

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 personal care staff of a facility under certain  
12 circumstances; authorizing the department to adopt  
13 rules to establish staff training requirements;  
14 providing for the future repeal of training and  
15 educational requirements for administrators and  
16 assisted living facility staff, requirements for new  
17 administrators, continuing education requirements for  
18 administrators, the adoption of rules, and  
19 requirements for trainers; creating s. 429.55, F.S.,  
20 relating to assisted living facility administrators;  
21 providing legislative intent; providing definitions;  
22 requiring the department to approve third-party  
23 credentialing entities for the purpose of developing  
24 and administering a professional credentialing program  
25 for assisted living facility administrators;  
26 prohibiting an approved third-party credentialing

27 entity or its affiliate from delivering training to an  
28 applicant or continuing education to a  
29 certificateholder; providing an appeal process for a  
30 decision that denies initial certification or that  
31 takes adverse action on a continued certification;  
32 requiring an administrator to be certified by a third-  
33 party credentialing entity; providing that an assisted  
34 living facility licensee that fails to employ a  
35 certified administrator is subject to an  
36 administrative fine; providing an exemption for an  
37 administrator licensed under part II of ch. 468, F.S.;  
38 requiring an approved third-party credentialing entity  
39 to establish a process for certifying persons who meet  
40 certain qualifications; requiring an approved third-  
41 party credentialing entity to establish core  
42 competency requirements according to nationally  
43 recognized certification and psychometric standards;  
44 requiring a third-party credentialing entity to meet  
45 certain certification program requirements; requiring  
46 a third-party credentialing entity to set certain  
47 fees; providing effective dates.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Effective July 1, 2015, paragraphs (a) and (b)  
52 of subsection (2) of section 429.178, Florida Statutes, are

53 amended to read:

54 429.178 Special care for persons with Alzheimer's disease  
55 or other related disorders.—

56 (2) (a) An individual who is employed by a facility that  
57 provides special care for residents with Alzheimer's disease or  
58 other related disorders, and who has regular contact with such  
59 residents, must complete up to 4 hours of initial dementia-  
60 specific training developed or approved by the department. The  
61 training must ~~shall~~ be completed within 3 months after beginning  
62 employment ~~and shall satisfy the core training requirements of~~  
63 ~~s. 429.52(2)(g)~~.

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

72 Section 2. Section 429.52, Florida Statutes, is amended to  
73 read:

74 429.52 Staff training and educational programs; core  
75 educational requirement.—

76 (1) Administrators and other assisted living facility  
77 staff must meet minimum training and education requirements  
78 established by the Department of Elderly Affairs by rule. This

79 training and education is intended to assist facilities to  
80 appropriately respond to the needs of residents, to maintain  
81 resident care and facility standards, and to meet licensure  
82 requirements. Effective July 1, 2015, administrators must meet  
83 the minimum training and education requirements established  
84 under s. 429.55.

85 (2) The department, in conjunction with the agency and  
86 providers, shall develop a competency test. The department shall  
87 determine the ~~establish a competency test and a~~ minimum required  
88 score indicating ~~to indicate~~ successful completion of the  
89 training and educational requirements. ~~The competency test must~~  
90 ~~be developed by the department in conjunction with the agency~~  
91 ~~and providers.~~ The required training and education must cover at  
92 least the following topics:

93 (a) State law and rules relating to assisted living  
94 facilities.

95 (b) Resident rights and identifying and reporting abuse,  
96 neglect, and exploitation.

97 (c) Special needs of elderly persons, persons who have  
98 ~~with~~ mental illness, and persons who have ~~with~~ developmental  
99 disabilities and how to meet those needs.

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

102 (e) Medication management, recordkeeping, and proper  
103 techniques for assisting residents with self-administered  
104 medication.

105 (f) Firesafety requirements, including fire evacuation  
 106 drill procedures and other emergency procedures.

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

109 (3) ~~Effective January 1, 2004,~~ A new facility  
 110 administrator must:

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

115 (b) Before July 1, 2015, earn and maintain certification  
 116 as an assisted living facility administrator as provided under  
 117 s. 429.55.

118  
 119 Failure to meet the requirements of this subsection ~~do so~~ is a  
 120 violation of this part and subjects the violator to an  
 121 administrative fine as prescribed in s. 429.19. An administrator  
 122 ~~Administrators~~ licensed under ~~in accordance with~~ part II of  
 123 chapter 468 is ~~are~~ exempt from this subsection ~~requirement~~.  
 124 ~~Other licensed professionals may be exempted, as determined by~~  
 125 ~~the department by rule.~~

126 (4) An administrator is ~~Administrators are~~ required to  
 127 participate in continuing education for a minimum of 12 contact  
 128 hours every 2 years.

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

131 429.256 must complete a minimum of 4 additional hours of  
 132 training provided by a registered nurse, licensed pharmacist, or  
 133 department staff. The department shall establish by rule the  
 134 minimum requirements of this additional training.

135 (6) Other facility staff shall participate in training  
 136 relevant to their respective job duties as specified by rule of  
 137 the department.

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

147 (8) The department shall adopt rules related to ~~these~~  
 148 training requirements ~~and~~, the competency test as required under  
 149 this section, necessary procedures, and competency test fees,  
 150 and shall adopt or contract with another entity to develop a  
 151 curriculum, which shall serve as the ~~be used as the~~ minimum core  
 152 training requirements. The department shall consult with  
 153 representatives of stakeholder associations and agencies in the  
 154 development of the curriculum.

155 (9) The training required under ~~by~~ this section must ~~shall~~  
 156 be conducted by a person ~~persons~~ registered with the department

157 who has demonstrated ~~as having the~~ requisite experience and  
 158 credentials ~~to conduct the training~~. A person seeking to  
 159 register as a trainer must provide the department with proof of  
 160 completion of the minimum core training education requirements,  
 161 successful passage of the competency test established under this  
 162 section, and proof of compliance with the continuing education  
 163 requirement in subsection (4).

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

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

169 (b) Have worked in a management position in an assisted  
 170 living facility for 5 years after being core certified and have  
 171 1 year of teaching experience as an educator or staff trainer  
 172 for persons who work in assisted living facilities or other  
 173 long-term care settings;

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

176 (d) Meet other qualification criteria as defined by  
 177 department rule ~~in rule, which the department is authorized to~~  
 178 ~~adopt~~.

179 (11) The department may ~~shall~~ adopt rules establishing ~~to~~  
 180 ~~establish trainer registration~~ requirements for staff training.

181 Section 3. Effective July 1, 2015, section 429.52, Florida  
 182 Statutes, as amended by this act, is amended to read:

183 429.52 Staff training and educational programs; core  
 184 educational requirement.—

185 (1) ~~Administrators and other~~ Assisted living facility  
 186 staff must meet minimum training and education requirements  
 187 established by the Department of Elderly Affairs by rule. This  
 188 training and education is intended to assist facilities to  
 189 appropriately respond to the needs of residents, to maintain  
 190 resident care and facility standards, and to meet licensure  
 191 requirements. ~~Effective July 1, 2015, administrators must meet~~  
 192 ~~the minimum training and education requirements established~~  
 193 ~~under s. 429.55.~~

194 (2) ~~The department, in conjunction with the agency and~~  
 195 ~~providers, shall develop a competency test. The department shall~~  
 196 ~~determine the minimum required score indicating successful~~  
 197 ~~completion of the training and educational requirements. The~~  
 198 ~~required training and education must cover at least the~~  
 199 ~~following topics:~~

200 (a) ~~State law and rules relating to assisted living~~  
 201 ~~facilities.~~

202 (b) ~~Resident rights and identifying and reporting abuse,~~  
 203 ~~neglect, and exploitation.~~

204 (c) ~~Special needs of elderly persons, persons who have~~  
 205 ~~mental illness, and persons who have developmental disabilities~~  
 206 ~~and how to meet those needs.~~

207 (d) ~~Nutrition and food service, including acceptable~~  
 208 ~~sanitation practices for preparing, storing, and serving food.~~



209 ~~(e) Medication management, recordkeeping, and proper~~  
 210 ~~techniques for assisting residents with self-administered~~  
 211 ~~medication.~~

212 ~~(f) Firesafety requirements, including fire evacuation~~  
 213 ~~drill procedures and other emergency procedures.~~

214 ~~(g) Care of persons who have Alzheimer's disease and~~  
 215 ~~related disorders.~~

216 ~~(3) A new facility administrator must:~~

217 ~~(a) Complete the required training and education,~~  
 218 ~~including the competency test, within a reasonable time after~~  
 219 ~~being employed as an administrator, as determined by the~~  
 220 ~~department; or~~

221 ~~(b) Before July 1, 2015, earn and maintain certification~~  
 222 ~~as an assisted living facility administrator as provided under~~  
 223 ~~s. 429.55.~~

224  
 225 ~~Failure to meet the requirements of this subsection is a~~  
 226 ~~violation of this part and subjects the violator to an~~  
 227 ~~administrative fine as prescribed in s. 429.19. An administrator~~  
 228 ~~licensed under part II of chapter 468 is exempt from this~~  
 229 ~~subsection.~~

230 ~~(4) An administrator is required to participate in~~  
 231 ~~continuing education for a minimum of 12 contact hours every 2~~  
 232 ~~years.~~

233 (2)~~(5)~~ Staff involved with the management of medications  
 234 and assisting with the self-administration of medications under

235 s. 429.256 must complete a minimum of 4 additional hours of  
236 training provided by a registered nurse, licensed pharmacist, or  
237 department staff. The department shall establish by rule the  
238 minimum requirements of this additional training.

239 (3)~~(6)~~ Other facility staff shall participate in training  
240 relevant to their respective job duties as specified by rule of  
241 the department.

242 (4)~~(7)~~ If the department determines that there is a need  
243 for specific staff training or education beyond that already  
244 required under this section for personal care staff of a  
245 facility, the department may require and provide, or cause to be  
246 provided, such training or education. ~~This subsection does not  
247 apply to an assisted living facility administrator certified  
248 under s. 429.55.~~

249 ~~(8) The department shall adopt rules related to these  
250 training requirements and the competency test as required under  
251 this section, necessary procedures, and competency test fees,  
252 and shall adopt or contract with another entity to develop a  
253 curriculum, which shall serve as the minimum core training  
254 requirements. The department shall consult with representatives  
255 of stakeholder associations and agencies in the development of  
256 the curriculum.~~

257 ~~(9) The training required under this section must be  
258 conducted by a person registered with the department who has  
259 demonstrated requisite experience and credentials. A person  
260 seeking to register as a trainer must provide the department~~

261 ~~with proof of completion of the minimum core training education~~  
 262 ~~requirements, successful passage of the competency test~~  
 263 ~~established under this section, and proof of compliance with the~~  
 264 ~~continuing education requirement in subsection (4).~~

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

266 ~~(a) Provide proof of completion of a 4-year degree from an~~  
 267 ~~accredited college or university and must have worked in a~~  
 268 ~~management position in an assisted living facility for 3 years~~  
 269 ~~after being core certified;~~

270 ~~(b) Have worked in a management position in an assisted~~  
 271 ~~living facility for 5 years after being core certified and have~~  
 272 ~~1 year of teaching experience as an educator or staff trainer~~  
 273 ~~for persons who work in assisted living facilities or other~~  
 274 ~~long-term care settings;~~

275 ~~(c) Have been previously employed as a core trainer for~~  
 276 ~~the department; or~~

277 ~~(d) Meet other qualification criteria as defined by~~  
 278 ~~department rule.~~

279 (5)(11) The department may adopt rules establishing  
 280 requirements for staff training.

281 Section 4. Section 429.55, Florida Statutes, is created to  
 282 read:

283 429.55 Assisted living facility administrator  
 284 certification.—

285 (1) LEGISLATIVE INTENT.—It is the intent of the  
 286 Legislature that an assisted living facility administrator earn

287 and maintain professional certification from a third-party  
 288 credentialing entity approved by the Department of Elderly  
 289 Affairs. The Legislature further intends that certification  
 290 ensures that an administrator has the competencies necessary to  
 291 appropriately respond to the needs of residents, to maintain  
 292 resident care and facility standards, and to meet facility  
 293 licensure requirements. The Legislature recognizes professional  
 294 certification by a nationally recognized professional  
 295 credentialing organization as an equivalent alternative to a  
 296 state-run licensure program and, therefore, intends that  
 297 certification pursuant to this section is sufficient as an  
 298 acceptable alternative to licensure.

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

300 (a) "Assisted living facility administrator certification"  
 301 or "administrator certification" means a professional credential  
 302 awarded by a department-approved third-party credentialing  
 303 entity to a person who meets core competency requirements in  
 304 assisted living facility practice areas.

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

307 (c) "Nonprofit organization" means an organization that is  
 308 exempt from federal income tax under s. 501(c)(6) of the  
 309 Internal Revenue Code.

310 (d) "Third-party credentialing entity" or "credentialing  
 311 entity" means a nonprofit organization that develops and  
 312 administers professional certification programs according to

313 nationally recognized certification and psychometric standards.

314 (3) THIRD-PARTY CREDENTIALING ENTITIES.—

315 (a) The department shall approve one or more third-party  
316 credentialing entities for the purpose of developing and  
317 administering a professional credentialing program for  
318 administrators. Within 90 days after receiving documentation  
319 from a credentialing entity, the department shall approve a  
320 credentialing entity that demonstrates compliance with the  
321 following minimum standards:

322 1. Establishment of assisted living facility administrator  
323 core competencies, certification standards, testing instruments,  
324 and recertification according to nationally recognized  
325 certification and psychometric standards.

326 2. Establishment of a process to administer the  
327 certification application, award, and maintenance processes.

328 3. Demonstrated ability to administer a professional code  
329 of ethics and a disciplinary process that applies to all  
330 certified persons.

331 4. Establishment of, and ability to maintain, a publicly  
332 accessible Internet-based database that contains information on  
333 each person who applies for and holds certification, including,  
334 but not limited to, the person's first and last name,  
335 certification status, and ethical or disciplinary history.

336 5. Demonstrated ability to administer biennial continuing  
337 education and certification renewal requirements.

338 6. Demonstrated ability to administer an education

339 provider program to approve training entities that are qualified  
340 to provide precertification training to applicants and  
341 continuing education opportunities to certified professionals.

342 (b) To avoid a conflict of interest, a credentialing  
343 entity or its affiliate may not deliver training to an applicant  
344 or continuing education to a certificateholder.

345 (c) An individual adversely affected by the decision of a  
346 department-approved credentialing entity to deny initial  
347 certification or take adverse action on continued certification  
348 may appeal such action to the department for final  
349 determination.

350 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION  
351 REQUIRED.—Effective July 1, 2015, an assisted living facility  
352 administrator must be certified by a credentialing entity that  
353 is approved by the department under this section. An assisted  
354 living facility licensee that fails to employ a certified  
355 administrator threatens the physical and emotional health and  
356 safety of residents and is subject to an administrative fine as  
357 provided in s. 429.19. This subsection does not apply to an  
358 administrator licensed under part II of chapter 468.

359 (5) GRANDFATHER CLAUSE.—A credentialing entity that is  
360 approved by the department shall establish a process, at no cost  
361 to the department or the person, to certify a person who:

362 (a) Is employed as an assisted living facility  
363 administrator and is in compliance with the requirements in s.  
364 429.52, including continuing education requirements in place

365 before July 1, 2015; or

366 (b) Before July 1, 2015, completed the required training  
367 as an administrator, including the competency test and  
368 continuing education requirements established under s. 429.52.

369 (c) This subsection shall stand repealed on October 1,  
370 2015.

371 (6) CORE COMPETENCIES.—A credentialing entity that is  
372 approved by the department shall establish the core competencies  
373 for assisted living facility administrators according to  
374 nationally recognized certification and psychometric standards.

375 (7) CERTIFICATION PROGRAM REQUIREMENTS.—A certification  
376 program of a department-approved credentialing entity must:

377 (a) Be established according to nationally recognized  
378 certification and psychometric standards.

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

380 (c) Establish minimum requirements in each of the  
381 following categories:

382 1. Formal education.

383 2. Training.

384 3. On-the-job work experience.

385 4. Supervision.

386 5. Testing.

387 6. Biennial continuing education.

388 (d) Administer a professional code of ethics and a  
389 disciplinary process that applies to certified persons.

390 (e) Administer and maintain a publicly accessible

391 Internet-based database that contains information on each person  
392 who applies for or holds certification.

393 (f) Approve qualified training entities that provide  
394 precertification training to applicants and continuing education  
395 to certified assisted living facility administrators.

396 (8) FEES.—A credentialing entity shall set a fee for  
397 application, examination, certification, and for biennial  
398 certification renewal. The fee for application, examination, and  
399 certification may not exceed \$225. The fee for biennial  
400 certification renewal may not exceed \$100.

401 Section 5. Except as otherwise expressly provided in this  
402 act, this act shall take effect July 1, 2014.