

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 create a voluntary  
 6           certification program for assisted living facility  
 7           employees; directing the agency to approve at least  
 8           one credentialing entity by a specified date to  
 9           develop and administer the certification program;  
 10          requiring an approved credentialing entity to  
 11          establish a process for certifying assisted living  
 12          facility employees who meet certain qualifications;  
 13          requiring an approved credentialing entity to  
 14          establish certain fees; requiring background screening  
 15          of applicants for assisted living facility employee  
 16          certification; providing for suspension or revocation  
 17          of certification; providing an effective date.

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

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 21           Section 1. Section 429.175, Florida Statutes, is created  
 22           to read:

23           429.175 Assisted living facility personnel certification.-

24           (1) It is the intent of the Legislature that every  
 25           employee of an assisted living facility voluntarily earn and

26 | maintain certification from a credentialing entity approved by  
27 | the Agency for Health Care Administration. The Legislature  
28 | further intends that certification ensure that such employee has  
29 | the competencies necessary to appropriately respond to the needs  
30 | of residents.

31 | (2) The agency shall approve at least one credentialing  
32 | entity by December 1, 2017, for the purpose of developing and  
33 | administering a voluntary credentialing program for assisted  
34 | living facility employees. To be eligible for agency approval, a  
35 | credentialing entity shall:

36 | (a) Establish assisted living facility employee core  
37 | competencies, certification requirements, testing instruments,  
38 | and recertification requirements.

39 | (b) Establish a process to administer the certification  
40 | application, award, and maintenance processes.

41 | (c) Develop and administer:

42 | 1. A code of ethics and disciplinary process.

43 | 2. Biennial continuing education requirements and annual  
44 | certification renewal requirements.

45 | 3. An education provider program to approve training  
46 | entities that are qualified to provide precertification training  
47 | to applicants and continuing education opportunities to  
48 | certified persons.

49 | (3) A credentialing entity shall establish a certification  
50 | program that:

51        (a) Is directly related to the core competencies.  
 52        (b) Establishes minimum requirements in each of the  
 53 following categories:  
 54            1. Training.  
 55            2. On-the-job work experience.  
 56            3. Supervision.  
 57            4. Testing.  
 58            5. Biennial continuing education.  
 59        (c) Requires adherence to a code of ethics and provides  
 60 for a disciplinary process that applies to certified persons.  
 61        (d) Approves qualified training entities that provide  
 62 precertification training to applicants and continuing education  
 63 to certified assisted living facility employees. To avoid a  
 64 conflict of interest, a credentialing entity or its affiliate  
 65 may not deliver training to an applicant or continuing education  
 66 to a certificateholder.  
 67        (4) A credentialing entity shall establish application,  
 68 examination, and certification fees and an annual certification  
 69 renewal fee. The application, examination, and certification  
 70 fees may not exceed \$225. The annual certification renewal fee  
 71 may not exceed \$100.  
 72        (5) All applicants are subject to level 2 background  
 73 screening as provided under chapter 435. An applicant is  
 74 ineligible, and a credentialing entity shall deny the  
 75 application, if the applicant has been found guilty of, or has

76 | entered a plea of guilty or nolo contendere to, regardless of  
77 | adjudication, any offense listed in s. 435.04(2). In accordance  
78 | with s. 435.04, the agency shall notify the credentialing agency  
79 | of the applicant's eligibility based on the results of his or  
80 | her background screening.

81 | (6) The credentialing entity shall issue a certificate of  
82 | compliance upon approval of a person's application. The  
83 | certification shall automatically terminate 1 year after  
84 | issuance if not renewed.

85 | (a) A credentialing entity may suspend or revoke the  
86 | assisted living facility employee's certificate of compliance if  
87 | the employee fails to adhere to the continuing education  
88 | requirements.

89 | (b) If a certified assisted living facility employee is  
90 | arrested for or found guilty of, or enters a plea of guilty or  
91 | nolo contendere to, regardless of adjudication, any offense  
92 | listed in s. 435.04(2) while acting in that capacity, the  
93 | assisted living facility shall immediately remove the person  
94 | from that position and notify the credentialing entity within 3  
95 | business days after such removal.

96 | (c) A credentialing entity shall revoke an assisted living  
97 | facility employee's certificate of compliance if the assisted  
98 | living facility employee provides false or misleading  
99 | information to the credentialing entity at any time.

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