

By the Committee on Health Policy; and Senator Bean

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1 A bill to be entitled
2 An act relating to personal care attendants; amending
3 s. 400.141, F.S.; authorizing nursing home facilities
4 to employ personal care attendants if they are
5 participating in a certain training program developed
6 by the Agency for Health Care Administration, in
7 consultation with the Board of Nursing; providing
8 minimum requirements for such program; providing
9 limitations on such personal care attendants'
10 practice; authorizing the agency to adopt rules;
11 authorizing certain personal care attendant programs
12 to continue operating during the agency's rulemaking
13 process under certain circumstances; requiring the
14 agency to notify the Division of Law Revision of the
15 date certain rules take effect; providing for future
16 repeal; amending s. 400.211, F.S.; authorizing certain
17 persons to be employed by a nursing home facility as
18 personal care attendants for a specified period if a
19 certain training requirement is met; defining the term
20 "personal care attendants"; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraph (w) is added to subsection (1) of
26 section 400.141, Florida Statutes, to read:

27 400.141 Administration and management of nursing home
28 facilities.—

29 (1) Every licensed facility shall comply with all

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30 applicable standards and rules of the agency and shall:

31 (w) Be allowed to employ personal care attendants as
32 defined in s. 400.211(2)(d), if such personal care attendants
33 are participating in the personal care attendant training
34 program developed by the agency, in accordance with 42 C.F.R.
35 ss. 483.151-483.154, in consultation with the Board of Nursing.

36 1. The personal care attendant training program must
37 consist of a minimum of 16 hours of education and must include
38 training in all of the topics and lessons specified in the
39 program curriculum.

40 2. The program curriculum for the personal care attendant
41 training program must include, but need not be limited to, all
42 of the following content areas:

43 a. Residents' rights.

44 b. Confidentiality of residents' personal information and
45 medical records.

46 c. Control of contagious and infectious diseases.

47 d. Emergency response measures.

48 e. Assistance with activities of daily living.

49 f. Measuring vital signs.

50 g. Skin care and pressure sore prevention.

51 h. Portable oxygen use and safety.

52 i. Nutrition and hydration.

53 j. Dementia care.

54 3. A personal care attendant may not perform any task that
55 requires clinical assessment, interpretation, or judgment.

56 4. A personal care attendant must work exclusively for one
57 nursing home facility and may not work as a personal care
58 attendant for more than one nursing home facility before

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59 becoming a certified nursing assistant.

60 5. The agency may adopt rules to implement this paragraph.

61 6. If the Governor's Emergency Order 20-52 or an extension
 62 thereof expires or is terminated before the completion of the
 63 agency's rulemaking process to implement this paragraph, any
 64 personal care attendant program that is operating pursuant to
 65 agency approval that was issued during the time in which the
 66 executive order was effective may continue to operate as
 67 authorized until the agency's rulemaking process is completed,
 68 at which time the program must comply with agency rule. The
 69 agency shall notify the Division of Law Revision of the date
 70 such rules take effect. This subparagraph expires on the
 71 effective date of such rules.

72 Section 2. Subsection (2) of section 400.211, Florida
 73 Statutes, is amended to read:

74 400.211 Persons employed as nursing assistants;
 75 certification requirement.-

76 (2) The following categories of persons who are not
 77 certified as nursing assistants under part II of chapter 464 may
 78 be employed by a nursing facility for a period of 4 months:

79 (a) Persons who are enrolled in, or have completed, a
 80 state-approved nursing assistant program.~~†~~

81 (b) Persons who have been positively verified as actively
 82 certified and on the registry in another state with no findings
 83 of abuse, neglect, or exploitation in that state.~~† or~~

84 (c) Persons who have preliminarily passed the state's
 85 certification exam.

86 (d) Persons who are employed as personal care attendants
 87 and who have completed the personal care attendant training

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88 program developed pursuant to s. 400.141(1)(w). As used in this
89 paragraph, the term "personal care attendants" means persons who
90 meet the training requirement in s. 400.141(1)(w) and provide
91 care to and assist residents with tasks related to the
92 activities of daily living.

93
94 The certification requirement must be met within 4 months after
95 initial employment as a nursing assistant in a licensed nursing
96 facility.

97 Section 3. This act shall take effect upon becoming a law.