements of s. 429.52.

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

135 (a) "Assisted living facility administrator certification"  
136 means a professional credential awarded by a department-approved  
137 third-party credentialing entity to a person who meets core  
138 competency requirements in assisted living facility practice  
139 areas.

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

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

143 (d) "Third-party credentialing entity" means an  
144 organization that develops and administers certification  
145 programs according to the standards established by the National  
146 Commission for Certifying Agencies.

147 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
148 shall approve one or more third-party credentialing entities for  
149 the purpose of developing and administering a professional  
150 credentialing program for administrators. Within 90 days after  
151 receiving documentation from a third-party credentialing entity,  
152 the department shall approve a third-party credentialing entity  
153 that demonstrates compliance with the following minimum  
154 standards:

155 (a) Establishment of assisted living facility administrator



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156 core competencies, certification standards, testing instruments,  
157 and recertification standards according to national psychometric  
158 standards.

159 (b) Establishment of a process to administer the  
160 certification application, award, and maintenance processes  
161 according to national psychometric standards.

162 (c) Demonstrated ability to administer a professional code  
163 of ethics and disciplinary process that applies to all certified  
164 persons.

165 (d) Establishment of, and ability to maintain a publicly  
166 accessible Internet-based database that contains information on  
167 each person who applies for and is awarded certification, such  
168 as the person's first and last name, certification status, and  
169 ethical or disciplinary history.

170 (e) Demonstrated ability to administer biannual continuing  
171 education and certification renewal requirements.

172 (f) Demonstrated ability to administer an education  
173 provider program to approve qualified training entities and to  
174 provide precertification training to applicants and continuing  
175 education opportunities to certified professionals.

176 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION.-  
177 Effective July 1, 2014, an assisted living facility  
178 administrator may be certified by a third-party credentialing  
179 entity that is approved by the department under this section. An  
180 assisted living facility administrator who fails to be certified  
181 under this section or fails to meet training and educational  
182 requirements of s. 429.52 violates this section and is subject  
183 to an administrative fine as provided under s. 429.19. This  
184 subsection does not apply to an administrator licensed under



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185 part II of chapter 468.

186 (5) GRANDFATHER CLAUSE.—A third-party credentialing entity  
187 shall allow the following persons to enroll in its certification  
188 program, at no cost to the department or the person, in the 12  
189 months immediately after the department approves the third-party  
190 credentialing entity as provided in subsection (3):

191 (a) A person who is employed as an assisted living facility  
192 administrator and is in compliance with the requirements in s.  
193 429.52, including continuing education requirements in place  
194 before July 1, 2014.

195 (b) A person who has completed before July 1, 2014, the  
196 required training as an administrator, including the competency  
197 test and continuing education requirements established in s.  
198 429.52.

199 (6) CORE COMPETENCIES.—A third-party credentialing entity  
200 that is approved by the department shall establish the core  
201 competencies for assisted living facility administrators  
202 according to the standards established by the National  
203 Commission for Certifying Agencies.

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

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

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

210 (c) Establish minimum requirements in each of the following  
211 categories:

212 1. Formal education.

213 2. Training.





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- 214       3. On-the-job work experience.
  - 215       4. Supervision.
  - 216       5. Testing.
  - 217       6. Biannual continuing education.
  - 218       (d) Administer a professional code of ethics and  
219 disciplinary process that applies to all certified persons.
  - 220       (e) Administer and maintain a publicly accessible Internet-  
221 based database that contains information on each person who  
222 applies for certification or is certified.
  - 223       (f) Approve qualified training entities that provide  
224 precertification training to applicants and continuing education  
225 to certified assisted living facility administrators.
  - 226       (8) APPEAL.—An individual who is adversely affected by the  
227 decision of a department-approved, third-party credentialing  
228 entity with regard to the denial of initial certification or an  
229 adverse action on continued certification may appeal such  
230 decision to the department for a final determination.
- 231 Section 3. This act shall take effect July 1, 2014.

232  
233 ===== T I T L E   A M E N D M E N T =====

234 And the title is amended as follows:

235       Delete everything before the enacting clause  
236 and insert:

237                   A bill to be entitled  
238       An act relating to certification of assisted living  
239       facility administrators; amending s. 429.52, F.S.;  
240       requiring assisted living facility administrators to  
241       meet the training and education requirements  
242       established by a third-party credentialing entity or



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243 by the Department of Elderly Affairs; requiring the  
244 department to establish a competency test; requiring a  
245 third-party credentialing entity to develop a  
246 competency test and a minimum required score to  
247 indicate successful completion of the training and  
248 educational requirements; revising requirements for  
249 facility administrators who are hired on or after a  
250 specified date; authorizing the department to require  
251 additional training and education of any personal care  
252 staff in the facility, except for certain assisted  
253 living facility administrators; requiring training to  
254 be conducted by an entity recognized by a third-party  
255 credentialing entity under s. 429.55, F.S.;  
256 authorizing the department to adopt rules to establish  
257 staff training requirements; creating s. 429.55, F.S.;  
258 providing legislative intent; defining terms;  
259 authorizing the department to approve third-party  
260 credentialing entities for the purpose of developing  
261 and administering a professional credentialing program  
262 for assisted living facility administrators; requiring  
263 the department to approve a third-party credentialing  
264 entity that documents compliance with certain minimum  
265 standards; authorizing an administrator to be  
266 certified by a third-party credentialing entity;  
267 providing that an administrator who fails to be  
268 certified under s. 429.55, F.S., or fails to complete  
269 training and educational requirements under s. 429.55  
270 is subject to an administrative fine; providing an  
271 exemption for an administrator licensed under part II



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272 of ch. 468, F.S.; requiring a third-party  
273 credentialing entity to allow certain persons to  
274 enroll in its certification program for a specified  
275 time after the department approves the third-party  
276 credentialing entity; requiring an approved third-  
277 party credentialing entity to establish the core  
278 competencies for administrators according to the  
279 standards set forth by the National Commission for  
280 Certifying Agencies; requiring a certification program  
281 of a third-party credentialing entity to meet certain  
282 requirements; authorizing an individual adversely  
283 affected by the decision of a third-party  
284 credentialing entity to appeal the decision under  
285 certain circumstances; providing an effective date.