

ENROLLED

CS/CS/HB 485, Engrossed 1

2021 Legislature

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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.

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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.
 64
 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.-

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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.

93
 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.