

1 A bill to be entitled
2 An act relating to dementia-related staff training;
3 providing a short title; creating s. 430.5025, F.S.;
4 defining terms; requiring certain entities, as a
5 condition of licensure, to provide specified dementia-
6 related training for new employees within a specified
7 timeframe; requiring certain employees to receive
8 additional dementia-related training under certain
9 circumstances within a specified timeframe; providing
10 requirements for the training; requiring annual
11 dementia-related training for certain employees;
12 requiring certain employees to receive additional
13 training developed or approved by the Department of
14 Elderly Affairs under certain circumstances; providing
15 that such additional training counts toward a
16 certified nursing assistant's total annual training;
17 authorizing certain health care practitioners to count
18 certain continuing education hours toward the
19 dementia-related training requirements under certain
20 circumstances; requiring the department to approve
21 such continuing education hours to satisfy the
22 dementia-related training requirements; requiring the
23 department or its designee to develop a registration
24 process for training providers; providing requirements
25 for such registration; requiring the department or its

26 | designee to issue unique identifiers to approved
27 | training providers; requiring training providers to
28 | develop certain assessments and passing scores for a
29 | specified purpose; requiring certain employees to take
30 | and pass such assessments upon completion of the
31 | training; requiring training providers to issue such
32 | employees a certificate upon completing the training
33 | and passing the assessments; providing requirements
34 | for the certificate; providing that certain employees
35 | do not need to repeat certain training when changing
36 | employment under certain circumstances; requiring that
37 | copies of certain employees' certificates be available
38 | for inspection in each facility where such employees
39 | may be employed; requiring the department to adopt
40 | rules; amending ss. 400.1755, 400.4785, 400.6045,
41 | 429.178, 429.52, and 429.917, F.S.; revising dementia-
42 | related staff training requirements for nursing homes,
43 | home health agencies, hospices, facilities that
44 | provide special care for persons with Alzheimer's
45 | disease or related disorders, assisted living
46 | facilities, and adult day care centers, respectively,
47 | to conform to changes made by the act; providing an
48 | effective date.

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50 | Be It Enacted by the Legislature of the State of Florida:

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Section 1. This act may be cited as the "Florida Alzheimer's Disease and Dementia Training Act."

Section 2. Section 430.5025, Florida Statutes, is created to read:

430.5025 Care for persons with Alzheimer's disease or a related disorder; staff training.—

(1) As used in this section, the term:

(a) "Department" means the Department of Elderly Affairs.

(b) "Direct care worker" means an individual who, as part of his or her employment duties, provides or has access to provide direct contact assistance with personal care or activities of daily living to clients, patients, or residents of any facility licensed under part II, part III, or part IV of chapter 400 or chapter 429.

(c) "Employee" means any staff member who has regular contact or incidental contact on a recurring basis with clients, patients, or residents of a facility licensed under part II, part III, or part IV of chapter 400 or chapter 429. The term includes, but is not limited to, direct care workers; staff responsible for housekeeping, the front desk, maintenance, and other administrative functions; and any other individuals who may have regular contact or incidental contact on a recurring basis with clients, patients, or residents.

75 (d) "Licensee" means a person or an entity licensed under
76 part II, part III, or part IV of chapter 400 or chapter 429.

77 (2) As a condition of licensure, licensees must provide to
78 each of their employees, within 30 days after their employment
79 begins, 1 hour of dementia-related training, which must include
80 methods for interacting with persons with Alzheimer's disease or
81 a related disorder and for identifying warning signs of
82 dementia.

83 (3) In addition to the training requirements of subsection
84 (2), licensees must require all employees who are direct care
85 workers to receive at least 3 hours of evidence-based training
86 if the direct care workers are expected to, or their
87 responsibilities require them to, have direct contact with
88 clients, patients, or residents with Alzheimer's disease or a
89 related disorder or with populations that are at a greater risk
90 for Alzheimer's disease or a related disorder. The training must
91 be completed within the first 3 months after employment begins
92 and must include, but need not be limited to, an overview of
93 Alzheimer's disease and related disorders and person-centered
94 care, assessment and care planning, activities of daily living,
95 and dementia-related behaviors and communication for clients,
96 patients, and residents with Alzheimer's disease or a related
97 disorder. Each calendar year thereafter, the licensee must
98 require all of its direct care workers to receive at least 4

99 hours of continuing education, approved by the department, on
100 these topics and any related changes in state or federal law.

101 (4) If a licensee advertises that it provides special care
102 for individuals with Alzheimer's disease or a related disorder
103 which includes direct care to such individuals, the licensee
104 must require its direct care workers to complete 4 hours of
105 training developed or approved by the department. This training
106 is in addition to the training requirements of subsections (2)
107 and (3) and must be completed within 4 months after employment
108 begins.

109 (5) Completion of the 4 hours of training developed or
110 approved by the department under subsection (4) shall count
111 toward a certified nursing assistant's annual training
112 requirements.

113 (6) If a health care practitioner as defined in s. 456.001
114 completes continuing education hours as required by that
115 practitioner's licensing board, he or she may count those
116 continuing education hours toward satisfaction of the training
117 requirements of subsections (3) and (4) if the course curriculum
118 covers the topics required under those subsections. The
119 department must approve such continuing education hours for
120 purposes of satisfying the training requirements of subsections
121 (3) and (4).

122 (7) The department or its designee shall develop a process
123 for registering training providers and maintain a list of those

124 providers approved to provide training required under this
125 section. To be approved, a training provider must have at least
126 2 years of experience related to Alzheimer's disease or related
127 disorders, gerontology, health care, or a related field. The
128 department or its designee shall issue each approved training
129 provider a unique registration identifier.

130 (8) For each training topic required under this section,
131 the training provider shall develop an assessment that measures
132 an individual's understanding of the topic and indicate a
133 minimum required score to pass the assessment. Upon completion
134 of any training under this section, the employee or direct care
135 worker must pass the related assessment. If an employee or a
136 direct care worker completes a training and passes the related
137 assessment, the training provider must issue the employee or
138 direct care worker a certificate that includes the training
139 provider's name and unique identifier, the topic covered in the
140 training, the date of completion, and the signature of the
141 training provider. The certificate is evidence of completion of
142 the training and assessment in the identified topic, and the
143 employee or direct care worker is not required to repeat
144 training in that topic if he or she changes employment to a
145 different licensee, but he or she must comply with any
146 applicable continuing education requirements under this section.
147 Copies of the employee's or direct care worker's certificate
148 issued under this subsection must be available for inspection in

149 each facility where the employee or direct care worker may be
 150 employed to meet the requirements of the facility's license.

151 (9) The department shall adopt rules to implement this
 152 section.

153 Section 3. Section 400.1755, Florida Statutes, is amended
 154 to read:

155 400.1755 Care for persons with Alzheimer's disease or
 156 related disorders; staff training requirements.-

157 ~~(1) As a condition of licensure, facilities licensed under~~
 158 ~~this part must provide to each of their employees training as~~
 159 ~~required in s. 430.5025, upon beginning employment, basic~~
 160 ~~written information about interacting with persons with~~
 161 ~~Alzheimer's disease or a related disorder.~~

162 ~~(2) All employees who are expected to, or whose~~
 163 ~~responsibilities require them to, have direct contact with~~
 164 ~~residents with Alzheimer's disease or a related disorder must,~~
 165 ~~in addition to being provided the information required in~~
 166 ~~subsection (1), also have an initial training of at least 1 hour~~
 167 ~~completed in the first 3 months after beginning employment. This~~
 168 ~~training must include, but is not limited to, an overview of~~
 169 ~~dementias and must provide basic skills in communicating with~~
 170 ~~persons with dementia.~~

171 ~~(3) An individual who provides direct care shall be~~
 172 ~~considered a direct caregiver and must complete the required~~
 173 ~~initial training and an additional 3 hours of training within 9~~

174 ~~months after beginning employment. This training shall include,~~
175 ~~but is not limited to, managing problem behaviors, promoting the~~
176 ~~resident's independence in activities of daily living, and~~
177 ~~skills in working with families and caregivers.~~

178 ~~(a) The required 4 hours of training for certified nursing~~
179 ~~assistants are part of the total hours of training required~~
180 ~~annually.~~

181 ~~(b) For a health care practitioner as defined in s.~~
182 ~~456.001, continuing education hours taken as required by that~~
183 ~~practitioner's licensing board shall be counted toward this~~
184 ~~total of 4 hours.~~

185 ~~(4) For an employee who is a licensed health care~~
186 ~~practitioner as defined in s. 456.001, training that is~~
187 ~~sanctioned by that practitioner's licensing board shall be~~
188 ~~considered to be approved by the Department of Elderly Affairs.~~

189 ~~(5) The Department of Elderly Affairs or its designee must~~
190 ~~approve the initial and continuing training provided in the~~
191 ~~facilities. The department must approve training offered in a~~
192 ~~variety of formats, including, but not limited to, Internet-~~
193 ~~based training, videos, teleconferencing, and classroom~~
194 ~~instruction. The department shall keep a list of current~~
195 ~~providers who are approved to provide initial and continuing~~
196 ~~training. The department shall adopt rules to establish~~
197 ~~standards for the trainers and the training required in this~~
198 ~~section.~~

199 ~~(6) Upon completing any training listed in this section,~~
 200 ~~the employee or direct caregiver shall be issued a certificate~~
 201 ~~that includes the name of the training provider, the topic~~
 202 ~~covered, and the date and signature of the training provider.~~
 203 ~~The certificate is evidence of completion of training in the~~
 204 ~~identified topic, and the employee or direct caregiver is not~~
 205 ~~required to repeat training in that topic if the employee or~~
 206 ~~direct caregiver changes employment to a different facility or~~
 207 ~~to an assisted living facility, home health agency, adult day~~
 208 ~~care center, or adult family care home. The direct caregiver~~
 209 ~~must comply with other applicable continuing education~~
 210 ~~requirements.~~

211 Section 4. Section 400.4785, Florida Statutes, is amended
 212 to read:

213 400.4785 Patients with Alzheimer's disease or other
 214 related disorders; staff training requirements; certain
 215 disclosures.—

216 (1) A home health agency must provide ~~the following~~ staff
 217 training as required in s. 430.5025:

218 ~~(a) Upon beginning employment with the agency, each~~
 219 ~~employee must receive basic written information about~~
 220 ~~interacting with participants who have Alzheimer's disease or~~
 221 ~~dementia-related disorders.~~

222 ~~(b) In addition to the information provided under~~
 223 ~~paragraph (a), newly hired home health agency personnel who will~~

224 ~~be providing direct care to patients must complete 2 hours of~~
225 ~~training in Alzheimer's disease and dementia-related disorders~~
226 ~~within 9 months after beginning employment with the agency. This~~
227 ~~training must include, but is not limited to, an overview of~~
228 ~~dementia, a demonstration of basic skills in communicating with~~
229 ~~persons who have dementia, the management of problem behaviors,~~
230 ~~information about promoting the client's independence in~~
231 ~~activities of daily living, and instruction in skills for~~
232 ~~working with families and caregivers.~~

233 ~~(c) For certified nursing assistants, the required 2 hours~~
234 ~~of training shall be part of the total hours of training~~
235 ~~required annually.~~

236 ~~(d) For a health care practitioner as defined in s.~~
237 ~~456.001, continuing education hours taken as required by that~~
238 ~~practitioner's licensing board shall be counted toward the total~~
239 ~~of 2 hours.~~

240 ~~(e) For an employee who is a licensed health care~~
241 ~~practitioner as defined in s. 456.001, training that is~~
242 ~~sanctioned by that practitioner's licensing board shall be~~
243 ~~considered to be approved by the Department of Elderly Affairs.~~

244 ~~(f) The Department of Elderly Affairs, or its designee,~~
245 ~~must approve the required training. The department must consider~~
246 ~~for approval training offered in a variety of formats. The~~
247 ~~department shall keep a list of current providers who are~~
248 ~~approved to provide the 2-hour training. The department shall~~

249 ~~adopt rules to establish standards for the employees who are~~
250 ~~subject to this training, for the trainers, and for the training~~
251 ~~required in this section.~~

252 ~~(g) Upon completing the training listed in this section,~~
253 ~~the employee shall be issued a certificate that states that the~~
254 ~~training mandated under this section has been received. The~~
255 ~~certificate shall be dated and signed by the training provider.~~
256 ~~The certificate is evidence of completion of this training, and~~
257 ~~the employee is not required to repeat this training if the~~
258 ~~employee changes employment to a different home health agency.~~

259 ~~(2)(h)~~ (2) A licensed home health agency whose unduplicated
260 census during the most recent calendar year was composed
261 ~~emprised~~ of at least 90 percent of individuals aged 21 years or
262 younger at the date of admission is exempt from the training
263 requirements in this section.

264 ~~(3)(2)~~ (3) An agency licensed under this part which claims
265 that it provides special care for persons who have Alzheimer's
266 disease or other related disorders must disclose in its
267 advertisements or in a separate document those services that
268 distinguish the care as being especially applicable to, or
269 suitable for, such persons. The agency must give a copy of all
270 such advertisements or a copy of the document to each person who
271 requests information about the agency and must maintain a copy
272 of all such advertisements and documents in its records. The
273 Agency for Health Care Administration shall examine all such

274 advertisements and documents in the agency's records as part of
275 the license renewal procedure.

276 Section 5. Subsection (1) of section 400.6045, Florida
277 Statutes, is amended to read:

278 400.6045 Patients with Alzheimer's disease or other
279 related disorders; staff training requirements; certain
280 disclosures.—

281 (1) A hospice licensed under this part must provide ~~the~~
282 ~~following~~ staff training as required in s. 430.5025;

283 ~~(a) Upon beginning employment with the agency, each~~
284 ~~employee must receive basic written information about~~
285 ~~interacting with persons who have Alzheimer's disease or~~
286 ~~dementia-related disorders.~~

287 ~~(b) In addition to the information provided under~~
288 ~~paragraph (a), employees who are expected to, or whose~~
289 ~~responsibilities require them to, have direct contact with~~
290 ~~participants who have Alzheimer's disease or dementia-related~~
291 ~~disorders must complete initial training of at least 1 hour~~
292 ~~within the first 3 months after beginning employment. The~~
293 ~~training must include an overview of dementias and must provide~~
294 ~~instruction in basic skills for communicating with persons who~~
295 ~~have dementia.~~

296 ~~(c) In addition to the requirements of paragraphs (a) and~~
297 ~~(b), an employee who will be providing direct care to a~~
298 ~~participant who has Alzheimer's disease or a dementia-related~~

299 ~~disorder must complete an additional 3 hours of training within~~
300 ~~9 months after beginning employment. This training must include,~~
301 ~~but is not limited to, the management of problem behaviors,~~
302 ~~information about promoting the patient's independence in~~
303 ~~activities of daily living, and instruction in skills for~~
304 ~~working with families and caregivers.~~

305 ~~(d) For certified nursing assistants, the required 4 hours~~
306 ~~of training shall be part of the total hours of training~~
307 ~~required annually.~~

308 ~~(e) For a health care practitioner as defined in s.~~
309 ~~456.001, continuing education hours taken as required by that~~
310 ~~practitioner's licensing board shall be counted toward the total~~
311 ~~of 4 hours.~~

312 ~~(f) For an employee who is a licensed health care~~
313 ~~practitioner as defined in s. 456.001, training that is~~
314 ~~sanctioned by that practitioner's licensing board shall be~~
315 ~~considered to be approved by the Department of Elderly Affairs.~~

316 ~~(g) The Department of Elderly Affairs or its designee must~~
317 ~~approve the required 1-hour and 3-hour training provided to~~
318 ~~employees or direct caregivers under this section. The~~
319 ~~department must consider for approval training offered in a~~
320 ~~variety of formats. The department shall keep a list of current~~
321 ~~providers who are approved to provide the 1-hour and 3-hour~~
322 ~~training. The department shall adopt rules to establish~~
323 ~~standards for the employees who are subject to this training,~~

324 ~~for the trainers, and for the training required in this section.~~

325 ~~(h) Upon completing any training described in this~~
326 ~~section, the employee or direct caregiver shall be issued a~~
327 ~~certificate that includes the name of the training provider, the~~
328 ~~topic covered, and the date and signature of the training~~
329 ~~provider. The certificate is evidence of completion of training~~
330 ~~in the identified topic, and the employee or direct caregiver is~~
331 ~~not required to repeat training in that topic if the employee or~~
332 ~~direct caregiver changes employment to a different hospice or to~~
333 ~~a home health agency, assisted living facility, nursing home, or~~
334 ~~adult day care center.~~

335 Section 6. Subsections (2) through (8) of section 429.178,
336 Florida Statutes, are amended to read:

337 429.178 Special care for persons with Alzheimer's disease
338 or other related disorders.—

339 (2) ~~(a)~~ An individual who is employed by a facility that
340 provides special care for residents who have Alzheimer's disease
341 or other related disorders, ~~and who has regular contact with~~
342 ~~such residents,~~ must complete the up to 4 hours of initial
343 dementia-specific training as required in s. 430.5025 ~~developed~~
344 ~~or approved by the department. The training must be completed~~
345 ~~within 3 months after beginning employment and satisfy the core~~
346 ~~training requirements of s. 429.52(3)(g).~~

347 ~~(b) A direct caregiver who is employed by a facility that~~
348 ~~provides special care for residents who have Alzheimer's disease~~

349 ~~or other related disorders and provides direct care to such~~
350 ~~residents must complete the required initial training and 4~~
351 ~~additional hours of training developed or approved by the~~
352 ~~department. The training must be completed within 9 months after~~
353 ~~beginning employment and satisfy the core training requirements~~
354 ~~of s. 429.52(3)(g).~~

355 ~~(c) An individual who is employed by a facility that~~
356 ~~provides special care for residents with Alzheimer's disease or~~
357 ~~other related disorders, but who only has incidental contact~~
358 ~~with such residents, must be given, at a minimum, general~~
359 ~~information on interacting with individuals with Alzheimer's~~
360 ~~disease or other related disorders, within 3 months after~~
361 ~~beginning employment.~~

362 ~~(3) In addition to the training required under subsection~~
363 ~~(2), a direct caregiver must participate in a minimum of 4~~
364 ~~contact hours of continuing education each calendar year. The~~
365 ~~continuing education must include one or more topics included in~~
366 ~~the dementia-specific training developed or approved by the~~
367 ~~department, in which the caregiver has not received previous~~
368 ~~training.~~

369 ~~(4) Upon completing any training listed in subsection (2),~~
370 ~~the employee or direct caregiver shall be issued a certificate~~
371 ~~that includes the name of the training provider, the topic~~
372 ~~covered, and the date and signature of the training provider.~~
373 ~~The certificate is evidence of completion of training in the~~

374 ~~identified topic, and the employee or direct caregiver is not~~
375 ~~required to repeat training in that topic if the employee or~~
376 ~~direct caregiver changes employment to a different facility. The~~
377 ~~employee or direct caregiver must comply with other applicable~~
378 ~~continuing education requirements.~~

379 ~~(5) The department, or its designee, shall approve the~~
380 ~~initial and continuing education courses and providers.~~

381 ~~(6) The department shall keep a current list of providers~~
382 ~~who are approved to provide initial and continuing education for~~
383 ~~staff of facilities that provide special care for persons with~~
384 ~~Alzheimer's disease or other related disorders.~~

385 (3)~~(7)~~ Any facility more than 90 percent of whose
386 residents receive monthly optional supplementation payments is
387 not required to pay for the training and education programs
388 required under this section. A facility that has one or more
389 such residents must ~~shall~~ pay a reduced fee that is proportional
390 to the percentage of such residents in the facility. A facility
391 that does not have any residents who receive monthly optional
392 supplementation payments must pay a reasonable fee, as
393 established by the department, for such training and education
394 programs.

395 (4)~~(8)~~ The department shall adopt rules to establish
396 standards for trainers and training and to implement this
397 section.

398 Section 7. Subsection (1) of section 429.52, Florida

399 Statutes, is amended to read:

400 429.52 Staff training and educational requirements.—

401 (1) Each new assisted living facility employee who has not
 402 previously completed core training must attend a preservice
 403 orientation provided by the facility before interacting with
 404 residents. The preservice orientation must be at least 2 hours
 405 in duration and cover topics that help the employee provide
 406 responsible care and respond to the needs of facility residents.
 407 Upon completion, the employee and the administrator of the
 408 facility must sign a statement that the employee completed the
 409 required preservice orientation. The facility must keep the
 410 signed statement in the employee's personnel record. Each
 411 assisted living facility shall provide staff training as
 412 required in s. 430.5025.

413 Section 8. Subsection (1) of section 429.917, Florida
 414 Statutes, is amended to read:

415 429.917 Patients with Alzheimer's disease or other related
 416 disorders; staff training requirements; certain disclosures.—

417 (1) An adult day care center licensed under this part must
 418 provide ~~the following~~ staff training as required in s. 430.5025÷

419 ~~(a) Upon beginning employment with the facility, each~~
 420 ~~employee must receive basic written information about~~
 421 ~~interacting with participants who have Alzheimer's disease or~~
 422 ~~dementia-related disorders.~~

423 ~~(b) In addition to the information provided under~~

424 ~~paragraph (a), newly hired adult day care center personnel who~~
425 ~~are expected to, or whose responsibilities require them to, have~~
426 ~~direct contact with participants who have Alzheimer's disease or~~
427 ~~dementia-related disorders must complete initial training of at~~
428 ~~least 1 hour within the first 3 months after beginning~~
429 ~~employment. The training must include an overview of dementias~~
430 ~~and must provide instruction in basic skills for communicating~~
431 ~~with persons who have dementia.~~

432 ~~(c) In addition to the requirements of paragraphs (a) and~~
433 ~~(b), an employee who will be providing direct care to a~~
434 ~~participant who has Alzheimer's disease or a dementia-related~~
435 ~~disorder must complete an additional 3 hours of training within~~
436 ~~9 months after beginning employment. This training must include,~~
437 ~~but is not limited to, the management of problem behaviors,~~
438 ~~information about promoting the participant's independence in~~
439 ~~activities of daily living, and instruction in skills for~~
440 ~~working with families and caregivers.~~

441 ~~(d) For certified nursing assistants, the required 4 hours~~
442 ~~of training shall be part of the total hours of training~~
443 ~~required annually.~~

444 ~~(e) For a health care practitioner as defined in s.~~
445 ~~456.001, continuing education hours taken as required by that~~
446 ~~practitioner's licensing board shall be counted toward the total~~
447 ~~of 4 hours.~~

448 ~~(f) For an employee who is a licensed health care~~

449 ~~practitioner as defined in s. 456.001, training that is~~
450 ~~sanctioned by that practitioner's licensing board shall be~~
451 ~~considered to be approved by the Department of Elderly Affairs.~~

452 ~~(g) The Department of Elderly Affairs or its designee must~~
453 ~~approve the 1-hour and 3-hour training provided to employees and~~
454 ~~direct caregivers under this section. The department must~~
455 ~~consider for approval training offered in a variety of formats.~~
456 ~~The department shall keep a list of current providers who are~~
457 ~~approved to provide the 1-hour and 3-hour training. The~~
458 ~~department shall adopt rules to establish standards for the~~
459 ~~employees who are subject to this training, for the trainers,~~
460 ~~and for the training required in this section.~~

461 ~~(h) Upon completing any training described in this~~
462 ~~section, the employee or direct caregiver shall be issued a~~
463 ~~certificate that includes the name of the training provider, the~~
464 ~~topic covered, and the date and signature of the training~~
465 ~~provider. The certificate is evidence of completion of training~~
466 ~~in the identified topic, and the employee or direct caregiver is~~
467 ~~not required to repeat training in that topic if the employee or~~
468 ~~direct caregiver changes employment to a different adult day~~
469 ~~care center or to an assisted living facility, nursing home,~~
470 ~~home health agency, or hospice. The direct caregiver must comply~~
471 ~~with other applicable continuing education requirements.~~

472 ~~(i) An employee who is hired on or after July 1, 2004,~~
473 ~~must complete the training required by this section.~~

474 | Section 9. This act shall take effect July 1, 2021. |