

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 1572

INTRODUCER: Senator Baxley

SUBJECT: Dementia-related Staff Training

DATE: February 9, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	Pre-meeting
2.			AHS	
3.			AP	

I. Summary:

SB 1572 creates the Alzheimer’s Disease and Dementia Training and Education Act. The bill requires each covered provider (CP)¹ to:

- Provide each of its employees² with basic written information about interacting with patients who have Alzheimer’s disease or related dementia (ADRD) upon beginning employment and with one hour of ADRD related training within 30 days of beginning employment.³
- Require each of its employees who are direct care workers⁴ to complete two or three additional hours of ADRD training, depending on the CP’s license type, within the first four months after beginning employment.
- If the CP advertises that it provides special care for persons with ADRD, require each of its employees who are direct care workers to complete an additional four hours of training within the first six months after beginning employment and four hours of continuing education annually.

The bill specifies that all training offered must be developed or approved by the Department of Elder Affairs (DOEA) or its designee and must be in a variety of formats. The DOEA must provide the one hour training course at no cost to CPs and must make it available online.

Training taken by a health care practitioner that is required by his or her licensing board may

¹ As defined in the bill a “covered provider” includes nursing homes, home health agencies, nurse registries, companion homemaker services, assisted living facilities, adult family-care homes, and adult day care centers.

² As defined in the bill a “employee” includes 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), F.S. 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.

³ The employee is not required to take the one hour of training if he or she has already completed the one hour of training as an employee of a different covered provider.

⁴ As defined in the bill a “direct care worker” is 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.

offset the training required under the bill in certain circumstances. Additionally, ADRD training taken by a direct care worker who is hired before July 1, 2022, may count toward the four hours of training required to be taken by such workers.

The bill adds to the licensure statutes for nursing homes, home health agencies, nurse registries, companion homemaker services, assisted living facilities, adult family-care homes, and adult day care centers a requirement for each facility to meet the training requirements established by the bill as a condition of licensure. Additionally, if the licensure statutes for any CP already includes ADRD-specific training requirements, the bill removes those requirements in favor of the requirements established by the bill.

The bill provides an effective date of July 1, 2022.

II. Present Situation:

Dementia and Alzheimer's Disease

Dementia is the loss of cognitive functioning—thinking, remembering, and reasoning—and behavioral abilities to such an extent that it interferes with a person's daily life and activities. These functions include memory, language skills, visual perception, problem solving, self-management, and the ability to focus and pay attention. Some people with dementia cannot control their emotions, and their personalities may change. Dementia ranges in severity from the mildest stage, when it is just beginning to affect a person's functioning, to the most severe stage, when the person must depend completely on others for basic activities of living.⁵

Alzheimer's disease is the most common type of dementia. It is a progressive disease that begins with mild memory loss and can lead to loss of the ability to carry on a conversation and respond to one's environment. Alzheimer's disease affects parts of the brain that control thought, memory, and language. It can seriously affect a person's ability to carry out daily activities. Although scientists are studying the disease, what causes Alzheimer's disease is unknown.⁶

There are an estimated 580,000 individuals living with Alzheimer's disease in the state of Florida.⁷ By 2025, it is projected that 720,000 Floridians will have Alzheimer's disease.⁸ Most individuals with Alzheimer's can live in the community with support, often provided by spouses or other family members. In the late stages of the disease, many patients require care 24 hours per day and are often served in long-term care facilities.

⁵ National Institute on Aging, *What is Dementia? Symptoms, Types, and Diagnosis*, available at <https://www.nia.nih.gov/health/what-dementia-symptoms-types-and-diagnosis>, (last visited on Jan. 28, 2022).

⁶ Centers for Disease Control and Prevention, *Alzheimer's Disease and Healthy Aging*, available at <https://www.cdc.gov/aging/aginginfo/alzheimers.htm#AlzheimersDisease>, (last visited Jan. 28, 2022).

⁷ Alzheimer's Association, *Alzheimer's Statistics Florida*, available at <https://www.alz.org/media/Documents/florida-alzheimers-facts-figures-2018.pdf>, (last visited Jan. 28, 2022).

⁸ *Id.*

Dementia and Alzheimer’s Disease Training

Providers not Currently Required to Provide Specific ADRD Training.

Nurse registries are prohibited from training a registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker, or home health aide that it refers for contract.⁹ However, depending on his or her license type, an individual referred by the nurse registry may have ADRD-specific training required by his or her practice act.

Companion and homemaker service providers are not required to train the companions or homemakers they provide.

Adult family-care home providers are required to undergo 12 hours of training, some of which must be related to identifying and meeting the special needs of disabled adults and frail elders. However, these providers are not currently required to undergo training specific to ADRD.¹⁰

Overview of ADRD Training Requirements by Facility Type

	All Employees	Employees with Expected or Required Direct Contact	Employees Providing Direct Care	Health Care Practitioner Continuing Education Sufficient?	Training Approved?	Exemptions
Nursing Homes	Provided with basic written information about interacting with persons with ADRD upon beginning employment.	1 hour of training within the first 3 months of employment.	Additional 3 hours of training within the first 9 months of employment.	Yes	By DOEA.	
Home Health Agencies		Not specified.	2 hours of training within the first 9 months of employment.	Yes	By DOEA.	HHA’s that serve 90% individuals under age 21 are exempt.
ALFs¹¹	Employees with incidental contact must be given information within 3 months.	4 hours within 3 months of employment	4 additional hours within 9 months of employment + 4 hours CE annually	Not specified.	By DOEA	
Adult Day Care Centers	Same as nursing homes, home health agencies, and Hospice.	1 hour of training within the first 3 months of employment.	Additional 3 hours of training within the first 9 months of employment.	Yes	By DOEA	

⁹ Section 400.506(19), F.S.

¹⁰ See s. 429.75, F.S., and Fla. Admin. Code R. 59A-37.007 (2020).

¹¹ Training is required if the ALF advertises that it provides special care for persons with Alzheimer’s disease or related disorders. Section 429.178, F.S.

Details for each facility type are below:

Nursing Homes

Section 400.1755, F.S., requires each nursing home to provide the following training:

- Provide each of its employees basic written information about interacting with persons with ADRD upon beginning employment.
- All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with ADRD must also have an initial training of at least one hour completed in the first three 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.
- An individual who provides direct care must complete the required initial training and an additional three hours of training within nine months after beginning employment. This training must include, but is not limited to, managing problematic behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers. Health care practitioners' continuing education can be counted toward the required training hours.
- The DOEA or its designee must approve the initial and continuing training provided in the facilities. The DOEA must approve training offered in a variety of formats, including, but not limited to, Internet-based training, videos, teleconferencing, and classroom instruction. The DOEA must keep a list of current providers who are approved to provide initial and continuing training. The DOEA must adopt rules to establish standards for the trainers and the training required in this section of statute.
- Upon completing any training listed in the section, the employee or direct caregiver must 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 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.

Home Health Agencies

Section 400.4785, F.S., requires a home health agency to provide the following staff training:

- Upon beginning employment with the agency, each employee must receive basic written information about interacting with participants who have ADRD.
- Newly-hired home health agency personnel who will be providing direct care to patients must complete two hours of training in ADRD within nine months after beginning employment with the agency. This 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 problematic behaviors, information about promoting the client's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- For certified nursing assistants, the required two hours of training are part of the total hours of training required annually.

- For a health care practitioner, as defined in s. 456.001, F.S.,¹² continuing education hours taken as required by that practitioner's licensing board are counted toward the total of two hours.
- For an employee who is a licensed health care practitioner, training that is sanctioned by that practitioner's licensing board must be considered to be approved by the DOEA.
- The DOEA, or its designee, must approve the required training. The DOEA must consider for approval training offered in a variety of formats. The DOEA must keep a list of current providers who are approved to provide the two-hour training. The DOEA must 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 of statute.
- Upon completing the training listed in the section, the employee must be issued a certificate stating that the training mandated under the section has been received. The certificate must 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.
- A licensed home health agency whose unduplicated census during the most recent calendar year was composed 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 of statute.

Assisted Living Facilities

Section 429.178, F.S., requires an ALF that advertises it provides special care for persons with ADRD to provide the following training:

- An employee who has regular contact with such residents must complete up to four hours of initial dementia-specific training developed or approved by the DOEA. The training must be completed within three months after beginning employment and satisfy the core training requirements of s. 429.52(3)(g), F.S.
- A direct caregiver who provides direct care to such residents must complete the required initial training and four additional hours of training developed or approved by the DOEA. The training must be completed within nine months after beginning employment and satisfy the core training requirements of s. 429.52(3)(g), F.S.
- An individual who is employed by a facility that provides special care for residents with ADRD, but who only has incidental contact with such residents, must be given, at a minimum, general information on interacting with individuals with ADRD, within three months after beginning employment.
- A direct caregiver must also participate in a minimum of four 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 DOEA, in which the caregiver has not received previous training.
- Upon completing any specified training, the employee or direct caregiver must 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

¹² Section 456.001(4), F.S., defines "health care practitioner" as any person licensed under ch. 457, F.S.; ch. 458, F.S.; ch. 459, F.S.; ch. 460, F.S.; ch. 461, F.S.; ch. 462, F.S.; ch. 463, F.S.; ch. 464, F.S.; ch. 465, F.S.; ch. 466, F.S.; ch. 467, F.S.; part I, part II, part III, part V, part X, part XII, or part XIV of ch. 468, F.S.; ch. 478, F.S.; ch. 480, F.S.; part I or part II of ch. 483, F.S.; ch. 484, F.S.; ch. 486, F.S.; ch. 490, F.S.; or ch. 491, F.S.

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.

- The DOEA, or its designee, must approve the initial and continuing education courses and providers.
- The DOEA must 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 ADRD.

Adult Day Care Centers

Section 429.917, F.S., requires an adult day care center to provide the following staff training:

- Upon beginning employment with the facility, each employee must receive basic written information about interacting with participants who have ADRD.
- In addition to the information provided, newly-hired adult day care center personnel who are expected to, or whose responsibilities require them to, have direct contact with participants who have ADRD must complete initial training of at least one hour within the first three 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.
- In addition to the previous requirements, an employee who will be providing direct care to a participant who has ADRD must complete an additional three hours of training within nine 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.
- For certified nursing assistants, the required four hours of training is part of the total hours of training required annually.
- For a health care practitioner as defined in s. 456.001, F.S., continuing education hours taken as required by that practitioner's licensing board are counted toward the total of four hours.
- For an employee who is a licensed health care practitioner as defined in s. 456.001, F.S., training that is sanctioned by that practitioner's licensing board is considered to be approved by the DOEA.
- The DOEA or its designee must approve the one-hour and three-hour training provided to employees and direct caregivers under this section of statute. The DOEA must consider for approval training offered in a variety of formats. The DOEA must keep a list of current providers who are approved to provide the one-hour and three-hour training. The DOEA must 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 of statute.
- Upon completing any training described in the section, the employee or direct caregiver must 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 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.

Current Administration of ADRD Training

The DOEA has authority for administering the existing ADRD training¹³ and currently does so through a contract with the University of South Florida (USF).¹⁴ USF, through its Training Academy on Aging, reviews and approves ADRD Training Providers and Training Curriculum Programs for the DOEA. The mission of the ADRD training program is to improve the care of individuals with ADRDs who receive services from nursing homes, assisted living facilities, home health agencies, adult day care centers, and hospice care facilities. The ADRD training program is designed to ensure that agency and facility staff members who have regular contact with or provide direct care to, persons with ADRD receive the relevant ADRD training.¹⁵

III. Effect of Proposed Changes:

SB 1572 creates s. 430.5025, F.S., entitled the Florida Alzheimer's Disease and Dementia Training and Education Act. The bill defines the following terms:

- “Covered provider” means a nursing home facility, home health agency, nurse registry, or companion or homemaker service provider licensed or registered under ch. 400, F.S., or an ALF, adult family-care home, or adult day care center licensed under ch. 429, F.S.
- “Department” means the Department of Elder Affairs.
- “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 ch. 400 or ch. 429, F.S.
- “Employee” means any staff member, contracted staff, or independent contractor hired or referred by a CP who is required to undergo a level 2 background screening as required by s. 408.809(1)(e), F.S. 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.

The bill requires the DOEA or its designee to develop or approve the education and training required by the bill and specifies that the training must be in a variety of formats, including, but not limited to, internet-based training, videos, teleconferencing, and classroom instruction. Additionally, the bill requires the DOEA or its designee to offer training to the general public which includes 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.

¹³ Fla. Admin. Code R. 58A-5.0194 (2020).

¹⁴ Contract XQ092.A3, effective July 1, 2021.

¹⁵ Department of Elder Affairs, *DOEA Bill Analysis of SB 1572* (Jan. 13, 2022) (on file with the Senate Committee on Health Policy).

Required Training and Information

Basic Information

The bill requires CPs to provide each employee, upon beginning employment, with basic written information about interacting with patients who have Alzheimer's disease or related dementia.

Training for All Employees

The bill requires each CP to provide each employee with one hour of dementia-related training. The CP must require the employee to complete the training within 30 days after employment begins and must maintain in its records a copy of the employee's certificate of completion. The bill specifies that an employee who completes the training is not required to retake the training when switching employment. The bill specifies that the DOEA or its designee must develop or approve the one hour ADRD training which 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 DOEA is required to provide the training to CPs at no cost and make it available online. Additionally, the DOEA must provide certificates of completion for each employee who completes the course which includes the name of the training and training provider, the name of the employee, and the date of completion.

Training for Direct Care Workers

In addition to the one hour of training, the bill requires CPs to 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:

- Two hours of additional training if the CP is a home health agency, nurse registry, or a companion or homemaker service provider;
- Three hours of additional training if the CP is a nursing home, ALF, adult-family care home, or adult day care center.

The training must be completed within the first four months after employment begins and must include, but is not limited to, information related to management of problematic behaviors, promotion of independence in activities of daily living, and instruction on skills for working with family members and caregivers of patients. The bill specifies that a direct care worker who is hired before July 1, 2022, and who has completed ADRD training may count the completed hours toward these training requirements or must complete the required training by July 1, 2023.

If the direct care worker works for a CP that advertises special care for individuals with ADRD, the direct care worker must complete a minimum of four contact hours of continuing education annually. The continuing education must cover at least one of the topics included in the dementia-related training developed or approved by the DOEA in which the direct care worker has not received previous training.

The bill specifies that both the one hour of training for all employees and the additional two or three hours of training for direct care workers may count toward a certified nursing assistant's

annual training requirements. Additionally, the bill specifies that a health care practitioner's¹⁶ continuing education hours required by that practitioner's licensing board may count toward the practitioner's one required hour and his or her two or three additional required hours if the if the course curriculum of the continuing education covers the same topics as the training developed or approved by the DOEA or its designee if the DOEA approves such continuing education hours.

The bill grants the DOEA rulemaking authority to implement these provisions.

Additionally, the bill amends and creates ss. 400.511, 400.1755, 400.4785, 429.178, 429.52, 429.75, 429.83, 429.917, and 429.918, F.S., to eliminate existing ADRD training requirements from the licensure statutes for all CPs and to add a requirement that each license type meet the training requirements established by the bill.

The bill provides and effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁶ As defined in s. 456.001, F.S.

B. Private Sector Impact:

SB 1572 may have an indeterminate fiscal impact on license types that must require employees to receive ADRD training under the bill if those license types are not currently required to provide such training or if the training required by the bill is greater than the training currently required.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Subsection (8) of SB 1572 refers to “four hours of training required under subsections (5) and (6).” However, it is possible that the amount of training required to be completed under subsections (5) and (6) combined equals only three hours of training. The bill should be clarified to refer to three or four hours of training required under the specified subsections if the intent is to include certified nursing assistants who work for CPs licensed under Part III of ch. 400, F.S.

SB 1572 includes nurse registries under the definition of CP and creates s. 400.511 to require that each individual employed, contracted, or referred by a nurse registry must complete the training established in the bill. The bill requires CPs to “provide” one hour of training to all employees (as defined) and to “require all employees who are direct care workers to receive” additional training as specified in the bill. However, s. 400.506(19), F.S., states that a nurse registry may not “monitor, supervise, manage, or train a registered nurse, licensed practical nurse, certified nursing assistant, companion or homemaker, or home health aide referred for contract under this chapter.” Section 400.511, F.S., as created by the bill, does not provide an exemption from this prohibition, and it is unclear whether the training required by the bill would violate this provision. The bill should be amended to provide an exemption from s. 400.506(19), F.S., for the training required related to nurse registries under the bill.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 400.1755, 400.4785, 429.178, 429.52, 429.75, 429.83, 429.917, and 429.918.

This bill creates the following sections of the Florida Statutes: 430.5025 and 400.511.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
