

By the Committees on Health Policy; and Children, Families, and Elder Affairs; and 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. 429.52, F.S.;
4 requiring assisted living facility administrators to
5 meet the training and education requirements
6 established by a third-party credentialing entity or
7 by the Department of Elderly Affairs; requiring the
8 department to establish a competency test; requiring a
9 third-party credentialing entity to develop a
10 competency test and a minimum required score to
11 indicate successful completion of the training and
12 educational requirements; revising requirements for
13 facility administrators who are hired on or after a
14 specified date; authorizing the department to require
15 additional training and education of any personal care
16 staff in the facility, except for certain assisted
17 living facility administrators; requiring training to
18 be conducted by an entity recognized by a third-party
19 credentialing entity under s. 429.55, F.S.;
20 authorizing the department to adopt rules to establish
21 staff training requirements; creating s. 429.55, F.S.;
22 providing legislative intent; defining terms;
23 authorizing the department to approve third-party
24 credentialing entities for the purpose of developing
25 and administering a professional credentialing program
26 for assisted living facility administrators; requiring
27 the department to approve a third-party credentialing
28 entity that documents compliance with certain minimum
29 standards; authorizing an administrator to be

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30 certified by a third-party credentialing entity;
31 providing that an administrator who fails to be
32 certified under s. 429.55, F.S., or fails to complete
33 training and educational requirements under s. 429.55,
34 F.S., is subject to an administrative fine; providing
35 an exemption for an administrator licensed under part
36 II of ch. 468, F.S.; requiring a third-party
37 credentialing entity to allow certain persons to
38 enroll in its certification program for a specified
39 time after the department approves the third-party
40 credentialing entity; requiring an approved third-
41 party credentialing entity to establish the core
42 competencies for administrators according to the
43 nationally recognized professional psychometric
44 standards; requiring a certification program of a
45 third-party credentialing entity to meet certain
46 requirements; authorizing an individual adversely
47 affected by the decision of a third-party
48 credentialing entity to appeal the decision under
49 certain circumstances; requiring a third-party
50 credentialing entity to establish fees; providing an
51 effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Section 429.52, Florida Statutes, is amended to
56 read:

57 429.52 Staff training and educational programs; core
58 educational requirement.—

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59 (1) Effective July 1, 2014, administrators shall meet the
60 minimum training and education requirements established by a
61 third-party credentialing entity pursuant to s. 429.55 or by the
62 Department of Elderly Affairs by rule. ~~and~~ Other assisted living
63 facility staff shall ~~must~~ meet minimum training and education
64 requirements established by the department ~~of Elderly Affairs~~ by
65 rule. This training and education is intended to assist
66 facilities to appropriately respond to the needs of residents,
67 to maintain resident care and facility standards, and to meet
68 licensure requirements.

69 (2) The department shall establish a competency test and a
70 minimum required score to indicate successful completion of the
71 training and educational requirements. The department shall
72 develop the competency test ~~must be developed by the department~~
73 in conjunction with the agency and providers. A third-party
74 credentialing entity approved under s. 429.55 must also develop
75 a competency test and a minimum required score to indicate
76 successful completion of the training and educational
77 requirements. The required training and education must cover at
78 least the following topics:

79 (a) State law and rules relating to assisted living
80 facilities.

81 (b) Resident rights and identifying and reporting abuse,
82 neglect, and exploitation.

83 (c) Special needs of elderly persons, persons with mental
84 illness, and persons with developmental disabilities and how to
85 meet those needs.

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

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88 (e) Medication management, recordkeeping, and proper
89 techniques for assisting residents with self-administered
90 medication.

91 (f) Firesafety requirements, including fire evacuation
92 drill procedures and other emergency procedures.

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

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

97 (a) Complete the required training and education, including
98 the competency test, within a reasonable time after being
99 employed as an administrator, as determined by the department;
100 or

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

104
105 Failure of a facility administrator to comply with paragraph (a)
106 or paragraph (b) ~~do so~~ is a violation of this part and subjects
107 the violator to an administrative fine as prescribed in s.
108 429.19. Administrators licensed in accordance with part II of
109 chapter 468 are exempt from this requirement. ~~Other licensed~~
110 ~~professionals may be exempted, as determined by the department~~
111 ~~by rule.~~

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

115 (5) Staff involved with the management of medications and
116 assisting with the self-administration of medications under s.

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117 429.256 must complete a minimum of 4 additional hours of
118 training provided by a registered nurse, licensed pharmacist, or
119 department staff. The department shall establish by rule the
120 minimum requirements of this additional training.

121 (6) Other facility staff shall participate in training
122 relevant to their job duties as specified by rule of the
123 department.

124 (7) If the department ~~or the agency~~ determines that there
125 is a need for ~~are problems in a facility that could be reduced~~
126 ~~through~~ specific staff training or education beyond that already
127 required under this section, the department ~~or the agency~~ may
128 require, and provide, or cause to be provided, the training or
129 education of ~~any~~ personal care staff in the facility. However,
130 this subsection does not apply to an assisted living facility
131 administrator certified under s. 429.55.

132 (8) The department shall adopt rules related to these
133 training requirements, the competency test, necessary
134 procedures, and competency test fees and shall adopt or contract
135 with another entity to develop a curriculum, which shall be used
136 as the minimum core training requirements. The department shall
137 consult with representatives of stakeholder associations and
138 agencies in the development of the curriculum.

139 (9) The training required by this section must ~~shall~~ be
140 conducted by a person who is ~~persons~~ registered with the
141 department as having the requisite experience and credentials to
142 conduct the training or by a training entity recognized by a
143 third-party credentialing entity under s. 429.55(7)(f). A person
144 seeking to register as a trainer must provide the department
145 with proof of completion of the minimum core training education

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146 requirements, successful passage of the competency test
147 established under this section, and proof of compliance with the
148 continuing education requirement in subsection (4).

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

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

154 (b) Have worked in a management position in an assisted
155 living facility for 5 years after being core certified and have
156 1 year of teaching experience as an educator or staff trainer
157 for persons who work in assisted living facilities or other
158 long-term care settings;

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

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

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

165 Section 2. Section 429.55, Florida Statutes, is created to
166 read:

167 429.55 Assisted living facility administrator;
168 certification.—

169 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature
170 that each assisted living facility administrator have the option
171 to earn and maintain professional certification from a third-
172 party credentialing entity that is approved by the Department of
173 Elderly Affairs. The Legislature further intends that
174 certification ensure that an administrator has the competencies

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175 necessary to appropriately respond to the needs of residents, to
176 maintain resident care and facility standards, and to meet
177 licensure requirements for a facility. The Legislature
178 recognizes professional certification by a professional
179 credentialing organization as an equivalent alternative to a
180 state-run licensure program and, therefore, intends that
181 certification pursuant to this section is sufficient as an
182 acceptable alternative to the training and educational
183 requirements of s. 429.52.

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

185 (a) "Assisted living facility administrator certification"
186 means a professional credential awarded by a department-approved
187 third-party credentialing entity to a person who meets core
188 competency requirements in assisted living facility practice
189 areas.

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

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

193 (d) "Third-party credentialing entity" means an
194 organization that develops and administers certification
195 programs according to the standards established by the National
196 Commission for Certifying Agencies.

197 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
198 shall approve one or more third-party credentialing entities for
199 the purpose of developing and administering a professional
200 credentialing program for administrators. Within 90 days after
201 receiving documentation from a third-party credentialing entity,
202 the department shall approve a third-party credentialing entity
203 that demonstrates compliance with the following minimum

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204 standards:

205 (a) Establishment of assisted living facility administrator
206 core competencies, certification standards, testing instruments,
207 and recertification standards according to national psychometric
208 standards.

209 (b) Establishment of a process to administer the
210 certification application, award, and maintenance processes
211 according to national psychometric standards.

212 (c) Demonstrated ability to administer a professional code
213 of ethics and disciplinary process that applies to all certified
214 persons.

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

220 (e) Demonstrated ability to administer biannual continuing
221 education and certification renewal requirements.

222 (f) Demonstrated ability to administer an education
223 provider program to approve qualified training entities and to
224 provide precertification training to applicants and continuing
225 education opportunities to certified professionals.

226 (g) Establishment of credentialing standards that meet or
227 exceed the department standards for training and education
228 programs for assisted living facility administrators.

229 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION.-
230 Effective July 1, 2014, an assisted living facility
231 administrator may be certified by a third-party credentialing
232 entity that is approved by the department under this section. An

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233 assisted living facility administrator who fails to be certified
234 under this section or fails to meet training and educational
235 requirements of s. 429.52 violates this section and is subject
236 to an administrative fine as provided under s. 429.19. This
237 subsection does not apply to an administrator licensed under
238 part II of chapter 468.

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

244 (a) A person who is employed as of July 1, 2014, as an
245 assisted living facility administrator and is in compliance with
246 the requirements under s. 429.52.

247 (b) A person who has completed before July 1, 2014, the
248 required training as an administrator, including the competency
249 test and continuing education requirements under s. 429.52.

250 (6) CORE COMPETENCIES.—A third-party credentialing entity
251 that is approved by the department shall establish the core
252 competencies for assisted living facility administrators
253 according to nationally recognized professional psychometric
254 standards.

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

258 (a) Be established according to nationally recognized
259 professional psychometric standards.

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

261 (c) Establish minimum requirements in each of the following

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262 categories:

263 1. Formal education.

264 2. Training.

265 3. On-the-job work experience.

266 4. Supervision.

267 5. Testing.

268 6. Biennial continuing education.

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

271 (e) Administer and maintain a publicly accessible Internet-
272 based database that contains information on each person who
273 applies for certification or is certified.

274 (f) Approve qualified training entities that provide
275 precertification training to applicants and continuing education
276 to certified assisted living facility administrators.

277 (8) APPEAL.—An individual who is adversely affected by the
278 decision of a department-approved, third-party credentialing
279 entity with regard to the denial of initial certification or an
280 adverse action on continued certification may appeal such
281 decision to the department for a final determination.

282 (9) FEES.—A third-party credentialing entity shall
283 establish a fee for application, examination, certification, and
284 biennial certification renewal. The fee for application,
285 examination, and certification may not exceed \$200. The fee for
286 biennial certification renewal may not exceed \$100.

287 Section 3. This act shall take effect July 1, 2014.