

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 a certain  
5           training requirement is met; requiring that the Agency  
6           for Health Care Administration, in consultation with  
7           the Board of Nursing, develop a certain training  
8           program; providing minimum requirements for such  
9           program; requiring a personal care attendant to  
10          complete the required education before having direct  
11          contact with a resident; prohibiting a personal care  
12          attendant from performing certain tasks; requiring an  
13          individual employed as a personal care attendant to  
14          work exclusively for one nursing facility before  
15          becoming a certified nursing assistant; requiring the  
16          agency to adopt rules necessary to implement the  
17          personal care attendant program; requiring the agency  
18          to authorize the continuation of the personal care  
19          attendant program under certain circumstances;  
20          amending s. 400.211, F.S.; authorizing certain persons  
21          to be employed by a nursing home facility as personal  
22          care attendants for a specified period if a certain  
23          training requirement is met; providing a definition  
24          for the term "personal care attendants"; providing an  
25          effective date.

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

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

400.141 Administration and management of nursing home facilities.—

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

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

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

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

a. Residents' rights.

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

c. Control of contagious and infectious diseases.

d. Emergency response measures.

e. Assistance with activities of daily living.

51        f. Measuring vital signs.  
 52        g. Skin care and pressure sores prevention.  
 53        h. Portable oxygen use and safety.  
 54        i. Nutrition and hydration.  
 55        j. Dementia care.  
 56        3. A personal care attendant must complete the 16 hours of  
 57 required education before having any direct contact with a  
 58 resident.  
 59        4. A personal care attendant may not perform any task that  
 60 requires clinical assessment, interpretation, or judgment.  
 61        5. An individual employed as a personal care attendant  
 62 under s. 400.211(2)(d) must work exclusively for one nursing  
 63 facility before becoming a certified nursing assistant.  
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 65 The agency shall adopt rules necessary to implement this  
 66 paragraph. If the state of emergency declared by the Governor  
 67 pursuant to Executive Order No. 20-52 is terminated before the  
 68 agency adopts rules to implement this paragraph, the agency  
 69 shall authorize the continuation of the personal care attendant  
 70 program until the agency adopts such rules.  
 71        Section 2. Subsection (2) of section 400.211, Florida  
 72 Statutes, is amended to read:  
 73        400.211 Persons employed as nursing assistants;  
 74 certification requirement.-

75 (2) The following categories of persons who are not  
 76 certified as nursing assistants under part II of chapter 464 may  
 77 be employed by a nursing facility for a single consecutive  
 78 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  
 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.

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 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.