

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

SPONSOR(S): Health & Human Services Committee, 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 & Human Services Committee	21 Y, 0 N, As CS	Guzzo	Calamas

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. 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.

Currently, 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 three months of beginning employment. The bill requires all employees of nursing homes, home health agencies, hospices, ALFs, adult family-care homes, and adult day care centers, to complete one hour of initial ADRD training 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 three months.

In addition to the initial training, current law requires employees of nursing homes, home health agencies, hospices, and adult day care centers who provide direct care to individuals with ADRD to complete additional ADRD training within nine months of beginning employment. Current law does not require additional training for such employees of ALFs or adult family care homes. The bill fills in the gaps of facility types not currently required to complete additional training in the first year of employment by requiring employees of ALFs and adult family-care homes who provide direct care to individuals with ADRD to complete the additional training.

Current law requires employees who provide direct care to individuals with ADRD in ALFs and adult day care centers that provide special care for individuals with ADRD to complete four hours of continuing education annually. However, current law does not require such employees of adult family-care homes to complete continuing education. The bill fills in another gap to make training consistent among facility types by requiring employees of adult family-care homes to comply with the same continuing education requirements as the other facility types that provide special care for individuals with ADRD – four hours annually.

The bill provides timelines for current and newly hired employees to complete the training.

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

Alzheimer's Disease

Alzheimer's disease and related dementias (ADRD) are debilitating conditions that impair an individual's memory, thought processes, and overall functioning of the brain. Alzheimer's disease accounts for 60 to 80 percent of dementia cases. It is a progressive disease in which dementia symptoms worsen gradually over time. In the early stages of Alzheimer's disease, memory loss is mild; in late-stage, individuals lose the ability to carry on a conversation and respond to their environment. Currently, the disease has no cure, but treatment can temporarily slow the worsening of symptoms.¹

There are an estimated 5.8 million people in the United States with Alzheimer's disease, including 5.6 million people aged 65 and older and 200,000 individuals under age 65 who have younger-onset Alzheimer's disease.² By 2050, the number of people age 65 and older with Alzheimer's disease in the U.S. is expected to nearly triple to a projected 13.8 million people.³

Florida has an increasing number of individuals with Alzheimer's disease. An estimated 560,000 Floridians have Alzheimer's disease.⁴ The projected number of Floridians with Alzheimer's disease is estimated to increase by 28.6% to 720,000 individuals by 2025.⁵

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.⁶ 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 ADRD.⁷ If the employee's duties require them to have direct contact with residents with ADRD must complete one hour of initial training on ADRD within three months of beginning employment.⁸ The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with residents who have ADRD.⁹

¹ Alzheimer's Association, *What is Alzheimer's?*, http://www.alz.org/alzheimers_disease_what_is_alzheimers.asp (last visited Apr. 9, 2021).

² Alzheimer's Association, *2019 Alzheimer's Disease Facts and Figures*, <https://www.alz.org/media/Documents/alzheimers-facts-and-figures-2019-r.pdf> (last visited Apr. 9, 2021).

³ Id.

⁴ Alzheimer's Association, *Alzheimer's Statistics: Florida*, https://alz.org/getmedia/4d0840b6-0baa-4b97-8a0e-1775cfbf44a4/statesheet_florida (last visited Apr. 9, 2021).

⁵ Id.

⁶ S. 400.021(7), F.S.

⁷ S. 400.1755(1), F.S.

⁸ S. 400.1755(2), F.S.

⁹ Rule 58A-4.001(1)(a), F.A.C.

Those employees who provide direct care to residents with ADRD must complete an additional three hours of training within nine 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.¹⁰

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.¹¹ 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.¹² Those employees who provide direct care to residents with ADRD must complete two hours of training on ADRD within nine months of beginning employment.¹³ The training must include:

- 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.¹⁴

Hospices

A hospice provides a continuum of palliative and supportive care for a terminally ill patient and their family.¹⁵ 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).¹⁶ If their duties require them to have direct contact with residents with ADRD, the employee must complete one hour of initial training on ADRD within three months of beginning employment.¹⁷ The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with patients who have ADRD.¹⁸

Those employees who provide direct care to residents with ADRD must complete an additional three hours of training on ADRD within 9 months of beginning employment.¹⁹ The additional training must address the following subject areas:

¹⁰ Rule 58A-4.001(1)(b), F.A.C.

¹¹ S. 400.462(12) and (14), F.S.

¹² S. 400.4785(1)(a), F.S.

¹³ S. 400.4785(1)(b), F.S.

¹⁴ Id.

¹⁵ S. 400.601(3), F.S.

¹⁶ S. 400.6045(1)(a), F.S.

¹⁷ S. 400.6045(1)(b), F.S.

¹⁸ Rule 59A-38.019(1)(a), F.A.C.

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- 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.²⁰

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.²¹ 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.²²

ADRD training is only required for employees of ALFs that provide special care for residents with ADRD.²³ 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.²⁴

An employee who has regular contact with residents who have ADRD but does not provide direct care to such residents is required to complete four hours of initial ADRD training within three months of beginning employment.²⁵ 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.²⁶

A direct caregiver who is employed by an ALF that provides special care for residents with ADRD is required to complete four hours of additional training within nine months of beginning employment.²⁷ 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 four hours of continuing education on ADRD every year.²⁸

¹⁹ S. 400.6045(1)(c), F.S.

²⁰ Rule 59A-38.019(1)(b), F.A.C.

²¹ S. 429.02(5), F.S.

²² S. 429.177, F.S., and s. 429.178(1), F.S.

²³ S. 429.178(1), F.S., requires an ALF that advertises that it provides special care for persons with ADRD to meet certain standards of operation that are not required of other ALFs. This is not a separate licensure category. The additional standards of operation include: have an awake staff member on duty 24 hours a day, if the facility has 17 or more residents; if the facility has fewer than 17 residents, the facility may have mechanisms in place to monitor residents instead of having an awake staff member on duty 24 hours a day; offer activities specifically designed for persons who are cognitively impaired; have a physical environment that provides for the safety and welfare of the residents; and employ staff who have completed the required training and continuing education.

²⁴ S. 429.178(2)(c), F.S.

²⁵ S. 429.178(2)(a), F.S.

²⁶ Rule 59A-36.011(10)(a), F.A.C.

²⁷ S. 429.178(2)(b), F.S.

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.²⁹ Adult family-care homes are licensed and regulated by AHCA under part II of ch. 429, F.S.

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.³⁰

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

Adult Day Care Centers

Adult day care centers provide therapeutic services and activities for adults in a non-institutional setting.³¹ 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.³²

Adult day care centers are required to provide basic written information to new employees, upon beginning employment, about interacting with individuals with ADRD.³³ If the employee's duties require them to have direct contact with residents with ADRD, they must complete one hour of initial training on ADRD within three months of beginning employment.³⁴ The initial training must address the following subject areas:

- Understanding ADRD;
- Characteristics of ADRD; and
- Communicating with participants who have ADRD.³⁵

²⁸ S. 429.178(3), F.S.

²⁹ S. 429.65(2), F.S.

³⁰ S. 429.83, F.S.

³¹ S. 429.901(3), F.S.

³² Id.

³³ S. 429.917(1)(a), F.S.

³⁴ S. 429.917(1)(b), F.S.

³⁵ Rule 59A-16.110(1)(a), F.A.C.

Those employees who provide direct care to residents with ADRD must also complete an additional three hours of training on ADRD within nine months of beginning employment.³⁶ 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.³⁷

An adult day care center may hold a license designated by AHCA as a specialized Alzheimer's services adult day care center if it meets certain requirements.³⁸ 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 four hours of ADRD training within three months of beginning employment.³⁹ Employees of specialized Alzheimer's services adult day care centers who provide direct care to participants with ADRD are required to receive an additional four hours of training within six months of beginning employment.⁴⁰ The curriculum for the additional four 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.⁴¹

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 adult day care centers.⁴² The University of South Florida (USF) administers the Program through a contract with DOEA.⁴³

³⁶ S. 429.917(1)(c), F.S.

³⁷ Rule 59A-16.110(1)(b), F.A.C.

³⁸ S. 429.918(4), F.S.

³⁹ Rule 59A-16.111(2), F.A.C.

⁴⁰ Rule 59A-16.111(3), F.A.C.

⁴¹ Rule 59A-16.111(5), F.A.C.

⁴² 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.

⁴³ Department of Elder Affairs, 2021 Legislative Bill Analysis – HB 309, Feb. 11, 2021 (on file with Health & Human Services Committee staff).

To be approved as a training provider, an applicant must 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
 - One 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 two years of practical experience in a program providing direct care to individuals with ADRD; or
 - Three years of practical experience in a program providing direct care to individuals with ADRD.⁴⁴

Upon successful completion of training, the trainer is required to issue the trainee a certificate of completion.⁴⁵ Each facility is required to keep copies of training certificates in each employee’s personnel file, which are reviewed by AHCA during facility inspections.⁴⁶

Training curricula is certified for a period of three years and must be resubmitted for approval.⁴⁷ Approval of training curricula is based on how well it addresses the required subject areas.⁴⁸

The table below depicts the number of approved trainers and training curricula by facility/provider type.⁴⁹

Facility/Provider Type	Approved Training Providers	Approved Training Curricula
Nursing Home	2,030	27
Home Health Agency	1,238	26
Hospice	365	31
ALF	1,154	69
Adult Day Care Center	182	14
Total	4,969	167

⁴⁴ Rule 58A-5.0194(1)(a), F.A.C.

⁴⁵ Rule 58A-5.0194(5), F.A.C.

⁴⁶ Agency for Health Care Administration, 2021 Legislative Bill Analysis – HB 309, Feb. 19, 2021 (on file with Health & Human Services Committee staff).

⁴⁷ Rule 58A-5.0194((1)(b), F.A.C.

⁴⁸ Id.

⁴⁹ University of South Florida’s Training Academy on Aging, Find Approved Applications, available at <https://usfweb.usf.edu/trainingonAging/default.aspx>, (last visited Apr. 9, 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.

		All "Employees" - Initial Training			
		Basic Written Info		Initial Training	
		Current Law	Effect of the Bill	Current	Effect of the Bill
Nursing Homes		Basic written info upon beginning employment	No change.	None.	1 hr. w/in 1st 30 days
Home Health Agencies		Basic written info upon beginning employment	No change.	None.	1 hr. w/in 1st 30 days
Hospices		Basic written info upon beginning employment	No change.	None.	1 hr. w/in 1st 30 days
ALFs	General	None.	Basic written info upon beginning employment	None.	1 hr. w/in 1st 30 days
	Special Care	Basic written info w/in 1 st 3 months	Basic written info upon beginning employment	None.	1 hr. w/in 1st 30 days
Adult Family-Care Homes	General	None.	Basic written info upon beginning employment	None.	1 hr. w/in 1st 30 days
	Special Care	None.	Basic written info upon beginning employment	None.	1 hr. w/in 1st 30 days
Adult Day Care Centers	General	Basic written info upon beginning employment	No change.	None.	1 hr. w/in 1st 30 days
	Special Care	Basic written info upon beginning employment	No change.	None.	1 hr. w/in 1st 30 days

		Direct Care Workers					
		Initial Training ⁵⁰		Additional Training in First Year		Continuing Education	
		Current Law	Effect of the Bill	Current Law	Effect of the Bill	Current Law	Effect of the Bill
Nursing Homes		1 hr. w/in 1 st 3 months	1 hr. w/in 1 st 30 days	3 hrs. w/in 1 st 9 months	No change.	None.	No change.
Home Health Agencies		None.	1 hr. w/in 1st 30 days	2 hrs. w/in 1 st 9 months	No change.	None.	No change.
Hospices		1 hr. w/in 1 st 3 months	1 hr. w/in 1 st 30 days	3 hrs. w/in 1 st 9 months	No change.	None.	No change.
ALFs	General	None.	1 hr. w/in 1st 30 days	None.	3 hrs. w/in 1st 9 months	None.	No change.
	Special Care	4 hrs. w/in 1 st 3 months	No change.	4 hrs. w/in 1 st 9 months	No change.	4 hrs., annually	No change.
Adult Family-Care Homes	General	None.	1 hr. w/in 1st 30 days	None.	3 hrs. w/in 1st 9 months	None.	No change.
	Special Care	None.	4 hrs. w/in 1st 3 months	None.	4 hrs. w/in 1st 9 months	None.	4 hrs., annually
Adult Day Care Centers	General	1 hr. w/in 1 st 3 months	1 hr. w/in 1 st 30 days	3 hrs. w/in 1 st 9 months	No change.	None.	No change.
	Special Care	4 hrs. w/in 1 st 3 months	No change.	4 hrs. w/in 1 st 6 months	No change.	4 hrs., annually, per rule	4 hrs., annually, per statute

The bill provides timelines for current and newly hired employees to complete the training. Employees hired on or before July 1, 2022, must complete the new ADRD training requirements on the timelines

⁵⁰ Current law only provides an initial hour based training requirement for the direct care workers of certain provider types. The proposed initial hourly training requirement applicable to all "employees" is repeated here since all "direct care workers" will have to complete this training. This initial training requirement is not in addition to the initial hour based training that is currently applicable.

set by the bill or within nine months after DOEA develops or approves the training, whichever is later. Employees hired after that date must meet the timelines set in the bill for each form of training.

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.

The bill requires facilities to maintain copies of employee training certificates for review during an inspection.

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

B. SECTION DIRECTORY:

Section 1: Designates the bill as the “Florida Alzheimer’s Disease and Dementia Education and Training Act.”

Section 2: Amends s. 429.83, F.S., relating to residents with Alzheimer’s disease or other related disorders; training; certain disclosures.

Section 3: Creates s. 430.5025, F.S., relating to care for persons with Alzheimer’s disease or a related disorder; staff training.

Section 4: Amends s. 400.1755, F.S., relating to care for persons with Alzheimer’s disease or related disorders.

Section 5: Amends s. 400.4785, F.S., relating to patients with Alzheimer’s disease or other related disorders; staff training requirements; certain disclosures.

Section 6: Amends s. 400.6045, F.S., relating to patients with Alzheimer’s disease or other related disorders; staff training requirements; certain disclosures.

Section 7: Amends s. 429.178, F.S., relating to special care for persons with Alzheimer’s disease or other related disorders.

Section 8: Amends s. 429.52, F.S., relating to staff training and educational requirements.

Section 9: Amends s. 429.917, F.S., relating to patients with Alzheimer’s disease or other related disorders; staff training requirements; certain disclosures.

Section 10: Amends s. 429.918, F.S., relating to licensure designation as a specialized Alzheimer’s services adult day care center.

Section 11: 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.⁵¹

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.

On April 14, 2021, the Health & Human Services Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

⁵¹ Agency for Health Care Administration, 2021 Legislative Bill Analysis – HB 309, Feb. 19, 2021 and Department of Elder Affairs, 2021 Legislative Bill Analysis – HB 309, Feb. 11, 2021 (on file with Health & Human Services Committee staff).

- Requires ALFs and adult family-care homes to provide basic written information about ADRD to new employees upon hiring.
- Clarifies which staff must comply with the ADRD training requirements.
- Requires employees hired on or before July 1, 2022, to comply with the bill's training requirements on the timelines set by the bill or within 9 months after DOEA develops or approves the training, whichever is later.
- Adds the following training requirements:
 - Three hours of training in the first nine months of employment for direct care workers in ALFs and adult family-care homes.
 - Four hours of continuing education, annually, for direct care workers in an adult family-care home.
 - Codifies the current rule on continuing education for direct care workers in an adult day care center that provides special care for ADRD participants.

The analysis is drafted to the committee substitute as passed by the Health & Human Services Committee.