

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Black offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 41-459 and insert:

7 provider, a health care services pool, an assisted living
 8 facility, an adult family-care home, or an adult day care center
 9 licensed or registered under chapter 400 or chapter 429.

10 (b) "Department" means the Department of Elderly Affairs.

11 (c) "Personal care" means providing, through in-person
 12 contact, assistance with activities of daily living, assistance
 13 with self-administration of medication, homemaker or companion
 14 services, nursing services, or other services that promote the
 15 physical, mental, and psychosocial well-being of participants,
 16 patients, and residents of covered providers. The term does not

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17 include duties involving administrative functions or maintaining
18 the physical environment of a licensed facility, including
19 grounds maintenance, building maintenance, housekeeping,
20 laundry, or food preparation.

21 (d) "Employee" means a person, contracted staff, or an
22 independent contractor employed or referred by a covered
23 provider who is required to undergo a level 2 background
24 screening under s. 408.809 and chapter 435.

25 (e) "Regular contact" means the performance of duties
26 other than personal care that may require employees to interact
27 in person on a daily basis with participants, patients, or
28 residents.

29 (3) The department shall offer to the general public
30 education about Alzheimer's disease and related forms of
31 dementia. Such education must provide basic information about
32 the most common forms of dementia, how to identify the signs and
33 symptoms of dementia, coping skills, how to respond to changes,
34 planning for the future, and how to access additional resources
35 about dementia.

36 (4) Employees of covered providers must complete the
37 following training for Alzheimer's disease and related forms of
38 dementia:

39 (a) Upon beginning employment, each employee must receive
40 basic written information about interacting with persons who
41 have Alzheimer's disease or related forms of dementia.

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42 (b) Within 30 days after beginning employment, each
43 employee who provides personal care to or has regular contact
44 with participants, patients, or residents must complete a 1-hour
45 training program provided by the department.

46 1. The department shall provide training that is available
47 online at no cost. The 1-hour training program shall contain
48 information on understanding the basics about the most common
49 forms of dementia, how to identify the signs and symptoms of
50 dementia, and skills for communicating and interacting with
51 persons with Alzheimer's disease or related forms of dementia. A
52 record of the completion of the training program must be made
53 available to the covered provider which identifies the training
54 curricula, the name of the employee, and the date of completion.

55 2. A covered provider must maintain a record of the
56 employee's completion of the training program and, upon written
57 request of the employee, provide the employee with a copy of the
58 record of completion consistent with the employer's written
59 policies.

60 3. An employee who has completed the training required in
61 this subsection is not required to repeat the program upon
62 changing employment to a different covered provider.

63 (c) Within 7 months after beginning employment for a home
64 health agency, nurse registry, or companion or homemaker service
65 provider, each employee who provides personal care must complete
66 2 hours of training in addition to the training required in

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67 paragraphs (a) and (b). The additional training must include,
68 but is not limited to, behavior management, promoting the
69 person's independence in activities of daily living, and skills
70 in working with families and caregivers.

71 (d) Within 7 months after beginning employment for a
72 nursing home, an assisted living facility, an adult family-care
73 home, or an adult day care center, each employee who provides
74 personal care must complete 3 hours of training in addition to
75 the training required in paragraphs (a) and (b). The additional
76 training must include, but is not limited to, behavior
77 management, promoting the person's independence in activities of
78 daily living, skills in working with families and caregivers,
79 group and individual activities, maintaining an appropriate
80 environment, and ethical issues.

81 (e) For an assisted living facility, adult family-care
82 home, or adult day care center that advertises and provides, or
83 is designated to provide, specialized care for persons with
84 Alzheimer's disease or related forms of dementia, in addition to
85 the training specified in paragraphs (a) and (b), employees must
86 receive the following training:

87 1. Within 3 months after beginning employment, each
88 employee who provides personal care to or has regular contact
89 with the residents or participants must complete the additional
90 3 hours of training as provided in paragraph (d).

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91 2. Within 6 months after beginning employment, each
92 employee who provides personal care must complete an additional
93 4 hours of dementia-specific training. Such training must
94 include, but is not limited to, understanding Alzheimer's
95 disease and related forms of dementia, the stages of Alzheimer's
96 disease, communication strategies, medical information, and
97 stress management.

98 3. Thereafter, each employee who provides personal care
99 must participate in at least 4 hours of continuing education
100 each calendar year through contact hours, on-the-job training,
101 or electronic learning technology. For this subparagraph, the
102 term "on-the-job training" means a form of direct coaching in
103 which a facility administrator or his or her designee instructs
104 an employee who provides personal care with guidance, support,
105 or hands-on experience to help develop and refine the employee's
106 skills for caring for a person with Alzheimer's disease or a
107 related form of dementia. The continuing education must cover at
108 least one of the topics included in the dementia-specific
109 training in which the employee has not received previous
110 training in the previous calendar year. The continuing education
111 may be fulfilled and documented in a minimum of one quarter-hour
112 increments through on-the-job training of the employee by a
113 facility administrator or his or her designee or by an
114 electronic learning technology chosen by the facility

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115 administrator. On-the-job training may not account for more than
116 2 hours of continuing education each calendar year.

117 (f)1. An employee provided, assigned, or referred by a
118 health care services pool must complete the training required in
119 paragraphs (c), (d), or (e) that is applicable to the covered
120 provider and the position in which the employee will be working.
121 The documentation verifying the completed training and
122 continuing education of the employee, if applicable, must be
123 provided to the covered provider upon request.

124 2. A health care services pool must verify and maintain
125 documentation as required under s. 400.980(5) before providing,
126 assigning, or referring an employee to a covered provider.

127 (5) The department may establish training curricula
128 guidelines for the training required in paragraphs (4)(c), (d),
129 and (e). The department may approve training providers and
130 training curricula and maintain a list of approved providers.
131 Approved training may be offered in a variety of formats,
132 including, but not limited to, in person, electronically, or on-
133 the-job by a facility administrator or his or her designee.
134 Continuing education under this section does not require the
135 adoption of training curricula guidelines by the department or
136 approval of the training provider and curricula by the
137 department. The department may develop or provide continuing
138 education training or curricula as an option for covered
139 providers and employees.

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140 (a) A training provider meeting one of the following
141 qualifications may offer training in compliance with the
142 training curricula guidelines without prior approval of the
143 department:

144 1. A person approved by an applicable board or the
145 Department of Health to provide training who is registered with
146 the electronic continuing education tracking system under s.
147 456.025; or

148 2. A training provider approved by the department or its
149 designee before July 1, 2023.

150 (b) Training providers qualified under subparagraph (a)1.
151 must also have:

152 1. At least 1 year of teaching experience as an educator
153 for caregivers of persons with Alzheimer's disease or related
154 forms of dementia;

155 2. At least 1 year of practical experience in a program
156 providing care to persons with Alzheimer's disease or related
157 forms of dementia; or

158 3. Completed a specialized training program in the subject
159 matter of Alzheimer's disease and related forms of dementia from
160 an accredited health care, human services, or gerontology
161 education provider.

162 (c) Upon an employee's completion of the training
163 specified in paragraphs (4) (c), (d), and (e), the training
164 provider must provide a record of the completion of the training

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165 that includes the name of the employee, the name of the training
166 provider, the topics covered, and the date of completion. The
167 training record is evidence of completion of training in the
168 identified topic and the employee is not required to repeat
169 training in that topic if the employee changes employment to a
170 different covered provider.

171 (d) Any Alzheimer's disease and related forms of dementia
172 training curriculum approved by the department or its designee
173 before July 1, 2023, shall remain in effect until the
174 curriculum's expiration date.

175 (6) The department may adopt rules to create training
176 curricula guidelines and establish requirements for the approval
177 of other qualified training providers and a process for
178 conducting a sampling of training or training curriculum as
179 necessary to monitor for compliance with curricula guidelines.

180 (7) For a certified nursing assistant as defined in s.
181 464.201, training hours completed as required under this section
182 may count toward the total hours of training required to
183 maintain certification as a nursing assistant.

184 (8) For a health care practitioner as defined in s.
185 456.001, training hours completed as required under this section
186 may count toward the total hours of continuing education
187 required by that practitioner's licensing board.

188 (9) Each person employed, contracted, or referred to
189 provide services before July 1, 2023, must complete the training

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190 required in this section before July 1, 2026. Proof of
191 completion of equivalent training completed before July 1, 2023,
192 shall substitute for the training required in subsection (4).
193 Each person employed, contracted, or referred to provide
194 services on or after July 1, 2023, may complete training using
195 approved curriculum under subparagraph (5) (d) until the
196 effective date of the rules adopted by the department under
197 subsection (6).

198 Section 2. Paragraph (b) of subsection (2) of section
199 400.0239, Florida Statutes, is amended to read:

200 400.0239 Quality of Long-Term Care Facility Improvement
201 Trust Fund.—

202 (2) Expenditures from the trust fund shall be allowable
203 for direct support of the following:

204 (b) Development and implementation of specialized training
205 programs for long-term care facility personnel who provide
206 direct care for residents with Alzheimer's disease and other
207 dementias including training provided under s. 430.5025,
208 residents at risk of developing pressure sores, and residents
209 with special nutrition and hydration needs.

210 Section 3. Section 400.1755, Florida Statutes, is amended
211 to read:

212 400.1755 Care for persons with Alzheimer's disease or
213 related disorders; staff training requirements.—

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214 ~~(1) As a condition of licensure, the employees of~~
215 ~~facilities licensed under this part must complete the training~~
216 ~~required under s. 430.5025 provide to each of their employees,~~
217 ~~upon beginning employment, basic written information about~~
218 ~~interacting with persons with Alzheimer's disease or a related~~
219 ~~disorder.~~

220 ~~(2) All employees who are expected to, or whose~~
221 ~~responsibilities require them to, have direct contact with~~
222 ~~residents with Alzheimer's disease or a related disorder must,~~
223 ~~in addition to being provided the information required in~~
224 ~~subsection (1), also have an initial training of at least 1 hour~~
225 ~~completed in the first 3 months after beginning employment. This~~
226 ~~training must include, but is not limited to, an overview of~~
227 ~~dementias and must provide basic skills in communicating with~~
228 ~~persons with dementia.~~

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

236 ~~(a) The required 4 hours of training for certified nursing~~
237 ~~assistants are part of the total hours of training required~~
238 ~~annually.~~

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239 ~~(b) For a health care practitioner as defined in s.~~
240 ~~456.001, continuing education hours taken as required by that~~
241 ~~practitioner's licensing board shall be counted toward this~~
242 ~~total of 4 hours.~~

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

247 ~~(5) The Department of Elderly Affairs or its designee must~~
248 ~~approve the initial and continuing training provided in the~~
249 ~~facilities. The department must approve training offered in a~~
250 ~~variety of formats, including, but not limited to, Internet-~~
251 ~~based training, videos, teleconferencing, and classroom~~
252 ~~instruction. The department shall keep a list of current~~
253 ~~providers who are approved to provide initial and continuing~~
254 ~~training. The department shall adopt rules to establish~~
255 ~~standards for the trainers and the training required in this~~
256 ~~section.~~

257 ~~(6) Upon completing any training listed in this section,~~
258 ~~the employee or direct caregiver shall be issued a certificate~~
259 ~~that includes the name of the training provider, the topic~~
260 ~~covered, and the date and signature of the training provider.~~
261 ~~The certificate is evidence of completion of training in the~~
262 ~~identified topic, and the employee or direct caregiver is not~~
263 ~~required to repeat training in that topic if the employee or~~

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264 ~~direct caregiver changes employment to a different facility or~~
265 ~~to an assisted living facility, home health agency, adult day~~
266 ~~care center, or adult family care home. The direct caregiver~~
267 ~~must comply with other applicable continuing education~~
268 ~~requirements.~~

269 Section 4. Section 400.4785, Florida Statutes, is amended
270 to read:

271 400.4785 Patients with Alzheimer's disease or other
272 related disorders; staff training requirements; certain
273 disclosures. The employees of a home health agency must complete
274 the training required under s. 430.5025.

275 (1) ~~A home health agency must provide the following staff~~
276 ~~training:~~

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

281 ~~(b) In addition to the information provided under~~
282 ~~paragraph (a), newly hired home health agency personnel who will~~
283 ~~be providing direct care to patients must complete 2 hours of~~
284 ~~training in Alzheimer's disease and dementia-related disorders~~
285 ~~within 9 months after beginning employment with the agency. This~~
286 ~~training must include, but is not limited to, an overview of~~
287 ~~dementia, a demonstration of basic skills in communicating with~~
288 ~~persons who have dementia, the management of problem behaviors,~~

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289 ~~information about promoting the client's independence in~~
290 ~~activities of daily living, and instruction in skills for~~
291 ~~working with families and caregivers.~~

292 ~~(c) For certified nursing assistants, the required 2 hours~~
293 ~~of training shall be part of the total hours of training~~
294 ~~required annually.~~

295 ~~(d) For a health care practitioner as defined in s.~~
296 ~~456.001, continuing education hours taken as required by that~~
297 ~~practitioner's licensing board shall be counted toward the total~~
298 ~~of 2 hours.~~

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

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

311 ~~(g) Upon completing the training listed in this section,~~
312 ~~the employee shall be issued a certificate that states that the~~
313 ~~training mandated under this section has been received. The~~

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314 ~~certificate shall be dated and signed by the training provider.~~
315 ~~The certificate is evidence of completion of this training, and~~
316 ~~the employee is not required to repeat this training if the~~
317 ~~employee changes employment to a different home health agency.~~

318 ~~(h)~~ A licensed home health agency whose unduplicated
319 census during the most recent calendar year was composed
320 ~~comprised~~ of at least 90 percent of individuals aged 21 years or
321 younger at the date of admission is exempt from the training
322 requirements in this section.

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

335 Section 5. Section 400.51, Florida Statutes, is created to
336 read:

337 400.51 Patients with Alzheimer's disease or other related
338 disorders; staff training requirements.—A person employed,

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339 contracted, or referred by a nurse registry or a person
340 registered with the agency to provide companion or homemaker
341 services must complete the training required under s. 430.5025.

342 Section 6. Subsection (5) of section 400.980, Florida
343 Statutes, is amended to read:

344 400.980 Health care services pools.—

345 (5) A health care services pool shall verify and maintain
346 documentation ~~document~~ that each temporary employee or
347 independent contractor provided, assigned, or referred to a
348 health care facility has met the licensing, certification,
349 training, or continuing education requirements, as established
350 by the appropriate regulatory agency, for the position in which
351 he or she will be working. The requirements of this subsection
352 may not be delegated to another provider as defined in s.
353 408.803.

354 Section 7. Section 429.178, Florida Statutes, is amended
355 to read:

356 429.178 Special care for persons with Alzheimer's disease
357 or other related disorders.—

358 ~~(1)~~ A facility which advertises that it provides special
359 care for persons with Alzheimer's disease or other related
360 disorders must meet the following standards of operation:

361 (1)(a)~~1~~. If the facility has 17 or more residents, have an
362 awake staff member on duty at all hours of the day and night; or

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363 ~~(b)2.~~ If the facility has fewer than 17 residents, have an
364 awake staff member on duty at all hours of the day and night or
365 have mechanisms in place to monitor and ensure the safety of the
366 facility's residents.

367 ~~(2)(b)~~ Offer activities specifically designed for persons
368 who are cognitively impaired.

369 ~~(3)(e)~~ Have a physical environment that provides for the
370 safety and welfare of the facility's residents.

371 ~~(4)(d)~~ Employ staff who must complete ~~have completed~~ the
372 training and continuing education required under s. 430.5025 ~~in~~
373 ~~subsection (2).~~

374 ~~(2)(a)~~ ~~An individual who is employed by a facility that~~
375 ~~provides special care for residents who have Alzheimer's disease~~
376 ~~or other related disorders, and who has regular contact with~~
377 ~~such residents, must complete up to 4 hours of initial dementia-~~
378 ~~specific training developed or approved by the department. The~~
379 ~~training must be completed within 3 months after beginning~~
380 ~~employment and satisfy the core training requirements of s.~~
381 ~~429.52(3)(g).~~

382 ~~(b)~~ ~~A direct caregiver who is employed by a facility that~~
383 ~~provides special care for residents who have Alzheimer's disease~~
384 ~~or other related disorders and provides direct care to such~~
385 ~~residents must complete the required initial training and 4~~
386 ~~additional hours of training developed or approved by the~~
387 ~~department. The training must be completed within 9 months after~~

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388 ~~beginning employment and satisfy the core training requirements~~
389 ~~of s. 429.52(3)(g).~~

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

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

404 ~~(4) Upon completing any training listed in subsection (2),~~
405 ~~the employee or direct caregiver shall be issued a certificate~~
406 ~~that includes the name of the training provider, the topic~~
407 ~~covered, and the date and signature of the training provider.~~
408 ~~The certificate is evidence of completion of training in the~~
409 ~~identified topic, and the employee or direct caregiver is not~~
410 ~~required to repeat training in that topic if the employee or~~
411 ~~direct caregiver changes employment to a different facility. The~~

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412 ~~employee or direct caregiver must comply with other applicable~~
413 ~~continuing education requirements.~~

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

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

420 ~~(7) Any facility more than 90 percent of whose residents~~
421 ~~receive monthly optional supplementation payments is not~~
422 ~~required to pay for the training and education programs required~~
423 ~~under this section. A facility that has one or more such~~
424 ~~residents shall pay a reduced fee that is proportional to the~~
425 ~~percentage of such residents in the facility. A facility that~~
426 ~~does not have any residents who receive monthly optional~~
427 ~~supplementation payments must pay a reasonable fee, as~~
428 ~~established by the department, for such training and education~~
429 ~~programs.~~

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

433 Section 8. Subsection (1) of section 429.52, Florida
434 Statutes, is amended to read:

435 429.52 Staff training and educational requirements.-

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436 (1)(a) Each new assisted living facility employee who has
437 not previously completed core training must attend a preservice
438 orientation provided by the facility before interacting with
439 residents. The preservice orientation must be at least 2 hours
440 in duration and cover topics that help the employee provide
441 responsible care and respond to the needs of facility residents.
442 Upon completion, the employee and the administrator of the
443 facility must sign a statement that the employee completed the
444 required preservice orientation. The facility must keep the
445 signed statement in the employee's personnel record.

446 (b) Each assisted living facility employee must complete
447 the training required under s. 430.5025. However, an employee of
448 an assisted living facility licensed as a limited mental health
449 facility under s. 429.075 is exempt from the training
450 requirements under s. 430.5025(4)(d).

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T I T L E A M E N D M E N T

Remove lines 22-23 and insert:
400.980, F.S.; requiring a health care services pool
to verify and maintain documentation that certain
employees or independent contractors have met certain
licensing, certification, training, and continuing
education requirements; prohibiting delegation of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 299 (2023)

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461 specified responsibilities; amending s. 429.52, F.S.;

462 requiring assisted living facility employees to

463 complete specified training; providing an exception;

464 authorizing

465