

By the Committees on Appropriations; and Health Policy; and  
Senator Bean

576-04470-21

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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; requiring the agency to adopt rules;  
11 requiring the agency to authorize the continuation of  
12 certain personal care attendant programs under certain  
13 circumstances; amending s. 400.211, F.S.; authorizing  
14 certain persons to be employed by a nursing home  
15 facility as personal care attendants for a specified  
16 period if a certain training requirement is met;  
17 defining the term "personal care attendants";  
18 providing an effective date.

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

21  
22 Section 1. Paragraph (w) is added to subsection (1) of  
23 section 400.141, Florida Statutes, to read:

24 400.141 Administration and management of nursing home  
25 facilities.—

26 (1) Every licensed facility shall comply with all  
27 applicable standards and rules of the agency and shall:

28 (w) Be allowed to employ personal care attendants as  
29 defined in s. 400.211(2)(d), if such personal care attendants

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30 are participating in the personal care attendant training  
31 program developed by the agency, in accordance with 42 C.F.R.  
32 ss. 483.151-483.154, in consultation with the Board of Nursing.

33 1. The personal care attendant program must consist of a  
34 minimum of 16 hours of education and must include all of the  
35 topics and lessons specified in the program curriculum.

36 2. The program curriculum must include, but need not be  
37 limited to, training in all of the following content areas:

38 a. Residents' rights.

39 b. Confidentiality of residents' personal information and  
40 medical records.

41 c. Control of contagious and infectious diseases.

42 d. Emergency response measures.

43 e. Assistance with activities of daily living.

44 f. Measuring vital signs.

45 g. Skin care and pressure sores prevention.

46 h. Portable oxygen use and safety.

47 i. Nutrition and hydration.

48 j. Dementia care.

49 3. A personal care attendant must complete the 16 hours of  
50 required education before having any direct contact with a  
51 resident.

52 4. A personal care attendant may not perform any task that  
53 requires clinical assessment, interpretation, or judgment.

54 5. An individual employed as a personal care attendant  
55 under s. 400.211(2)(d) must work exclusively for one nursing  
56 facility before becoming a certified nursing assistant.

57  
58 The agency shall adopt rules necessary to implement this

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59 paragraph. If the state of emergency declared by the Governor  
60 pursuant to Executive Order No. 20-52 is terminated before the  
61 agency adopts rules to implement this paragraph, the agency  
62 shall authorize the continuation of the personal care attendant  
63 program until the agency adopts such rules.

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

66 400.211 Persons employed as nursing assistants;  
67 certification requirement.—

68 (2) The following categories of persons who are not  
69 certified as nursing assistants under part II of chapter 464 may  
70 be employed by a nursing facility for a single consecutive  
71 period of 4 months:

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

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

77 (c) Persons who have preliminarily passed the state's  
78 certification exam.

79 (d) Persons who are employed as personal care attendants  
80 and who have completed the personal care attendant training  
81 program developed pursuant to s. 400.141(1)(w). As used in this  
82 paragraph, the term "personal care attendants" means persons who  
83 meet the training requirement in s. 400.141(1)(w) and provide  
84 care to and assist residents with tasks related to the  
85 activities of daily living.

86  
87 The certification requirement must be met within 4 months after

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88 initial employment as a nursing assistant in a licensed nursing  
89 facility.

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