

By Senator Farmer

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1 A bill to be entitled
2 An act relating to assisted living facility employee
3 certification; creating s. 429.175, F.S.; providing
4 legislative intent; requiring the Agency for Health
5 Care Administration to approve at least one
6 credentialing entity to develop and administer a
7 voluntary certification program for assisted living
8 facility employees; providing requirements for agency
9 approval; requiring an approved credentialing entity
10 to establish a certification program that establishes
11 specified minimum requirements, requires adherence to
12 a code of ethics and provides for a disciplinary
13 process, and approves training entities to provide
14 precertification training to applicants; requiring an
15 approved credentialing entity to establish
16 application, examination, and certain fees; requiring
17 background screening of applicants for assisted living
18 facility employee certification; providing for
19 expiration and renewal of the certificate; providing
20 for suspension or revocation of the certificate;
21 requiring an assisted living facility to remove a
22 person under certain circumstances and to notify the
23 credentialing entity after such removal; providing an
24 effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Section 429.175, Florida Statutes, is created to
29 read:

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30 429.175 Assisted living facility personnel certification.-

31 (1) It is the intent of the Legislature that every employee
32 of an assisted living facility voluntarily earn and maintain
33 certification from a credentialing entity approved by the Agency
34 for Health Care Administration. The Legislature further intends
35 that certification ensure that such employee has the
36 competencies necessary to appropriately respond to the needs of
37 residents.

38 (2) The agency shall approve at least one credentialing
39 entity by December 1, 2017, for the purpose of developing and
40 administering a voluntary credentialing program for assisted
41 living facility employees. To be eligible for agency approval, a
42 credentialing entity must show proof of its ability to:

43 (a) Establish assisted living facility employee core
44 competencies, certification requirements, testing instruments,
45 and recertification requirements.

46 (b) Establish a process to administer the certification
47 application, award, and maintenance processes.

48 (c) Develop and administer:

49 1. A code of ethics and a disciplinary process.

50 2. Biennial continuing education requirements and annual
51 certification renewal requirements.

52 3. An education provider program to approve training
53 entities that are qualified to provide precertification training
54 to applicants and continuing education opportunities to
55 certified persons.

56 (3) A credentialing entity shall establish a certification
57 program that:

58 (a) Is directly related to the core competencies.

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59 (b) Establishes minimum requirements in each of the
60 following categories:

- 61 1. Training.
- 62 2. On-the-job work experience.
- 63 3. Supervision.
- 64 4. Testing.
- 65 5. Biennial continuing education.

66 (c) Requires adherence to a code of ethics and provides for
67 a disciplinary process that applies to certified persons.

68 (d) Approves qualified training entities that provide
69 precertification training to applicants and continuing education
70 to certified assisted living facility employees. To avoid a
71 conflict of interest, a credentialing entity or its affiliate
72 may not deliver training to an applicant or continuing education
73 to a certificateholder.

74 (4) A credentialing entity shall establish application,
75 examination, and certification fees and an annual certification
76 renewal fee. The application, examination, and certification
77 fees may not exceed \$225. The annual certification renewal fee
78 may not exceed \$100.

79 (5) All applicants are subject to a level 2 background
80 screening as provided under chapter 435. An applicant is
81 ineligible, and a credentialing entity shall deny the
82 application, if the applicant has been found guilty of, or has
83 entered a plea of guilty or nolo contendere to, regardless of
84 adjudication, any offense listed in s. 435.04(2). In accordance
85 with s. 435.04, the agency shall notify the credentialing agency
86 of the applicant's eligibility based on the results of his or
87 her background screening.

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88 (6) The credentialing entity shall issue a certificate of
89 compliance upon approval of an assisted living facility
90 employee's application. The certificate automatically terminates
91 1 year after issuance if not renewed.

92 (a) The credentialing entity may suspend or revoke the
93 assisted living facility employee's certificate of compliance if
94 the employee fails to adhere to the continuing education
95 requirements.

96 (b) If a certified assisted living facility employee is
97 arrested for or found guilty of, or enters a plea of guilty or
98 nolo contendere to, regardless of adjudication, any offense
99 listed in s. 435.04(2) while acting within the course of
100 employment, the assisted living facility shall immediately
101 remove the employee from his or her position of employment and
102 notify the credentialing entity within 3 business days after
103 such removal.

104 (c) The credentialing entity shall revoke an assisted
105 living facility employee's certificate of compliance if the
106 assisted living facility employee provides false or misleading
107 information to the credentialing entity at any time.

108 Section 2. This act shall take effect July 1, 2017.