1

2

3

4

5

6

7

8

9

10

1112

13

14

15

16

17

18

19

2021

22

23

24

25

A bill to be entitled An act relating to dementia-related staff training; providing a short title; creating s. 430.5025, F.S.; defining terms; requiring the Department of Elderly Affairs or its designee to develop or approve certain dementia-related education and training; requiring such education and training to be offered in a variety of formats; authorizing the department or its designee to approve existing training courses and curricula if they meet certain requirements; requiring the department or its designee to offer certain education to the public; providing requirements for such education; requiring the department or its designee to develop or approve certain dementia-related training for covered provider employees; providing requirements for the training; requiring the department or its designee to make such training available at no cost and accessible in online formats; requiring the department or its designee to provide for certificates of completion for such training; providing requirements for such certificates; requiring covered providers to provide specified information and dementia-related training to new employees within a specified timeframe; requiring covered providers to maintain copies of employees' certificates of

Page 1 of 22

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

completion; providing that employees who complete such training do not need to repeat the training upon change of employment to another covered provider; requiring certain employees to receive additional dementia-related training under certain circumstances within a specified timeframe; providing requirements for the training; authorizing certain employees hired before a specified date to count completed training toward such training requirements; extending the timeframe in which certain employees must complete such training; requiring certain employees to complete continuing education in specified topics each year; providing that the dementia-related training counts toward a certified nursing assistant's annual training requirements; authorizing certain health care practitioners to count certain continuing education and training hours toward the dementia-related training requirements under certain circumstances; requiring the department to approve such continuing education hours to satisfy the dementia-related training requirements; authorizing the department to adopt rules; creating s. 400.511, F.S.; requiring individuals employed, contracted, or referred by a nurse registry and individuals registered as companion or homemaker services providers to complete specified

Page 2 of 22

dementia-related training; amending ss. 400.1755, 400.4785, 429.178, 429.52, 429.75, 429.83, 429.917, and 429.918, F.S.; revising dementia-related staff training requirements for nursing homes, home health agencies, facilities that provide special care for persons with Alzheimer's disease or related dementia, assisted living facilities, adult family-care homes, adult day care centers, and specialized Alzheimer's services adult day care centers, respectively, to conform to changes made by the act; providing an effective date.

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

Section 1. This act may be cited as the "Florida

Alzheimer's Disease and Dementia Training and Education Act."

Section 2. Section 430.5025, Florida Statutes, is created

68 to read:

430.5025 Florida Alzheimer's Disease and Dementia Training and Education Act.—

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

(a) "Covered provider" means a nursing home facility, home health agency, nurse registry, or companion or homemaker service provider licensed or registered under chapter 400 or an assisted living facility, adult family-care home, or adult day care

Page 3 of 22

center licensed under chapter 429.

- (b) "Department" means the Department of Elderly Affairs.
- (c) "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.
- (d) "Employee" means any staff member, contracted staff, or independent contractor hired or referred by a covered provider who is required to undergo a level 2 background screening as required by s. 408.809(1)(e). The term includes, but is not limited to, direct care workers; staff responsible for housekeeping, the front desk, and other administrative functions; and companions or homemakers.
- (2) The department or its designee shall develop or approve education and training required under this section, which must be in a variety of formats, including, but not limited to, Internet-based training, videos, teleconferencing, and classroom instruction. The department or its designee may approve any existing training course or curriculum that is being used by a covered provider if it meets the requirements of this section.
- (3) The department or its designee shall offer education to the general public about Alzheimer's disease and related

forms of dementia. Such education must provide basic information about the most common forms of dementia, how to identify the signs and symptoms of dementia, skills for coping with and responding to changes as a result of the onset of dementia symptoms, planning for the future, and how to access additional resources about dementia.

- approve 1 hour of dementia-related training for covered provider employees. The training must include basic information about the most common forms of dementia and instruction on methods for identifying warning signs and symptoms of dementia and skills for communicating and interacting with individuals who have Alzheimer's disease or related dementia. The department shall provide the 1-hour training to covered providers and their employees at no cost and shall make the training accessible online through Internet-based formats, videos, and teleconferencing. The department or its designee shall provide for certificates of completion for the training which identify the name of the training and training provider, the name of the employee, and the date of completion.
 - (5) A covered provider shall do all of the following:
- (a) Provide each employee, upon beginning employment, with basic written information about interacting with patients who have Alzheimer's disease or related dementia.
 - (b) Provide each employee with 1 hour of dementia-related

Page 5 of 22

training, as developed or approved by the department or its designee under subsection (4).

- 1. A covered provider must require an employee to complete the training within 30 days after employment begins.
- 2. A covered provider must maintain in its records a copy of the employee's certificate of completion of the training.
- 3. An employee who has completed the training under this paragraph is not required to repeat the course upon changing employment to a different covered provider.
- (6)(a) In addition to the training requirements of subsection (5), covered providers shall require all employees who are direct care workers to receive additional training if they are required to have direct contact with clients, patients, or residents with Alzheimer's disease or related dementia, as follows:
- 1. Covered providers licensed under part III of chapter
 400 must require their direct care workers to complete 2
 additional hours of training developed or approved by the
 department or its designee.
- 2. Covered providers licensed under part II of chapter 400 or chapter 429 must require their direct care workers to complete 3 additional hours of training developed or approved by the department or its designee.
- (b) The training must be completed within the first 4 months after employment begins and must include, but need not be

Page 6 of 22

limited to, information related to management of problem
behaviors and promotion of independence in activities of daily
living and instruction on skills for working with family members
and caregivers of patients.

- (c) A direct care worker hired before July 1, 2022, who has completed dementia-related training may count those hours toward satisfying the training requirement under this subsection. A direct care worker hired before July 1, 2022, who has not yet completed dementia-related training must complete the training required under this subsection by July 1, 2023.
- (7) (a) If a covered provider advertises that it provides special care for individuals with Alzheimer's disease or related dementia which includes direct care to such individuals, the covered provider must require its direct care workers to complete an additional 4 hours of training developed or approved by the department. This training is in addition to the training requirements of subsections (5) and (6) and must be completed within 6 months after employment begins.
- (a), a direct care worker must complete a minimum of 4 contact hours of continuing education each calendar year. Such continuing education must cover at least one of the topics included in the dementia-related training developed or approved by the department in which the direct care worker has not received previous training.

176	(8) Completion of the 4 hours of training developed by or
177	approved by the department or its designee under subsections (5)
178	and (6) counts toward a certified nursing assistant's annual
179	training requirements.
180	(9) If a health care practitioner as defined in s. 456.001
181	completes continuing education hours as required by that
182	practitioner's licensing board, he or she may count those
183	continuing education hours toward satisfaction of the training
184	requirements of subsections (6) and (7) if the course curriculum
185	covers the same topics as the training developed or approved by
186	the department or its designee under those subsections. The
187	department must approve such continuing education hours for
188	purposes of satisfying the training requirements of subsection
189	(6) and paragraph (7)(a) and the continuing education
190	requirements of paragraph (7)(b).
191	(10) The department may adopt rules to implement this
192	section.
193	Section 3. Section 400.511, Florida Statutes, is created
194	to read:
195	400.511 Patients with Alzheimer's disease or related
196	dementia; staff training requirements.—Each individual employed,
197	contracted, or referred by a nurse registry and any individual
198	registered with the agency to provide companion services or
199	homemaker services must complete the approved training as
200	required in s. 430.5025.

Page 8 of 22

Section 4. Section 400.1755, Florida Statutes, is amended to read:

400.1755 Care for persons with Alzheimer's disease or related dementia disorders; staff training requirements.—

2.01

- (1) As a condition of licensure, facilities licensed under this part must provide to each of their employees <u>approved</u> training as required in s. 430.5025, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.
- (2) All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with Alzheimer's disease or a related disorder must, in addition to being provided the information required in subsection (1), also have an initial training of at least 1 hour completed in the first 3 months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with 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.

Page 9 of 22

226 (a) The required 4 hours of training for certified nursing 227 assistants are part of the total hours of training required 228 annually. 229 (b) For a health care practitioner as defined in s. 230 456.001, continuing education hours taken as required by that 231 practitioner's licensing board shall be counted toward this 232 total of 4 hours. 233 (4) For an employee who is a licensed health care 234 practitioner as defined in s. 456.001, training that is 235 sanctioned by that practitioner's licensing board shall be 236 considered to be approved by the Department of Elderly Affairs. 237 (5) The Department of Elderly Affairs or its designee must 238 approve the initial and continuing training provided in the 239 facilities. The department must approve training offered in a 240 variety of formats, including, but not limited to, Internet-241 based training, videos, teleconferencing, and classroom 242 instruction. The department shall keep a list of current providers who are approved to provide initial and continuing 243 244 training. The department shall adopt rules to 245 standards for the trainers and the training required in this 246 section. 247

(6) Upon completing any training listed in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider.

Page 10 of 22

CODING: Words stricken are deletions; words underlined are additions.

248

249

The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must comply with other applicable continuing education requirements.

2.51

Section 5. Section 400.4785, Florida Statutes, is amended to read:

400.4785 Patients with Alzheimer's disease or other related <u>dementia</u> <u>disorders</u>; staff training requirements; certain disclosures.—

- (1) A home health agency must provide the following staff to each of its employees approved training as required in s. 430.5025:
- (a) Upon beginning employment with the agency, each employee must receive basic written information about interacting with participants who have Alzheimer's disease or dementia-related disorders.
- (b) In addition to the information provided under paragraph (a), newly hired home health agency personnel who will be providing direct care to patients must complete 2 hours of training in Alzheimer's disease and dementia-related disorders within 9 months after beginning employment with the agency. This

Page 11 of 22

training must include, but is not limited to, an overview of dementia, a demonstration of basic skills in communicating with persons who have dementia, the management of problem behaviors, information about promoting the client's independence in activities of daily living, and instruction in skills for working with families and caregivers.

- (c) For certified nursing assistants, the required 2 hours of training shall be part of the total hours of training required annually.
- (d) For a health care practitioner as defined in s.

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

Page 12 of 22

(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 composed 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.

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

Section 6. Subsections (2) through (6) of section 429.178,

Page 13 of 22

Florida Statutes, are amended to read:

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

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

(b) A direct caregiver who is employed by a facility that 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

Page 14 of 22

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.

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

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

Page 15 of 22

376 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 facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record. As a condition of licensure, an assisted living facility licensed under this part must provide to each of its employees approved training as required in s. 430.5025.

Section 8. Present subsections (3), (4), and (5) of section 429.75, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

429.75 Training and education programs. -

(3) As a condition of licensure, an adult family-care home licensed under this part must provide to each of its employees approved training as required in s. 430.5025.

Section 9. Section 429.83, Florida Statutes, is amended to read:

Page 16 of 22

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

- (1) As a condition of licensure, an adult family-care home licensed under this part must provide to each of its employees approved training as required in s. 430.5025.
- (2) An adult family-care home licensed under this part which claims that it provides special care for persons who have Alzheimer's disease or other related dementia disorders must Disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The home must give a copy of all such advertisements or a copy of the document to each person who requests information about programs and services for persons with Alzheimer's disease or other related dementia disorders offered by the home and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the home's records as part of the license renewal procedure.
- Section 10. Subsection (1) of section 429.917, Florida Statutes, is amended to read:
- 429.917 Patients with Alzheimer's disease or other related dementia disorders; staff training requirements; certain disclosures.—
- (1) An adult day care center licensed under this part must provide to each of its employees approved the following staff

Page 17 of 22

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.
- (b) In addition to the information provided under paragraph (a), newly hired adult day care center personnel 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 (b), an employee who will be providing direct care to a participant who has Alzheimer's disease or a dementia-related disorder must complete an additional 3 hours of training within 9 months after beginning employment. This training must include, but is not limited to, the management of problem behaviors, information about promoting the participant's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- (d) For certified nursing assistants, the required 4 hours of training shall be part of the total hours of training

Page 18 of 22

451 required annually.

- (e) For a health care practitioner as defined in s.

 456.001, continuing education hours taken as required by that

 practitioner's licensing board shall be counted toward the total

 of 4 hours.
- (f) 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.
- (g) The Department of Elderly Affairs or its designee must approve the 1-hour and 3-hour training provided to employees and direct caregivers under this section. 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 1-hour and 3-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.
- (h) Upon completing any training described in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or

Page 19 of 22

direct caregiver changes employment to a different adult day care center or to an assisted living facility, nursing home, home health agency, or hospice. The direct caregiver must comply with other applicable continuing education requirements.

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

- Section 11. Subsection (6) of section 429.918, Florida Statutes, is amended to read:
- 429.918 Licensure designation as a specialized Alzheimer's services adult day care center.—
- (6)(a) An adult day care center having a license designated under this section must provide the following staff training and supervision:
- 1. <u>Have</u> a registered nurse or licensed practical nurse must be on site daily for at least 75 percent of the time that the center is open to ADRD participants. Each licensed practical nurse who works at the center must be supervised in accordance with chapter 464.
- 2. As a condition of licensure, provide approved training as required in s. 430.5025 Upon beginning employment with the center, each employee must receive and review basic written information about interacting with ADRD participants.
- 3. In addition to the information provided in subparagraph
 2., every employee hired on or after July 1, 2012, who has
 direct contact with ADRD participants shall complete 4 hours of

Page 20 of 22

dementia-specific training within 3 months after employment.

4. In addition to the requirements of subparagraphs 2. and 3., each employee hired on or after July 1, 2012, who provides direct care to ADRD participants shall complete an additional 4 hours of dementia-specific training within 6 months after employment.

- (b) The Department of Elderly Affairs or its designee shall approve the training required under this section. The department shall adopt rules to establish standards for employees who are subject to this training, for trainers, and for the training required in this section.
- (c) Upon completing any training described in this section, the employee shall be issued a certificate that includes the name of the training provider, the topics covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topics, and the employee is not required to repeat training in those topics if the employee changes employment to a different adult day care center.
- (b)(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:
- 1. Procedures to locate an ADRD participant who has wandered from the center. These procedures \underline{must} shall be reviewed regularly with all direct care staff.

Page 21 of 22

HB 1507 2022

526	2. Information on the Silver Alert program in this state.
527	3. Information regarding available products or programs
528	used to identify ADRD participants or prevent them from
529	wandering away from the center, their home, or other locations.
530	Section 12. This act shall take effect July 1, 2022.

526

Page 22 of 22