

By Senator Broxson

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1 A bill to be entitled
2 An act relating to training requirements for assisted
3 living facility employees; amending s. 429.52, F.S.;
4 deleting obsolete dates; requiring the Department of
5 Elderly Affairs to require certain new assisted living
6 facility employees to complete an instructional
7 requirement; requiring the department to develop a
8 core curriculum for use by trainers; requiring a
9 trainer who does not use the department's core
10 curriculum to submit the curriculum used in his or her
11 trainings to the department by a specified date
12 annually for its review and approval; authorizing the
13 department to suspend the registration of a trainer
14 who fails to submit his or her curriculum for approval
15 or who fails to adhere to an approved curriculum;
16 requiring a curriculum developed for a certain
17 required training to include specified topics,
18 including emergency and disaster preparedness;
19 requiring a new facility administrator to complete an
20 instructional requirement before employment as an
21 administrator; specifying that a new facility
22 administrator must complete the required training and
23 education within a specified timeframe rather than
24 within a reasonable time as determined by the
25 department; requiring a registered trainer to submit
26 certain information on trainings performed to the
27 department at least once annually; providing an
28 effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 429.52 Staff training and educational programs; core
35 educational requirement.—

36 (1) ~~Effective October 1, 2015,~~ Each new assisted living
37 facility employee who has not previously completed core training
38 must attend a preservice orientation provided by the facility
39 before interacting with residents. The preservice orientation
40 must be at least 2 hours in duration and cover topics that help
41 the employee provide responsible care and respond to the needs
42 of facility residents. Upon completion, the employee and the
43 administrator of the facility must sign a statement that the
44 employee completed the required preservice orientation. The
45 facility must keep the signed statement in the employee's
46 personnel record.

47 (2) Administrators and other assisted living facility staff
48 must meet minimum training and educational ~~education~~
49 requirements established by the Department of Elderly Affairs by
50 rule. This training and education is intended to assist
51 facilities to appropriately respond to the needs of residents,
52 to maintain resident care and facility standards, and to meet
53 licensure requirements.

54 (3) The department shall establish a competency test and a
55 minimum required score to indicate successful completion of the
56 training and educational requirements. The competency test must
57 be developed by the department in conjunction with the agency
58 and providers. The department shall require a minimum of 3 hours

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59 of instruction. The department must develop a core curriculum
60 that may be used in the required training. A trainer must use
61 the department's core curriculum or a curriculum that has been
62 approved by the department. A trainer who does not use the
63 department's core curriculum must submit the curriculum used in
64 his or her trainings to the department annually for its review
65 and approval, no later than December 31 of each year. The
66 department may suspend the registration of a trainer who fails
67 to submit his or her curriculum for approval or who fails to
68 adhere to an approved curriculum. A curriculum developed for the
69 required training ~~and education~~ must include ~~cover~~ at least the
70 following topics:

71 (a) State law and rules relating to assisted living
72 facilities.

73 (b) Resident rights and identifying and reporting abuse,
74 neglect, and exploitation.

75 (c) Special needs of elderly persons, persons with mental
76 illness, and persons with developmental disabilities and how to
77 meet those needs.

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

80 (e) Medication management, recordkeeping, and proper
81 techniques for assisting residents with self-administered
82 medication.

83 (f) Firesafety requirements, including fire evacuation
84 drill procedures and other emergency procedures.

85 (g) Care of persons with Alzheimer's disease and related
86 disorders.

87 (h) Emergency and disaster preparedness, including

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88 procedures for maintaining the health and safety of residents
89 during an emergency.

90 (4) ~~Effective January 1, 2004,~~ A new facility administrator
91 must complete the required training and education, including the
92 competency test, within 90 days ~~a reasonable time~~ after being
93 employed as an administrator and must successfully complete at
94 least 40 hours of instruction before employment as an
95 administrator, ~~as determined by the department.~~ Failure to do so
96 is a violation of this part and subjects the violator to an
97 administrative fine as prescribed in s. 429.19. Administrators
98 licensed in accordance with part II of chapter 468 are exempt
99 from this requirement. Other licensed professionals may be
100 exempted, as determined by the department by rule.

101 (5) Administrators are required to participate in
102 continuing education for a minimum of 12 contact hours every 2
103 years.

104 (6) Staff involved with the management of medications and
105 assisting residents with the self-administration of medications
106 under s. 429.256 must complete a minimum of 6 additional hours
107 of training provided by a registered nurse, licensed pharmacist,
108 or department staff. The department shall establish by rule the
109 minimum requirements of this additional training.

110 (7) Other facility staff shall participate in training
111 relevant to their job duties as specified by rule of the
112 department.

113 (8) If the department or the agency determines that there
114 are problems in a facility which ~~that~~ could be reduced through
115 specific staff training or education beyond that already
116 required under this section, the department or the agency may

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117 require, and provide, or cause to be provided, the training or
118 education of any personal care staff in the facility.

119 (9) The department shall adopt rules related to these
120 training requirements, the competency test, necessary
121 procedures, and competency test fees and shall adopt or contract
122 with another entity to develop a curriculum, which shall be used
123 as the minimum core training requirements. The department shall
124 consult with representatives of stakeholder associations and
125 agencies in the development of the curriculum.

126 (10) The training required by this section other than the
127 preservice orientation must be conducted by persons registered
128 with the department as having the requisite experience and
129 credentials to conduct the training. A person seeking to
130 register as a trainer must provide the department with proof of
131 completion of the minimum core training education requirements,
132 proof of successful passage of the competency test established
133 under this section, and proof of compliance with the continuing
134 education requirement in subsection (5). A registered trainer
135 shall submit the date, time, and location of trainings conducted
136 to the department at least once annually.

137 (11) A person seeking to register as a trainer must also:

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

142 (b) Have worked in a management position in an assisted
143 living facility for 5 years after being core certified and have
144 1 year of teaching experience as an educator or staff trainer
145 for persons who work in assisted living facilities or other

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146 long-term care settings;

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

149 (d) Meet other qualification criteria as defined in rule,
150 which the department is authorized to adopt.

151 (12) The department shall adopt rules to establish trainer
152 registration requirements.

153 Section 2. This act shall take effect July 1, 2018.