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LEGISLATIVE ACTION

Senate House . Comm: WD 03/26/2021 The Committee on Children, Families, and Elder Affairs (Gibson) recommended the following: Senate Amendment (with title amendment) Delete everything after the enacting clause and insert: 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.-

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11	(1) As used in this section, the term:
12	(a) "Department" means the Department of Elder Affairs.
13	(b) "Direct care worker" means an individual who, as part
14	of his or her employment duties, provides or has access to
15	provide direct contact assistance with personal care or
16	activities of daily living to clients, patients, or residents of
17	any facility licensed under part II, part III, or part IV of
18	chapter 400 or chapter 429.
19	(c) "Employee" means any staff member who has regular or
20	incidental interaction on a recurring basis with clients,
21	patients, or residents of a facility licensed under part II,
22	part III, or part IV of chapter 400 or chapter 429. The term
23	includes, but is not limited to, direct care workers; staff
24	responsible for housekeeping, the front desk, maintenance, and
25	other administrative functions; and any other individuals who
26	may have regular contact or incidental contact on a recurring
27	basis with clients, patients, or residents.
28	(d) "Licensee" means a person or an entity licensed under
29	part II, part III, or part IV of chapter 400 or chapter 429.
30	(2) On or after October 1, 2021, as a condition of
31	licensure, licensees must provide to each of their employees the
32	following which must be developed or approved by the department
33	pursuant to subsection (8):
34	(a) Upon beginning employment, basic written information
35	about interacting with persons with Alzheimer's disease or a
36	related disorder;
37	(b) Within 30 days from the first date of employment, 1-
38	hour of dementia-related training which must include methods for
39	interacting with persons with Alzheimer's disease or a related
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40 disorder and for identifying warning signs of dementia; and 41 (c) Within every two calendar years from the first date of 42 employment, 1-hour of continuing education on topics of 43 Alzheimer's disease or a related disorder and any related 44 changes in state or federal law. (3) On or after October 1, 2021, in addition to the 45 training requirements of subsection (2), licensees must require 46 47 all employees who are direct care workers to receive at least 3 48 hours developed or approved pursuant to subsection (8) evidence-49 based training if the direct care workers are expected to, or 50 their responsibilities require them to, have direct contact with 51 clients, patients, or residents with Alzheimer's disease or a 52 related disorder or with populations that are at a greater risk 53 for Alzheimer's disease or a related disorder. The training must 54 be completed within the first 3 months after employment begins 55 and must include, but need not be limited to, an overview of 56 Alzheimer's disease and related disorders and person-centered care, assessment and care planning, activities of daily living, 57 58 and dementia-related behaviors and communication for clients, 59 patients, and residents with Alzheimer's disease or a related 60 disorder. Each calendar year thereafter, the licensee must 61 require all of its direct care workers to receive at least 4 62 hours of continuing education, developed or approved by the 63 department pursuant to (8), on these topics and any related 64 changes in state or federal law. 65 (4) On or after October 1, 2021, in addition to the 66 training requirements of subsections (2) and (3), if a licensee 67 provides special care for individuals with Alzheimer's disease or a related disorder which includes direct care to such 68

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69	individuals, the licensee must require its direct care workers
70	to complete 4 hours of training developed or approved pursuant
71	to subsection (8) which must be completed within 4 months after
72	employment begins. Completion of the 4 hours of training
73	developed or approved pursuant to subsection (8) shall count
74	toward a certified nursing assistant's annual training
75	requirements.
76	(5) The licensee must require employees who became employed
77	before the requirements provided for under this section to
78	complete the training within 3 months after the training is
79	developed or approved pursuant to subsection (8).
80	(6) Nothing in this section shall be construed to reduce
81	the number of hours of training that a licensee is required to
82	provide to its employees under s. 429.178. An employee shall
83	complete training as provided in this section or as provided in
84	s. 429.178, whichever is greater.
85	(7) If a health care practitioner as defined in s. 456.001
86	completes continuing education hours as required by that
87	practitioner's licensing board, he or she may count those
88	continuing education hours toward satisfaction of the training
89	requirements of subsections (3) and (4) if the course curriculum
90	covers the topics required under those subsections. The
91	department must approve such continuing education hours for
92	purposes of satisfying the training requirements of subsections
93	(3) and (4).
94	(8) The department or its designee shall develop or approve
95	the courses that licensees may use to satisfy the training
96	requirements under this section. The department or its designee
97	must approve training offered in a variety of formats,

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98 <u>including</u>, but not limited to, Internet-based training, videos, 99 teleconferencing, and classroom instruction.

(9) The department or its designee shall develop a process for registering training providers and maintain a list of those providers approved to provide training required under this section. To be approved, a training provider must have at least 2 years of experience related to Alzheimer's disease or related disorders, gerontology, health care, or a related field. The department or its designee shall issue each approved training provider a unique registration identifier.

108 (10) For each training topic required under this section, 109 the training provider shall develop an assessment that measures 110 an individual's understanding of the topic and indicate a 111 minimum required score to pass the assessment. Upon completion 112 of any training under this section, the employee or direct care 113 worker must pass the related assessment. If an employee or a 114 direct care worker completes a training and passes the related 115 assessment, the training provider must issue the employee or direct care worker a certificate that includes the training 116 117 provider's name and unique identifier, the topic covered in the 118 training, the date of completion, and the signature of the 119 training provider. The certificate is evidence of completion of 120 the training and assessment in the identified topic, and the 121 employee or direct care worker is not required to repeat 122 training in that topic if he or she changes employment to a 123 different licensee, but he or she must comply with any 124 applicable continuing education requirements under this section. 125 Licensees must maintain copies of certificates issued to each of 126 their employees or direct care workers under this section and

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127 must make them available for inspection to meet the requirements 128 of licensure. 129 (11) The department shall adopt rules to implement this 130 section. 131 Section 3. Section 400.1755, Florida Statutes, is amended 132 to read: 133 400.1755 Care for persons with Alzheimer's disease or 134 related disorders; staff training requirements.-135 (1) As a condition of licensure, facilities licensed under 136 this part must provide to each of their employees training as 137 required in s. 430.5025, upon beginning employment, basic written information about interacting with persons with 138 139 Alzheimer's disease or a related disorder. 140 (2) All employees who are expected to, or whose 141 responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, 142 143 in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour 144 145 completed in the first 3 months after beginning employment. This 146 training must include, but is not limited to, an overview of 147 dementias and must provide basic skills in communicating with persons with dementia. 148 149 (3) An individual who provides direct care shall be 150 considered a direct caregiver and must complete the required 151 initial training and an additional 3 hours of training within 9 152 months after beginning employment. This training shall include, 153 but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and 154 155 skills in working with families and caregivers.

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156 (a) The required 4 hours of training for certified nursing 157 assistants are part of the total hours of training required 158 annually. 159 (b) For a health care practitioner as defined in s. 160 456.001, continuing education hours taken as required by that practitioner's licensing board shall be counted toward this 161 162 total of 4 hours. 163 (4) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is 164 165 sanctioned by that practitioner's licensing board shall be 166 considered to be approved by the Department of Elderly Affairs. 167 (5) The Department of Elderly Affairs or its designee must 168 approve the initial and continuing training provided in the 169 facilities. The department must approve training offered in a 170 variety of formats, including, but not limited to, Internet-171 based training, videos, teleconferencing, and classroom 172 instruction. The department shall keep a list of current 173 providers who are approved to provide initial and continuing 174 training. The department shall adopt rules to establish 175 standards for the trainers and the training required in this 176 section. 177 (6) Upon completing any training listed in this section, 178 the employee or direct caregiver shall be issued a certificate 179 that includes the name of the training provider, the topic 180 covered, and the date and signature of the training provider. 181 The certificate is evidence of completion of training in the 182 identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or 183 184 direct caregiver changes employment to a different facility or

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185	to an assisted living facility, home health agency, adult day
186	care center, or adult family-care home. The direct caregiver
187	must comply with other applicable continuing education
188	requirements.
189	Section 4. Section 400.4785, Florida Statutes, is amended
190	to read:
191	400.4785 Patients with Alzheimer's disease or other related
192	disorders; staff training requirements; certain disclosures
193	(1) A home health agency must provide the following staff
194	training <u>as required in s. 430.5025</u> ÷
195	(a) Upon beginning employment with the agency, each
196	employee must receive basic written information about
197	interacting with participants who have Alzheimer's disease or
198	dementia-related disorders.
199	(b) In addition to the information provided under paragraph
200	(a), newly hired home health agency personnel who will be
201	providing direct care to patients must complete 2 hours of
202	training in Alzheimer's disease and dementia-related disorders
203	within 9 months after beginning employment with the agency. This
204	training must include, but is not limited to, an overview of
205	dementia, a demonstration of basic skills in communicating with
206	persons who have dementia, the management of problem behaviors,
207	information about promoting the client's independence in
208	activities of daily living, and instruction in skills for
209	working with families and caregivers.
210	(c) For certified nursing assistants, the required 2 hours
211	of training shall be part of the total hours of training
212	required annually.
213	(d) For a health care practitioner as defined in s.

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214 456.001, continuing education hours taken as required by that 215 practitioner's licensing board shall be counted toward the total 216 of 2 hours.

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

(f) The Department of Elderly Affairs, or its designee, must approve the required training. The department must consider for approval training offered in a variety of formats. The department shall keep a list of current providers who are approved to provide the 2-hour training. The department shall adopt rules to establish standards for the employees who are subject to this training, for the trainers, and for the training required in this section.

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

(2) (h) A licensed home health agency whose unduplicated census during the most recent calendar year was <u>composed</u> comprised of at least 90 percent of individuals aged 21 years or younger at the date of admission is exempt from the training requirements in this section.

241 <u>(3)(2)</u> An agency licensed under this part which claims that 242 it provides special care for persons who have Alzheimer's

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243 disease or other related disorders must disclose in its 244 advertisements or in a separate document those services that 245 distinguish the care as being especially applicable to, or 246 suitable for, such persons. The agency must give a copy of all 247 such advertisements or a copy of the document to each person who 248 requests information about the agency and must maintain a copy 249 of all such advertisements and documents in its records. The 250 Agency for Health Care Administration shall examine all such 251 advertisements and documents in the agency's records as part of 252 the license renewal procedure.

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

400.6045 Patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.-

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

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

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

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272	(b), an employee who will be providing direct care to a
273	participant who has Alzheimer's disease or a dementia-related
274	disorder must complete an additional 3 hours of training within
275	9 months after beginning employment. This training must include,
276	but is not limited to, the management of problem behaviors,
277	information about promoting the patient's independence in
278	activities of daily living, and instruction in skills for
279	working with families and caregivers.
280	(d) For certified nursing assistants, the required 4 hours
281	of training shall be part of the total hours of training
282	required annually.
283	(e) For a health care practitioner as defined in s.
284	456.001, continuing education hours taken as required by that
285	practitioner's licensing board shall be counted toward the total
286	of 4 hours.
287	(f) For an employee who is a licensed health care
288	practitioner as defined in s. 456.001, training that is
289	sanctioned by that practitioner's licensing board shall be
290	considered to be approved by the Department of Elderly Affairs.
291	(g) The Department of Elderly Affairs or its designee must
292	approve the required 1-hour and 3-hour training provided to
293	employees or direct caregivers under this section. The
294	department must consider for approval training offered in a
295	variety of formats. The department shall keep a list of current
296	providers who are approved to provide the 1-hour and 3-hour
297	training. The department shall adopt rules to establish
298	standards for the employees who are subject to this training,
299	for the trainers, and for the training required in this section.
300	(h) Upon completing any training described in this section,

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301	the employee or direct caregiver shall be issued a certificate
302	that includes the name of the training provider, the topic
303	covered, and the date and signature of the training provider.
304	The certificate is evidence of completion of training in the
305	identified topic, and the employee or direct caregiver is not
306	required to repeat training in that topic if the employee or
307	direct caregiver changes employment to a different hospice or to
308	a home health agency, assisted living facility, nursing home, or
309	adult day care center.
310	Section 6. Subsections (2) through (8) of section 429.178,
311	Florida Statutes, are amended to read:
312	429.178 Special care for persons with Alzheimer's disease
313	or other related disorders
314	(2) (a) An individual who is employed by a facility that
315	provides special care for residents who have Alzheimer's disease
316	or other related disorders, and who has regular contact with
317	such residents, must complete the dementia-specific training as
318	required in s. 430.5025 or training as provided for in this
319	section, whichever is greater.
320	(a) An individual who is employed by a facility that
321	provides special care for residents who have Alzheimer's disease
322	or other related disorders, and who has regular contact with
323	such residents, must complete up to 4 hours of initial dementia-
324	specific training developed or approved by the department. The
325	training must be completed within 3 months after beginning
326	employment and satisfy the core training requirements of s.
327	429.52(3)(g).
328	(b) A direct caregiver who is employed by a facility that

328 (b) A direct caregiver who is employed by a facility that 329 provides special care for residents who have Alzheimer's disease



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

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

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

350 (4) Upon completing any training listed in subsection (2), 351 the employee or direct careqiver shall be issued a certificate 352 that includes the name of the training provider, the topic 353 covered, and the date and signature of the training provider. 354 The certificate is evidence of completion of training in the 355 identified topic, and the employee or direct caregiver is not 356 required to repeat training in that topic if the employee or 357 direct caregiver changes employment to a different facility. The 358 employee or direct caregiver must comply with other applicable

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359 continuing education requirements.

360 (5) The department, or its designee, shall approve the361 initial and continuing education courses and providers.

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

366 (7) Any facility more than 90 percent of whose residents 367 receive monthly optional supplementation payments is not 368 required to pay for the training and education programs required 369 under this section. A facility that has one or more such residents must shall pay a reduced fee that is proportional to 370 371 the percentage of such residents in the facility. A facility 372 that does not have any residents who receive monthly optional 373 supplementation payments must pay a reasonable fee, as 374 established by the department, for such training and education 375 programs.

(8) The department shall adopt rules to establish standards for trainers and training and to implement this section.

Section 7. Subsection (1) of section 429.52, Florida Statutes, is amended to read:

429.52 Staff training and educational requirements.-

(1) Each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the

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388	facility must sign a statement that the employee completed the
389	required preservice orientation. The facility must keep the
390	signed statement in the employee's personnel record. Each
391	assisted living facility shall provide staff training as
392	required in s. 430.5025.
393	Section 8. Section 429.83, Florida Statutes, is amended to
394	read:
395	429.83 Residents with Alzheimer's disease or other related
396	disorders; <u>training;</u> certain disclosures.—
397	(1) An adult family-care home licensed under this part must
398	provide staff training as required in s. 430.5025.
399	(2) An adult family-care home licensed under this part
400	which claims that it provides special care for persons who have
401	Alzheimer's disease or other related disorders must Disclose in
402	its advertisements or in a separate document those services that
403	distinguish the care as being especially applicable to, or
404	suitable for, such persons. The home must give a copy of all
405	such advertisements or a copy of the document to each person who
406	requests information about programs and services for persons
407	with Alzheimer's disease or other related disorders offered by
408	the home and must maintain a copy of all such advertisements and
409	documents in its records. The agency shall examine all such
410	advertisements and documents in the home's records as part of
411	the license renewal procedure.
412	Section 9. Subsection (1) of section 429.917, Florida
413	Statutes, is amended to read:
414	429.917 Patients with Alzheimer's disease or other related
415	disorders; staff training requirements; certain disclosures
416	(1) An adult day care center licensed under this part must



417 provide the following staff training as required in s. 430.5025: 418 (a) Upon beginning employment with the facility, each 419 employee must receive basic written information about 420 interacting with participants who have Alzheimer's disease or 421 dementia-related disorders. 422 (b) In addition to the information provided under paragraph 423 (a), newly hired adult day care center personnel who are 424 expected to, or whose responsibilities require them to, have 425 direct contact with participants who have Alzheimer's disease or 426 dementia-related disorders must complete initial training of at 427 least 1 hour within the first 3 months after beginning 428 employment. The training must include an overview of dementias 429 and must provide instruction in basic skills for communicating 430 with persons who have dementia. 4.31 (c) In addition to the requirements of paragraphs (a) and 432 (b), an employee who will be providing direct care to a 433 participant who has Alzheimer's disease or a dementia-related 434 disorder must complete an additional 3 hours of training within 435 9 months after beginning employment. This training must include, 436 but is not limited to, the management of problem behaviors, 437 information about promoting the participant's independence in 438 activities of daily living, and instruction in skills for 439 working with families and caregivers. 440 (d) For certified nursing assistants, the required 4 hours

440 (a) For certified nursing assistants, the required 4 nours 441 of training shall be part of the total hours of training 442 required annually.

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



446 of 4 hours. 447 (f) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is 448 449 sanctioned by that practitioner's licensing board shall be 450 considered to be approved by the Department of Elderly Affairs. 451 (g) The Department of Elderly Affairs or its designee must 452 approve the 1-hour and 3-hour training provided to employees and 453 direct caregivers under this section. The department must 454 consider for approval training offered in a variety of formats. 455 The department shall keep a list of current providers who are 456 approved to provide the 1-hour and 3-hour training. The 457 department shall adopt rules to establish standards for the 458 employees who are subject to this training, for the trainers, 459 and for the training required in this section. 460 (h) Upon completing any training described in this section, 461 the employee or direct careqiver shall be issued a certificate 462 that includes the name of the training provider, the topic 463 covered, and the date and signature of the training provider. 464 The certificate is evidence of completion of training in the 465 identified topic, and the employee or direct caregiver is not 466 required to repeat training in that topic if the employee or 467 direct caregiver changes employment to a different adult day 468 care center or to an assisted living facility, nursing home, 469 home health agency, or hospice. The direct caregiver must comply 470 with other applicable continuing education requirements. 471 (i) An employee who is hired on or after July 1, 2004, must 472 complete the training required by this section.



475	And the title is amended as follows:
476	Delete everything before the enacting clause
477	and insert:
478	A bill to be entitled
479	An act relating to dementia-related staff training;
480	providing a short title; creating s. 430.5025, F.S.;
481	defining terms; requiring certain entities, as a
482	condition of licensure, to provide specified dementia-
483	related training for new employees within a specified
484	timeframe; requiring certain employees to receive
485	additional dementia-related training under certain
486	circumstances within a specified timeframe; providing
487	requirements for the training; requiring annual
488	dementia-related training for certain employees;
489	requiring certain employees to receive additional
490	training developed or approved by the Department of
491	Elder Affairs under certain circumstances; providing
492	for a timeframe for existing employees to comply with
493	the training requirement; providing for a timeframe
494	for existing employees to comply with the training
495	requirement; providing that such additional training
496	counts toward a certified nursing assistant's total
497	annual training; authorizing certain health care
498	practitioners to count certain continuing education
499	hours toward the dementia-related training
500	requirements under certain circumstances; requiring
501	the department to approve such continuing education
502	hours to satisfy the dementia-related training
503	requirements; requiring the department or its designee

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504 to develop a registration process for training 505 providers; specifying requirements for such 506 registration; requiring the department or its designee 507 to issue unique identifiers to approved training 508 providers; requiring the department or its designee to 509 approve courses used to satisfy the dementia-related 510 training requirements; requiring training providers to 511 develop certain assessments and passing scores for a 512 specified purpose; requiring certain employees to take 513 and pass such assessments upon completion of the training; requiring training providers to issue such 514 515 employees a certificate upon completing the training 516 and passing the assessments; providing requirements 517 for the certificate; providing that certain employees 518 do not need to repeat certain training when changing 519 employment, under certain circumstances; requiring 520 licensees to maintain copies of training 521 certifications for each of their employees and direct 522 care workers; requiring licensees to make such copies 523 available for inspection for a specified purpose; 524 requiring the department to adopt rules; amending ss. 400.1755, 400.4785, 400.6045, 429.178, 429.52, 429.83, 525 526 and 429.917, F.S.; revising dementia-related staff 527 training requirements for nursing homes, home health 528 agencies, hospices, facilities that provide special 529 care for persons with Alzheimer's disease or related 530 disorders, assisted living facilities, adult familycare homes, and adult day care centers, respectively, 531 to conform to changes made by the act; providing an 532

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effective date.