

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 309 Dementia-related Staff Training

**SPONSOR(S):** Finance & Facilities Subcommittee, Byrd

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 634

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Finance & Facilities Subcommittee	15 Y, 1 N, As CS	Guzzo	Lloyd
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### SUMMARY ANALYSIS

Current laws require certain employees of nursing homes, home health agencies, hospices, assisted living facilities (ALFs), and adult day care centers to complete training on Alzheimer's disease or related disorders (ADRD). Employees of ALFs, other than special care ALFs, and adult family care homes are not currently required to complete ADRD training.

When training is required, it applies to employees whose duties require them to have direct contact with or provide direct care to individuals with ADRD are required to complete ADRD training. No other employees are required to receive ADRD training other than receiving basic written information in most instances. The required number of hours of training and the timeframes in which the training must be completed vary among the above provider types

Employees of nursing homes, hospices, ALFs, and adult day care centers, whose duties require them to have direct contact with individuals with ADRD, are required to complete initial ADRD training within 3-months of beginning employment. The bill creates or revises training requirements for all employees of nursing homes, home health agencies, hospices, ALFs, adult family-care homes, and adult day care centers, not just those who have direct contact with individuals with ADRD. The bill requires the training to be completed within 30-days of beginning employment, instead of within 3-months.

In addition to the initial training, employees of nursing homes, home health agencies, hospices, ALFs, and adult day care centers who provide direct care to individuals with ADRD are required to complete additional ADRD training within 9-months of beginning employment. The bill requires the additional training to be completed within 3-months of beginning employment and specifies that the training must be evidence-based. Direct care workers in a special care ALF, adult family-care home, or adult day care center must also complete four additional hours of ADRD training within the first four months of employment. The bill also requires all direct care workers to receive continuing education annually rather than only those employed by special care ALFs and adult day care centers.

The bill also requires:

- Training providers to develop assessments with minimum required scores for each training topic; and
- The employing provider to make their employee's training certificates available during inspections.

The bill has no fiscal impact on state or local government.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

##### Nursing Homes

A nursing home is a facility that provides 24-hour nursing care, personal care, or custodial care to individuals who are ill or physically infirm.<sup>1</sup> Nursing homes are licensed and regulated by the Agency for Health Care Administration (AHCA) under part II of ch. 400, F.S.

Nursing homes are required to provide basic written information to new employees, upon beginning employment, about interacting with individuals with Alzheimer's disease or a related disorder (ADRD).<sup>2</sup> If the employee's duties require them to have direct contact with residents with ADRD must complete 1-hour of initial training on ADRD within 3-months of beginning employment.<sup>3</sup> The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with residents who have ADRD.<sup>4</sup>

Those employees who provide direct care to residents with ADRD must complete an additional 3-hours of training within 9 months of beginning employment. The additional training must address the following subject areas:

- Behavior management;
- Assistance with activities of daily living;
- Activities for residents;
- Stress management for care givers;
- Family issues;
- Resident environment; and
- Ethical issues.<sup>5</sup>

##### Home Health Agencies

A home health agency provides one or more of the following home health services: nursing care, therapy; home health aide services; dietetics and nutrition; or medical supplies.<sup>6</sup> Home health agencies are licensed and regulated by AHCA under part III of ch. 400, F.S.

Home health agencies are required to provide basic written information to new employees, upon beginning employment, about interacting with individuals with ADRD.<sup>7</sup> Those employees who provide direct care to residents with ADRD must complete 2-hours of training on ADRD within 9-months of beginning employment.<sup>8</sup> The training must include:

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<sup>1</sup> S. 400.021(7), F.S.

<sup>2</sup> S. 400.1755(1), F.S.

<sup>3</sup> S. 400.1755(2), F.S.

<sup>4</sup> Rule 58A-4.001(1)(a), F.A.C.

<sup>5</sup> Rule 58A-4.001(1)(b), F.A.C.

<sup>6</sup> S. 400.462(12) and (14), F.S.

<sup>7</sup> S. 400.4785(1)(a), F.S.

<sup>8</sup> S. 400.4785(1)(b), F.S.

- An overview of dementia;
- A demonstration of basic skills in communicating with individuals with dementia;
- Information on managing problem behaviors;
- Information about promoting the client's independence in activities of daily living; and
- Skills for working with families and caregivers.<sup>9</sup>

### Hospices

A hospice provides a continuum of palliative and supportive care for a terminally ill patient and their family.<sup>10</sup> Hospices are licensed and regulated by AHCA under part IV of ch. 400, F.S.

Hospices are required to provide basic written information to new employees, upon beginning employment, about interacting with individuals with Alzheimer's disease or a related disorder (ADRD).<sup>11</sup> If their duties require them to have direct contact with residents with ADRD, the employee must complete 1-hour of initial training on ADRD within 3-months of beginning employment.<sup>12</sup> The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with patients who have ADRD.<sup>13</sup>

Those employees who provide direct care to residents with ADRD must complete an additional 3-hours of training on ADRD within 9 months of beginning employment.<sup>14</sup> The additional training must address the following subject areas:

- Behavior management;
- Assistance with activities of daily living to promote the patient's independence;
- Activities for patients;
- Stress management for care givers;
- Family issues;
- Patient environment; and
- Ethical issues.<sup>15</sup>

### Assisted Living Facilities (ALFs)

An ALF is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.<sup>16</sup> ALFs are licensed and regulated by AHCA under part I of ch. 429, F.S. An ALF that advertises that it provides special care for individuals with ADRD is required to meet certain staffing and ADRD training requirements that are not required of other ALFs.<sup>17</sup>

ADRD training is only required for employees of ALFs that provide special care for residents with ADRD. ALFs that provide special care for residents with ADRD are required to provide basic written information to new employees about interacting with individuals with ADRD within 3-months of beginning employment.<sup>18</sup>

<sup>9</sup> Id.

<sup>10</sup> S. 400.601(3), F.S.

<sup>11</sup> S. 400.6045(1)(a), F.S.

<sup>12</sup> S. 400.6045(1)(b), F.S.

<sup>13</sup> Rule 59A-38.019(1)(a), F.A.C.

<sup>14</sup> S. 400.6045(1)(c), F.S.

<sup>15</sup> Rule 59A-38.019(1)(b), F.A.C.

<sup>16</sup> S. 429.02(5), F.S.

<sup>17</sup> S. 429.177, F.S., and s. 429.178(1), F.S.

<sup>18</sup> S. 429.178(2)(c), F.S.

An employee who has regular contact with residents who have ADRD but does not provide direct care to such residents is required to complete 4-hours of initial ADRD training within 3-months of beginning employment.<sup>19</sup> The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD;
- Communicating with residents who have ADRD;
- Family issues;
- Resident environment; and
- Ethical issues.<sup>20</sup>

A direct caregiver who is employed by an ALF that provides special care for residents with ADRD is required to complete 4-hours of additional training within 9-months of beginning employment.<sup>21</sup> The additional training must address the following subject areas:

- Behavior management;
- Assistance with activities of daily living;
- Activities for residents;
- Stress management for caregivers; and
- Medical information.

They are also required to complete 4-hours of continuing education on ADRD every year.<sup>22</sup>

### Adult Family-Care Homes

An adult family-care home is a private home, under which a person who owns or rents the home provides room, board, and personal care in a family-like living arrangement, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives of the homeowner.<sup>23</sup> Adult family-care homes are licensed and regulated by AHCA under part II of ch. 429, F.S.

Employees of adult family-care homes are not currently required to complete any ADRD training.

An adult family-care home that claims to provide special care for individuals with ADRD is required to disclose in its advertisements, or in a separate document, those services that distinguish the care as being especially applicable to, or suitable for, such persons.<sup>24</sup>

### Adult Day Care Centers

Adult day care centers provide therapeutic services and activities for adults in a non-institutional setting.<sup>25</sup> Participants may utilize a variety of services offered during any part of a day totaling less than 24-hours. Basic services provided by adult day care centers include leisure activities, self-care training, nutritional services, and respite care.<sup>26</sup>

Adult day care centers are required to provide basic written information to new employees, upon beginning employment, about interacting with individuals with ADRD.<sup>27</sup> If the employee's duties require them to have direct contact with residents with ADRD, they must complete 1-hour of initial training on ADRD within 3-months of beginning employment.<sup>28</sup> The initial training must address the following subject areas:

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<sup>19</sup> S. 429.178(2)(a), F.S.

<sup>20</sup> Rule 59A-36.011(10)(a), F.A.C.

<sup>21</sup> S. 429.178(2)(b), F.S.

<sup>22</sup> S. 429.178(3), F.S.

<sup>23</sup> S. 429.65(2), F.S.

<sup>24</sup> S. 429.83, F.S.

<sup>25</sup> S. 429.901(3), F.S.

<sup>26</sup> Id.

<sup>27</sup> S. 429.917(1)(a), F.S.

<sup>28</sup> S. 429.917(1)(b), F.S.

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with participants who have ADRD.<sup>29</sup>

Those employees who provide direct care to residents with ADRD must also complete an additional 3-hours of training on ADRD within 9-months of beginning employment.<sup>30</sup> The additional training must address the following subject areas:

- Behavior management;
- Assistance with activities of daily living to promote the participant's independence;
- Stress management for the caregiver;
- Family issues;
- Participant environment; and
- Ethical issues.<sup>31</sup>

An adult day care center may have its license designated by AHCA as a specialized Alzheimer's services adult day care center if it meets certain requirements.<sup>32</sup> Employees of specialized Alzheimer's services adult day care centers, who have direct contact with, or provide direct care to, individuals with ADRD are required to receive 4-hours of ADRD training within 3-months of beginning employment.<sup>33</sup> Employees of specialized Alzheimer's services adult day care centers who provide direct care to participants with ADRD are required to receive an additional 4-hours of training within 6-months of beginning employment.<sup>34</sup> The curriculum for the additional 4-hours of training must address the following subject areas:

- Understanding brain disease;
- Normal brain functions and normal aging;
- Understanding treatable and irreversible dementia;
- Mental status tests;
- Communication and the effects of damage to brain cells;
- Influences on behavior and brain deterioration;
- Interventions;
- Physical causes and pain indications;
- Common ADRD medications and side effects;
- Malnutrition and dehydration;
- Activities of daily living;
- Validation therapy;
- Safety; and
- Caregiver stress management.

Employees of specialized Alzheimer's services adult day care centers who provide direct care to participants with ADRD are also required to receive 4-hours of continuing education annually in topics related to ADRD.<sup>35</sup>

#### ADRD Training Providers and Curricula

The Department of Elder Affairs (DOEA) or its designee is responsible for approving ADRD training providers and curricula for employees of nursing homes, home health agencies, hospices, ALFs, and

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<sup>29</sup> Rule 59A-16.110(1)(a), F.A.C.

<sup>30</sup> S. 429.917(1)(c), F.S.

<sup>31</sup> Rule 59A-16.110(1)(b), F.A.C.

<sup>32</sup> S. 429.918(4), F.S.

<sup>33</sup> Rule 59A-16.111(2), F.A.C.

<sup>34</sup> Rule 59A-16.111(3), F.A.C.

<sup>35</sup> Rule 59A-16.111(5), F.A.C.

adult day care centers.<sup>36</sup> The University of South Florida (USF) administers the Program through a contract with DOEA.<sup>37</sup>

To be approved as a training provider, an applicant is required to provide proof of certain educational and experience requirements, including:

- A Master’s degree from an accredited college in health care, human services, or gerontology; or
- A Bachelor’s degree from an accredited college, or licensure as a registered nurse; and
  - 1-year of experience as an educator of caregivers for individuals with ADRD; or
  - Completion of a specialized training program relating to ADRD, and a minimum of 2-years of practical experience in a program providing direct care to individuals with ADRD; or
  - 3-years of practical experience in a program providing direct care to individuals with ADRD.<sup>38</sup>

Upon successful completion of training, the trainer is required to issue the trainee a certificate of completion.<sup>39</sup> Each facility is required to keep copies of training certificates in each employee’s personnel file, which are reviewed by AHCA during facility inspections.<sup>40</sup>

Training curricula is certified for a period of three years and must be resubmitted for approval.<sup>41</sup> Approval of training curricula is based on how well it addresses the required subject areas.<sup>42</sup>

The table below depicts the number of approved trainers and training curricula by facility/provider type.<sup>43</sup>

<b>Facility/Provider Type</b>	<b>Approved Training Providers</b>	<b>Approved Training Curricula</b>
Nursing Home	2,369	26
Home Health Agency	1,501	24
Hospice	380	32
ALF	1,270	66
Adult Day Care Center	204	15
<b>Total</b>	<b>5,724</b>	<b>163</b>

<sup>36</sup> S. 400.1755(5), F.S., s. 400.4785(1)(f), F.S., s. 400.6045(1)(g), F.S., s. 429.178(5), F.S., and s. 429.917(1)(g), F.S.

<sup>37</sup> Department of Elder Affairs, 2021 Legislative Bill Analysis – HB 309, February 11, 2021 (on file with Finance & Facilities Subcommittee staff).

<sup>38</sup> Rule 58A-5.0194(1)(a), F.A.C.

<sup>39</sup> Rule 58A-5.0194(5), F.A.C.

<sup>40</sup> Agency for Health Care Administration, 2021 Legislative Bill Analysis – HB 309, February 19, 2021 (on file with Finance & Facilities Subcommittee staff).

<sup>41</sup> Rule 58A-5.0194((1)(b), F.A.C.

<sup>42</sup> Id.

<sup>43</sup> University of South Florida’s Training Academy on Aging, Find Approved Applications, available at <https://usfweb.usf.edu/trainingonAging/default.aspx>, (last visited February 21, 2021).

## Effect of the Bill

The bill makes the following changes to the ADRD training requirements for employees of nursing homes, home health agencies, hospices, ALFs, and adult day care centers to increase uniformity of training requirements across the long-term care industry.

CURRENT	Initial Training, All Employees	Direct Care Workers			Total Hours of Required Training		
		Initial Training During 1 <sup>st</sup> 3 Months	Additional Training During First Year	Continuing	1 <sup>st</sup> Year	Continuing	
<b>Nursing Homes</b>	Basic written info upon beginning employment	1 hr.	3 hrs. w/in 1 <sup>st</sup> 9 months	n/a	4 hrs.	n/a	
<b>Home Health Agencies</b>	Basic written info upon beginning employment	n/a	2 hrs. w/in 1 <sup>st</sup> 9 months	n/a	2 hrs.	n/a	
<b>Hospices</b>	Basic written info upon beginning employment	1 hr.	3 hrs. w/in 1 <sup>st</sup> 9 months	n/a	4 hrs.	n/a	
<b>ALFs</b>	<b>Generally</b>	n/a	n/a	n/a	n/a	n/a	
	<b>Special Care</b>	Basic written info w/in 1 <sup>st</sup> 3 months	4 hrs.	4 hrs. w/in 1 <sup>st</sup> 9 months	4 hrs., annually	8 hrs.	4 hrs.
<b>Adult Family-Care Home</b>	<b>Generally</b>	n/a	n/a	n/a	n/a	n/a	
	<b>Special Care</b>	n/a	n/a	n/a	n/a	n/a	
<b>Adult Day Care Centers</b>	<b>Generally</b>	Basic written info upon beginning employment	1 hr.	3 hrs. w/in 1 <sup>st</sup> 9 months	n/a	4 hrs.	n/a
	<b>Special Care</b>	Basic written info upon beginning employment	4 hrs.	4 hrs. w/in 1 <sup>st</sup> 6 months	4 hrs., annually	8 hrs.	4 hrs.

EFFECT OF THE BILL	Initial Training, All Employees	Direct Care Workers			Total Hours of Required Training	
		Additional Training	Special Requirement	Continuing	1 <sup>st</sup> Year	Continuing
<b>Nursing Homes</b> <b>Home Health Agencies</b> <b>Hospices</b> <b>ALFs</b> <b>Adult Family-Care Homes</b> <b>Adult Day Care Centers</b>	1 hr. w/in 1 <sup>st</sup> 30 days	3 hrs. w/in 1 <sup>st</sup> 3 months	n/a	4 hrs., annually	4 hrs.	4 hrs., annually.
<b>Special Care:</b> - <b>ALFs</b> - <b>Adult Family-Care Homes</b> - <b>Adult Day Care Centers</b>	1 hr. w/in 1 <sup>st</sup> 30 days	3 hrs. w/in 1 <sup>st</sup> 3 months	4 hrs. w/in 1 <sup>st</sup> 4 months	4 hrs., annually	8 hrs.	4 hrs., annually

### ADRD Training Providers and Curricula

Current law authorizes DOEA or its designee to approve the ADRD training curricula for nursing homes, ALFs, adult family-care homes, home health agencies, hospices, and adult day care centers.

However, it does not authorize them to develop the curricula. Currently, DOEA contracts with USF to approve training providers and curricula.

The bill authorizes DOEA to develop or approve the ADRD training curricula. As a result, DOEA will be able to either develop the curricula themselves or approve curricula developed by a third party, but the curricula will no longer be approved by a designee. Further, the bill specifically requires the 3-hours of additional ADRD training, which must be completed within the employee's first three months, to be evidence based. The additional training requirements, meaning those hours required beyond the initial one hour of training, apply to employees whose duties require them to have direct contact with, or provide direct care to, individuals with ADRD.

The bill retains the authority for DOEA or its designee to approve training providers and authorizes DOEA or its designee to develop a process for registering training providers.

The bill requires training providers to develop an assessment with a minimum required score to measure an individual's understanding of the topics. It also requires facilities to make training certificates available for review during an inspection.

Finally, the bill reduces the education requirements for training providers. Currently a training provider must have a master's degree, a bachelor's degree, or be a registered nurse and meet certain experience requirements. The bill removes the educational credential qualifications and requires a training provider to have at least two years of experience relating to ADRD, gerontology, health care, or a related field.

#### B. SECTION DIRECTORY:

**Section 1:** Designates the bill as the "Florida Alzheimer's Disease and Dementia Training Act."

**Section 2:** Creates s. 430.5025, F.S., relating to care for persons with Alzheimer's disease or a related disorder; staff training.

**Section 3:** Amends s. 400.1755, F.S., relating to care for persons with Alzheimer's disease or related disorders.

**Section 4:** Amends s. 400.4785, F.S., relating to patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.

**Section 5:** Amends s. 400.6045, F.S., relating to patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.

**Section 6:** Amends s. 429.178, F.S., relating to special care for persons with Alzheimer's disease or other related disorders.

**Section 7:** Amends s. 429.52, F.S., relating to staff training and educational requirements.

**Section 8:** Amends s. 429.917, F.S., relating to patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.

**Section 9:** Provides an effective date of July 1, 2021.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.



2. Expenditures:

According to DOEA and AHCA, the bill is not expected to result in the expenditure of funds.<sup>44</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill is likely to have a negative fiscal impact on health care facilities and providers as a result of the increased training requirements of the bill. The level of fiscal impact is indeterminate.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides sufficient rule-making authority to DOEA to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 2, 2021, the Finance & Facilities Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Adds adult family-care homes to the types of facilities and providers required to comply with the training requirements of the bill;
- Provides an extra month for direct care workers in special care ALFs and special care adult day care centers to complete their final training hours following hire;
- Requires the 3-hours of ADRD training to be evidence based for employees whose duties require them to, have direct contact with, or provide direct care to, individuals with ADRD;
- Authorizes DOEA or its designee to develop or approve ADRD training curricula;
- Requires training providers, instead of DOEA or its designee, to develop end of course exams; and
- Requires facilities to make employee training certificates available for review during an inspection.

The analysis is drafted to the committee substitute as passed by the Finance & Facilities Subcommittee.

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<sup>44</sup> Agency for Health Care Administration, 2021 Legislative Bill Analysis – HB 309, February 19, 2021 and Department of Elder Affairs, 2021 Legislative Bill Analysis – HB 309, February 11, 2021 (on file with Finance & Facilities Subcommittee staff).