House

Florida Senate - 2021 Bill No. CS for SB 634

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LEGISLATIVE ACTION

Senate . Comm: RCS . 03/30/2021

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. <u>This act may be cited as the "Florida</u> 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 Elderly Affairs.
13	(b) "Direct care worker" means an individual who, as part
14	of his or her employment duties, provides or is expected 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, contracted staff, or
20	independent contractor hired or referred by a licensee who is
21	required to have a level 2 background screening as required by
22	s. 408.809(1)(e). The term includes, but is not limited to,
23	direct care workers; staff responsible for housekeeping, the
24	front desk, maintenance, and other administrative functions; and
25	companions or homemakers.
26	(d) "Licensee" means a person or an entity licensed under
27	part II, part III, or part IV of chapter 400 or chapter 429.
28	(2) By January 1, 2022, the department or its designee must
29	develop or approve the courses that licensees may use to satisfy
30	the training requirements under this section. The department or
31	its designee must develop or approve training offered in a
32	variety of formats and languages, including, but not limited to,
33	Internet-based training, videos, teleconferencing, and classroom
34	instruction. The department or its designee may approve any
35	existing training course or curriculum that is being used by
36	licensees if it meets the requirements of this section.
37	(3) The department or its designee shall develop a process
38	for registering training providers and maintain a list of those
39	providers approved to provide training required under this

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40	section. The process must take into account those training
41	providers who are already approved and include a method to
42	verify that all training providers are actively providing
43	training required under this section. To be approved, a training
44	provider must have at least 2 years of experience related to
45	Alzheimer's disease or related disorders, gerontology, health
46	care, or a related field. The department or its designee shall
47	issue each approved training provider a unique registration
48	identifier.
49	(4) Upon completion of any training under this section, the
50	training provider must issue the employee or direct care worker
51	a certificate that includes the training provider's name and
52	unique identifier, the topic covered in the training, the date
53	of completion, and the signature of the training provider. The
54	certificate is evidence of completion of the training and
55	assessment in the identified topic, and the employee or direct
56	care worker is not required to repeat training in that topic if
57	he or she changes employment to a different licensee, but he or
58	she must comply with any applicable continuing education
59	requirements under this section. Copies of the employee's or
60	direct care worker's training certificate issued under this
61	section must be available for inspection in each facility in
62	which he or she may be employed in order to meet the
63	requirements of that facility's licensure.
64	(5) Licensees must provide to each of their employees 1
65	hour of dementia-related training that includes methods for
66	interacting with individuals with Alzheimer's disease or a
67	related disorder and for identifying warning signs of dementia.
68	(a) A licensee must require an employee to complete the

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69 training within 30 days after employment begins. Employees hired 70 on or before the effective date of this act must be required to 71 complete the training within 3 months after the training is 72 developed or approved pursuant to subsection (2). 73 (b) A licensee must maintain a copy of the employee's 74 training certificate in the employee's personnel records. 75 (c) An employee who has completed the training required by 76 this subsection is not required to repeat the course upon 77 changing employment to a different licensee if he or she has a 78 copy of the training certificate. (6) In addition to the training requirements of subsection 79 80 (5), licensees must require all employees who are direct care 81 workers to receive at least 3 hours of evidence-based training 82 developed or approved pursuant to subsection (2). The training 83 must be completed within the first 4 months after employment 84 begins and must include, but need not be limited to, an overview 85 of Alzheimer's disease and related disorders and person-centered care, assessment and care planning, activities of daily living, 86 and dementia-related behaviors and communication for clients, 87 88 patients, and residents with Alzheimer's disease or a related 89 disorder. Every 2 calendar years thereafter, the licensee must 90 require all of its direct care workers to receive at least 2 91 hours of continuing education, developed or approved pursuant to 92 subsection (2), on these topics and any related changes in state 93 or federal law. 94 (a) Employees hired on or before the effective date of this 95 act must complete the training under this subsection within 6 96 months after the training is developed or approved pursuant to 97 subsection (2) if they have not received any applicable

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98 dementia-related training within the preceding calendar year. (b) Completion of the 2 hours of continuing education under 99 100 this subsection counts toward a certified nursing assistant's 101 annual training requirements. 102 (c) Continuing education under this subsection may count 103 toward core training requirements as described under s. 429.52. 104 (7) In addition to the training requirements of subsections 105 (5) and (6), if a licensee advertises that it provides special 106 care for individuals with Alzheimer's disease or a related 107 disorder which includes direct care to such individuals, the 108 licensee must require its direct care workers to complete 4 109 hours of training developed or approved pursuant to subsection 110 (2). This training must be completed within 4 months after 111 employment begins and shall count toward a certified nursing 112 assistant's annual training requirements. 113 (8) If a health care practitioner as defined in s. 456.001 completes continuing education hours as required by that 114 115 practitioner's licensing board, he or she may count those 116 continuing education hours toward satisfaction of the training 117 requirements of subsections (5) and (6) 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 (5) and (6). 122 Section 3. Section 400.1755, Florida Statutes, is amended 123 to read: 124 400.1755 Care for persons with Alzheimer's disease or 125 related disorders; staff training requirements.-126 (1) As a condition of licensure, facilities licensed under



127 this part must provide to each of their employees <u>training as</u> 128 <u>required in s. 430.5025</u>, upon beginning employment, basic 129 written information about interacting with persons with 130 Alzheimer's disease or a related disorder.

131 (2) All employees who are expected to, or whose 132 responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, 133 134 in addition to being provided the information required in 135 subsection (1), also have an initial training of at least 1 hour 136 completed in the first 3 months after beginning employment. This 137 training must include, but is not limited to, an overview of 138 dementias and must provide basic skills in communicating with 139 persons with dementia.

(3) An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include, but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers.

147 (a) The required 4 hours of training for certified nursing 148 assistants are part of the total hours of training required 149 annually.

150 (b) For a health care practitioner as defined in s.
151 456.001, continuing education hours taken as required by that
152 practitioner's licensing board shall be counted toward this
153 total of 4 hours.

154 (4) For an employee who is a licensed health care 155 practitioner as defined in s. 456.001, training that is

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156 sanctioned by that practitioner's licensing board shall be 157 considered to be approved by the Department of Elderly Affairs. (5) The Department of Elderly Affairs or its designee must 158 159 approve the initial and continuing training provided in the 160 facilities. The department must approve training offered in a variety of formats, including, but not limited to, Internet-161 162 based training, videos, teleconferencing, and classroom 163 instruction. The department shall keep a list of current 164 providers who are approved to provide initial and continuing 165 training. The department shall adopt rules to establish 166 standards for the trainers and the training required in this 167 section. 168 (6) Upon completing any training listed in this section, 169 the employee or direct caregiver shall be issued a certificate 170 that includes the name of the training provider, the topic 171 covered, and the date and signature of the training provider. 172 The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not 173 174 required to repeat training in that topic if the employee or 175 direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day 176 177 care center, or adult family-care home. The direct caregiver 178 must comply with other applicable continuing education 179 requirements.

180 Section 4. Section 400.4785, Florida Statutes, is amended 181 to read:

182400.4785 Patients with Alzheimer's disease or other related183disorders; staff training requirements; certain disclosures.-

(1) A home health agency must provide the following staff

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185	training <u>as required in s. 430.5025</u> ÷
186	(a) Upon beginning employment with the agency, each
187	employee must receive basic written information about
188	interacting with participants who have Alzheimer's disease or
189	dementia-related disorders.
190	(b) In addition to the information provided under paragraph
191	(a), newly hired home health agency personnel who will be
192	providing direct care to patients must complete 2 hours of
193	training in Alzheimer's disease and dementia-related disorders
194	within 9 months after beginning employment with the agency. This
195	training must include, but is not limited to, an overview of
196	dementia, a demonstration of basic skills in communicating with
197	persons who have dementia, the management of problem behaviors,
198	information about promoting the client's independence in
199	activities of daily living, and instruction in skills for
200	working with families and caregivers.
201	(c) For certified nursing assistants, the required 2 hours
202	of training shall be part of the total hours of training
203	required annually.
204	(d) For a health care practitioner as defined in s.
205	456.001, continuing education hours taken as required by that
206	practitioner's licensing board shall be counted toward the total
207	of 2 hours.
208	(c) For an employee who is a licensed health care
209	practitioner as defined in s. 456.001, training that is
210	sanctioned by that practitioner's licensing board shall be
211	considered to be approved by the Department of Elderly Affairs.
212	(f) The Department of Elderly Affairs, or its designee,
213	must approve the required training. The department must consider

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for approval training offered in a variety of formats. The

department shall keep a list of current providers who are

216 approved to provide the 2-hour training. The department shall 217 adopt rules to establish standards for the employees who are 218 subject to this training, for the trainers, and for the training 219 required in this section. 220 (q) Upon completing the training listed in this section, 221 the employee shall be issued a certificate that states that the 2.2.2 training mandated under this section has been received. The 223 certificate shall be dated and signed by the training provider. 224 The certificate is evidence of completion of this training, and 225 the employee is not required to repeat this training if the 226 employee changes employment to a different home health agency. 227 (2) (h) A licensed home health agency whose unduplicated 228 census during the most recent calendar year was composed 229 comprised of at least 90 percent of individuals aged 21 years or 230 younger at the date of admission is exempt from the training 231 requirements in this section. 232 (3) (3) (2) An agency licensed under this part which claims that 233 it provides special care for persons who have Alzheimer's 234 disease or other related disorders must disclose in its 235 advertisements or in a separate document those services that 236 distinguish the care as being especially applicable to, or 237 suitable for, such persons. The agency must give a copy of all 238 such advertisements or a copy of the document to each person who 239 requests information about the agency and must maintain a copy 240 of all such advertisements and documents in its records. The 241 Agency for Health Care Administration shall examine all such 242 advertisements and documents in the agency's records as part of

the license renewal procedure.

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244 Section 5. Subsection (1) of section 400.6045, Florida 245 Statutes, is amended to read: 246 400.6045 Patients with Alzheimer's disease or other related 247 disorders; staff training requirements; certain disclosures.-(1) A hospice licensed under this part must provide the 248 249 following staff training as required in s. 430.5025: 250 (a) Upon beginning employment with the agency, each 251 employee must receive basic written information about 252 interacting with persons who have Alzheimer's disease or 253 dementia-related disorders. 254 (b) In addition to the information provided under paragraph 255 (a), employees who are expected to, or whose responsibilities 256 require them to, have direct contact with participants who have 2.57 Alzheimer's disease or dementia-related disorders must complete 258 initial training of at least 1 hour within the first 3 months 259 after beginning employment. The training must include an 2.60 overview of dementias and must provide instruction in basic 261 skills for communicating with persons who have dementia. 262 (c) In addition to the requirements of paragraphs (a) and 263 (b), an employee who will be providing direct care to a 264 participant who has Alzheimer's disease or a dementia-related 265 disorder must complete an additional 3 hours of training within 266 9 months after beginning employment. This training must include, 267 but is not limited to, the management of problem behaviors, 268 information about promoting the patient's independence in activities of daily living, and instruction in skills for 269 270 working with families and caregivers. 271 (d) For certified nursing assistants, the required 4 hours

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272 of training shall be part of the total hours of training 273 required annually. 274 (e) For a health care practitioner as defined in s. 275 456.001, continuing education hours taken as required by that 276 practitioner's licensing board shall be counted toward the total 277 of 4 hours. 278 (f) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is 279 sanctioned by that practitioner's licensing board shall be 280 281 considered to be approved by the Department of Elderly Affairs. 282 (g) The Department of Elderly Affairs or its designee must 283 approve the required 1-hour and 3-hour training provided to 284 employees or direct caregivers under this section. The 285 department must consider for approval training offered in a 286 variety of formats. The department shall keep a list of current 287 providers who are approved to provide the 1-hour and 3-hour 288 training. The department shall adopt rules to establish 289 standards for the employees who are subject to this training, 290 for the trainers, and for the training required in this section. 291 (h) Upon completing any training described in this section, 292 the employee or direct caregiver shall be issued a certificate 293 that includes the name of the training provider, the topic 294 covered, and the date and signature of the training provider. 295 The certificate is evidence of completion of training in the 296 identified topic, and the employee or direct caregiver is not 297 required to repeat training in that topic if the employee or direct caregiver changes employment to a different hospice or to 298 a home health agency, assisted living facility, nursing home, or 299 300 adult day care center.



301 Section 6. Subsections (2) through (8) of section 429.178, 302 Florida Statutes, are amended to read: 429.178 Special care for persons with Alzheimer's disease 303 304 or other related disorders.-305 (2) (a) An individual who is employed by a facility that 306 provides special care for residents who have Alzheimer's disease 307 or other related disorders, and who has regular contact with 308 such residents, must complete the up to 4 hours of initial 309 dementia-specific training as required in s. 430.5025 developed 310 or approved by the department. The training must be completed within 3 months after beginning employment and satisfy the core 311

training requirements of s. 429.52(3)(g).

313 (b) A direct caregiver who is employed by a facility that 314 provides special care for residents who have Alzheimer's disease 315 or other related disorders and provides direct care to such 316 residents must complete the required initial training and 4 317 additional hours of training developed or approved by the 318 department. The training must be completed within 9 months after 319 beginning employment and satisfy the core training requirements 320 of s. 429.52(3)(q).

321 (c) An individual who is employed by a facility that 322 provides special care for residents with Alzheimer's disease or 323 other related disorders, but who only has incidental contact 324 with such residents, must be given, at a minimum, general 325 information on interacting with individuals with Alzheimer's 326 disease or other related disorders, within 3 months after 327 beginning employment.

328 (3) In addition to the training required under subsection 329 (2), a direct caregiver must participate in a minimum of 4

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330 contact hours of continuing education each calendar year. The 331 continuing education must include one or more topics included in 332 the dementia-specific training developed or approved by the 333 department, in which the caregiver has not received previous 334 training.

(4) Upon completing any training listed in subsection (2), 335 336 the employee or direct careqiver shall be issued a certificate 337 that includes the name of the training provider, the topic 338 covered, and the date and signature of the training provider. 339 The certificate is evidence of completion of training in the 340 identified topic, and the employee or direct caregiver is not 341 required to repeat training in that topic if the employee or 342 direct caregiver changes employment to a different facility. The 343 employee or direct caregiver must comply with other applicable 344 continuing education requirements.

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

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

351 (3) (7) Any facility more than 90 percent of whose residents 352 receive monthly optional supplementation payments is not required to pay for the training and education programs required 353 354 under this section. A facility that has one or more such 355 residents must shall pay a reduced fee that is proportional to 356 the percentage of such residents in the facility. A facility 357 that does not have any residents who receive monthly optional 358 supplementation payments must pay a reasonable fee, as

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359 established by the department, for such training and education 360 programs.

361 <u>(4)(8)</u> The department shall adopt rules to establish 362 standards for trainers and training and to implement this 363 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 367 368 previously completed core training must attend a preservice 369 orientation provided by the facility before interacting with 370 residents. The preservice orientation must be at least 2 hours 371 in duration and cover topics that help the employee provide 372 responsible care and respond to the needs of facility residents. 373 Upon completion, the employee and the administrator of the 374 facility must sign a statement that the employee completed the 375 required preservice orientation. The facility must keep the 376 signed statement in the employee's personnel record. Each 377 assisted living facility shall provide staff training as

required in s. 430.5025.

379 Section 8. Section 429.83, Florida Statutes, is amended to 380 read:

429.83 Residents with Alzheimer's disease or other related disorders; training; certain disclosures.-

(1) An adult family-care home licensed under this part must provide staff training as required in s. 430.5025.

385 (2) An adult family-care home licensed under this part 386 which claims that it provides special care for persons who have 387 Alzheimer's disease or other related disorders must Disclose in

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388 its advertisements or in a separate document those services that 389 distinguish the care as being especially applicable to, or 390 suitable for, such persons. The home must give a copy of all 391 such advertisements or a copy of the document to each person who 392 requests information about programs and services for persons 393 with Alzheimer's disease or other related disorders offered by 394 the home and must maintain a copy of all such advertisements and 395 documents in its records. The agency shall examine all such 396 advertisements and documents in the home's records as part of 397 the license renewal procedure.

Section 9. Subsection (1) of section 429.917, Florida Statutes, is amended to read:

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

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

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

408 (b) In addition to the information provided under paragraph 409 (a), newly hired adult day care center personnel who are 410 expected to, or whose responsibilities require them to, have 411 direct contact with participants who have Alzheimer's disease or 412 dementia-related disorders must complete initial training of at 413 least 1 hour within the first 3 months after beginning 414 employment. The training must include an overview of dementias 415 and must provide instruction in basic skills for communicating 416 with persons who have dementia.

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417	(c) In addition to the requirements of paragraphs (a) and
418	(b), an employee who will be providing direct care to a
419	participant who has Alzheimer's disease or a dementia-related
420	disorder must complete an additional 3 hours of training within
421	9 months after beginning employment. This training must include,
422	but is not limited to, the management of problem behaviors,
423	information about promoting the participant's independence in
424	activities of daily living, and instruction in skills for
425	working with families and caregivers.
426	(d) For certified nursing assistants, the required 4 hours
427	of training shall be part of the total hours of training
428	required annually.
429	(e) For a health care practitioner as defined in s.
430	456.001, continuing education hours taken as required by that
431	practitioner's licensing board shall be counted toward the total
432	of 4 hours.
433	(f) For an employee who is a licensed health care
434	practitioner as defined in s. 456.001, training that is
435	sanctioned by that practitioner's licensing board shall be
436	considered to be approved by the Department of Elderly Affairs.
437	(g) The Department of Elderly Affairs or its designee must
438	approve the 1-hour and 3-hour training provided to employees and
439	direct caregivers under this section. The department must
440	consider for approval training offered in a variety of formats.
441	The department shall keep a list of current providers who are
442	approved to provide the 1-hour and 3-hour training. The
443	department shall adopt rules to establish standards for the
444	employees who are subject to this training, for the trainers,
445	and for the training required in this section.
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446	(h) Upon completing any training described in this section,
447	the employee or direct caregiver shall be issued a certificate
448	that includes the name of the training provider, the topic
449	covered, and the date and signature of the training provider.
450	The certificate is evidence of completion of training in the
451	identified topic, and the employee or direct caregiver is not
452	required to repeat training in that topic if the employee or
453	direct caregiver changes employment to a different adult day
454	care center or to an assisted living facility, nursing home,
455	home health agency, or hospice. The direct caregiver must comply
456	with other applicable continuing education requirements.
457	(i) An employee who is hired on or after July 1, 2004, must
458	complete the training required by this section.
459	Section 10. This act shall take effect October 1, 2021.
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461	========== T I T L E A M E N D M E N T ===========
462	And the title is amended as follows:
463	Delete everything before the enacting clause
464	and insert:
465	A bill to be entitled
466	An act relating to dementia-related staff training;
467	providing a short title; creating s. 430.5025, F.S.;
468	defining terms; requiring the Department of Elderly
469	Affairs or its designee to develop or approve certain
470	dementia-related training by a specified date;
471	requiring such training to be offered in a variety of
472	formats; authorizing the department or its designee to
473	approve existing training courses and curricula if
474	they meet certain requirements; requiring the
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475 department or its designee to develop a registration 476 process for training providers; specifying 477 requirements for such registration; requiring the 478 department or its designee to issue unique identifiers 479 to approved training providers; requiring training 480 providers to issue employees a certificate upon 481 completing the training and passing the assessments; 482 providing requirements for the certificate; providing 483 that certain employees do not need to repeat certain 484 training when changing employment, under certain 485 circumstances; providing that copies of training 486 certificates for employees and direct care workers 487 must be available for inspection as a requirement of 488 facility licensure; requiring certain entities to 489 provide specified dementia-related training for new 490 employees within a specified timeframe; requiring such 491 entities to maintain copies of the employees' training 492 certificates; providing that employees who complete 493 such training do not need to repeat the training upon 494 change of employment under certain circumstances; 495 requiring certain employees to receive additional 496 dementia-related training under certain circumstances 497 within a specified timeframe; providing requirements 498 for the training; requiring biennial dementia-related 499 training for certain employees; providing that such 500 training counts toward a certified nursing assistant's 501 annual training requirements; providing that such 502 training may be used to count toward certain core training requirements; requiring certain employees to 503

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504 receive additional training within a specified 505 timeframe if the employing entity advertises that it 506 provides certain special care for individuals with 507 Alzheimer's disease or related disorders; providing 508 that such additional training counts toward a 509 certified nursing assistant's annual training 510 requirements; authorizing certain health care 511 practitioners to count certain continuing education 512 hours toward the dementia-related training 513 requirements under certain circumstances; requiring 514 the department to approve such continuing education 515 hours to satisfy the dementia-related training 516 requirements; amending ss. 400.1755, 400.4785, 517 400.6045, 429.178, 429.52, 429.83, and 429.917, F.S.; 518 revising dementia-related staff training requirements 519 for nursing homes, home health agencies, hospices, 520 facilities that provide special care for persons with 521 Alzheimer's disease or related disorders, assisted 522 living facilities, adult family-care homes, and adult 523 day care centers, respectively, to conform to changes 524 made by the act; providing an effective date.