

By Senator Bean

4-00319B-14

2014316\_\_

1                                   A bill to be entitled  
2       An act relating to certification of assisted living  
3       facility administrators; amending s. 429.178, F.S.;  
4       conforming provisions to changes made by the act;  
5       amending s. 429.52, F.S.; requiring assisted living  
6       facility administrators to meet the training and  
7       education requirements established by a third-party  
8       credentialing entity; revising requirements for new  
9       administrators; authorizing the Department of Elderly  
10      Affairs to require additional training or education of  
11      personal care staff of a facility under certain  
12      circumstances; authorizing the department to adopt  
13      rules to establish staff training requirements;  
14      providing for the future repeal of training and  
15      educational requirements for administrators and  
16      assisted living facility staff, requirements for new  
17      administrators, continuing education requirements for  
18      administrators, the adoption of rules, and  
19      requirements for trainers; creating s. 429.55, F.S.,  
20      relating to assisted living facility administrators;  
21      providing legislative intent; providing definitions;  
22      requiring the department to approve third-party  
23      credentialing entities for the purpose of developing  
24      and administering a professional credentialing program  
25      for assisted living facility administrators;  
26      prohibiting an approved third-party credentialing  
27      entity or its affiliate from delivering training to an  
28      applicant or continuing education to a  
29      certificateholder; providing an appeal process for a

4-00319B-14

2014316\_\_

30 decision that denies initial certification or that  
31 takes adverse action on a continued certification;  
32 requiring an administrator to be certified by a third-  
33 party credentialing entity; providing that an assisted  
34 living facility licensee that fails to employ a  
35 certified administrator is subject to an  
36 administrative fine; providing an exemption for an  
37 administrator licensed under part II of ch. 468, F.S.;  
38 requiring an approved third-party credentialing entity  
39 to establish a process for certifying persons who meet  
40 certain qualifications; requiring an approved third-  
41 party credentialing entity to establish core  
42 competency requirements according to nationally  
43 recognized certification and psychometric standards;  
44 requiring a third-party credentialing entity to meet  
45 certain certification program requirements; requiring  
46 a third-party credentialing entity to set certain  
47 fees; providing effective dates.

48  
49 Be It Enacted by the Legislature of the State of Florida:

50  
51 Section 1. Effective July 1, 2015, paragraphs (a) and (b)  
52 of subsection (2) of section 429.178, Florida Statutes, are  
53 amended to read:

54 429.178 Special care for persons with Alzheimer's disease  
55 or other related disorders.—

56 (2) (a) An individual who is employed by a facility that  
57 provides special care for residents with Alzheimer's disease or  
58 other related disorders, and who has regular contact with such

4-00319B-14

2014316\_\_

59 residents, must complete up to 4 hours of initial dementia-  
60 specific training developed or approved by the department. The  
61 training must ~~shall~~ be completed within 3 months after beginning  
62 employment ~~and shall satisfy the core training requirements of~~  
63 ~~s. 429.52(2)(g).~~

64 (b) A direct caregiver who is employed by a facility that  
65 provides special care for residents with Alzheimer's disease or  
66 other related disorders, and who provides direct care to such  
67 residents, must complete the required initial training and 4  
68 additional hours of training developed or approved by the  
69 department. The training must ~~shall~~ be completed within 9 months  
70 after beginning employment ~~and shall satisfy the core training~~  
71 ~~requirements of s. 429.52(2)(g).~~

72 Section 2. Section 429.52, Florida Statutes, is amended to  
73 read:

74 429.52 Staff training and educational programs; core  
75 educational requirement.—

76 (1) Administrators and other assisted living facility staff  
77 must meet minimum training and education requirements  
78 established by the Department of Elderly Affairs by rule. This  
79 training and education is intended to assist facilities to  
80 appropriately respond to the needs of residents, to maintain  
81 resident care and facility standards, and to meet licensure  
82 requirements. Effective July 1, 2015, administrators must meet  
83 the minimum training and education requirements established  
84 under s. 429.55.

85 (2) The department, in conjunction with the agency and  
86 providers, shall develop a competency test. The department shall  
87 determine ~~establish a competency test and the~~ a minimum required

4-00319B-14

2014316\_\_

88 score indicating ~~to indicate~~ successful completion of the  
89 training and educational requirements. ~~The competency test must~~  
90 ~~be developed by the department in conjunction with the agency~~  
91 ~~and providers.~~ The required training and education must cover at  
92 least the following topics:

93 (a) State law and rules relating to assisted living  
94 facilities.

95 (b) Resident rights and identifying and reporting abuse,  
96 neglect, and exploitation.

97 (c) Special needs of elderly persons, persons who have ~~with~~  
98 mental illness, and persons who have ~~with~~ developmental  
99 disabilities and how to meet those needs.

100 (d) Nutrition and food service, including acceptable  
101 sanitation practices for preparing, storing, and serving food.

102 (e) Medication management, recordkeeping, and proper  
103 techniques for assisting residents with self-administered  
104 medication.

105 (f) Firesafety requirements, including fire evacuation  
106 drill procedures and other emergency procedures.

107 (g) Care of persons who have ~~with~~ Alzheimer's disease and  
108 related disorders.

109 (3) ~~Effective January 1, 2004,~~ A new facility administrator  
110 must:

111 (a) Complete the required training and education, including  
112 the competency test, within a reasonable time after being  
113 employed as an administrator, as determined by the department;  
114 or

115 (b) Before July 1, 2015, earn and maintain certification as  
116 an assisted living facility administrator as provided under s.

4-00319B-14

2014316\_\_

117 429.55.

118

119 Failure to meet the requirements of this subsection ~~do so~~ is a  
 120 violation of this part and subjects the violator to an  
 121 administrative fine as prescribed in s. 429.19. An administrator  
 122 ~~Administrators~~ licensed under ~~in accordance with~~ part II of  
 123 chapter 468 is ~~are~~ exempt from this subsection ~~requirement~~.  
 124 ~~Other licensed professionals may be exempted, as determined by~~  
 125 ~~the department by rule.~~

126 (4) An administrator is ~~Administrators are~~ required to  
 127 participate in continuing education for a minimum of 12 contact  
 128 hours every 2 years.

129 (5) Staff involved with the management of medications and  
 130 assisting with the self-administration of medications under s.  
 131 429.256 must complete a minimum of 4 additional hours of  
 132 training provided by a registered nurse, licensed pharmacist, or  
 133 department staff. The department shall establish by rule the  
 134 minimum requirements of this additional training.

135 (6) Other facility staff shall participate in training  
 136 relevant to their respective job duties as specified by rule of  
 137 the department.

138 (7) If the department ~~or the agency~~ determines that there  
 139 is a need for ~~are problems in a facility that could be reduced~~  
 140 ~~through~~ specific staff training or education beyond that already  
 141 required under this section for personal care staff of a  
 142 facility, the department ~~or the agency~~ may require, and provide,  
 143 or cause to be provided, such ~~the~~ training or education ~~of any~~  
 144 ~~personal care staff in the facility~~. This subsection does not  
 145 apply to an assisted living facility administrator certified

4-00319B-14

2014316\_\_

146 under s. 429.55.

147 (8) The department shall adopt rules related to ~~these~~  
148 training requirements, and the competency test as required under  
149 this section, necessary procedures, and competency test fees,  
150 and shall adopt or contract with another entity to develop a  
151 curriculum, which shall serve as the ~~be used as the~~ minimum core  
152 training requirements. The department shall consult with  
153 representatives of stakeholder associations and agencies in the  
154 development of the curriculum.

155 (9) The training required under ~~by~~ this section must ~~shall~~  
156 be conducted by a person ~~persons~~ registered with the department  
157 who has demonstrated ~~as having the~~ requisite experience and  
158 credentials ~~to conduct the training~~. A person seeking to  
159 register as a trainer must provide the department with proof of  
160 completion of the minimum core training education requirements,  
161 successful passage of the competency test established under this  
162 section, and proof of compliance with the continuing education  
163 requirement in subsection (4).

164 (10) A person seeking to register as a trainer must also:

165 (a) Provide proof of completion of a 4-year degree from an  
166 accredited college or university and must have worked in a  
167 management position in an assisted living facility for 3 years  
168 after being core certified;

169 (b) Have worked in a management position in an assisted  
170 living facility for 5 years after being core certified and have  
171 1 year of teaching experience as an educator or staff trainer  
172 for persons who work in assisted living facilities or other  
173 long-term care settings;

174 (c) Have been previously employed as a core trainer for the

4-00319B-14

2014316\_\_

175 department; or

176 (d) Meet other qualification criteria as defined by  
177 department rule ~~in rule, which the department is authorized to~~  
178 ~~adopt.~~

179 (11) The department may ~~shall~~ adopt rules establishing ~~to~~  
180 ~~establish trainer registration~~ requirements for staff training.

181 Section 3. Effective July 1, 2015, section 429.52, Florida  
182 Statutes, as amended by this act, is amended to read:

183 429.52 Staff training and educational programs; core  
184 educational requirement.—

185 (1) ~~Administrators and other~~ Assisted living facility staff  
186 must meet minimum training and education requirements  
187 established by the Department of Elderly Affairs by rule. This  
188 training and education is intended to assist facilities to  
189 appropriately respond to the needs of residents, to maintain  
190 resident care and facility standards, and to meet licensure  
191 requirements. ~~Effective July 1, 2015, administrators must meet~~  
192 ~~the minimum training and education requirements established~~  
193 ~~under s. 429.55.~~

194 (2) ~~The department, in conjunction with the agency and~~  
195 ~~providers, shall develop a competency test. The department shall~~  
196 ~~determine the minimum required score indicating successful~~  
197 ~~completion of the training and educational requirements. The~~  
198 ~~required training and education must cover at least the~~  
199 ~~following topics:~~

200 (a) ~~State law and rules relating to assisted living~~  
201 ~~facilities.~~

202 (b) ~~Resident rights and identifying and reporting abuse,~~  
203 ~~neglect, and exploitation.~~

4-00319B-14

2014316\_\_

204 ~~(c) Special needs of elderly persons, persons who have~~  
205 ~~mental illness, and persons who have developmental disabilities~~  
206 ~~and how to meet those needs.~~

207 ~~(d) Nutrition and food service, including acceptable~~  
208 ~~sanitation practices for preparing, storing, and serving food.~~

209 ~~(e) Medication management, recordkeeping, and proper~~  
210 ~~techniques for assisting residents with self-administered~~  
211 ~~medication.~~

212 ~~(f) Firesafety requirements, including fire evacuation~~  
213 ~~drill procedures and other emergency procedures.~~

214 ~~(g) Care of persons who have Alzheimer's disease and~~  
215 ~~related disorders.~~

216 ~~(3) A new facility administrator must:~~

217 ~~(a) Complete the required training and education, including~~  
218 ~~the competency test, within a reasonable time after being~~  
219 ~~employed as an administrator, as determined by the department;~~  
220 ~~or~~

221 ~~(b) Before July 1, 2015, earn and maintain certification as~~  
222 ~~an assisted living facility administrator as provided under s.~~  
223 ~~429.55.~~

224  
225 ~~Failure to meet the requirements of this subsection is a~~  
226 ~~violation of this part and subjects the violator to an~~  
227 ~~administrative fine as prescribed in s. 429.19. An administrator~~  
228 ~~licensed under part II of chapter 468 is exempt from this~~  
229 ~~subsection.~~

230 ~~(4) An administrator is required to participate in~~  
231 ~~continuing education for a minimum of 12 contact hours every 2~~  
232 ~~years.~~



4-00319B-14

2014316\_\_

233       (2)~~(5)~~ Staff involved with the management of medications  
234 and assisting with the self-administration of medications under  
235 s. 429.256 must complete a minimum of 4 additional hours of  
236 training provided by a registered nurse, licensed pharmacist, or  
237 department staff. The department shall establish by rule the  
238 minimum requirements of this additional training.

239       (3)~~(6)~~ Other facility staff shall participate in training  
240 relevant to their respective job duties as specified by rule of  
241 the department.

242       (4)~~(7)~~ If the department determines that there is a need  
243 for specific staff training or education beyond that already  
244 required under this section for personal care staff of a  
245 facility, the department may require and provide, or cause to be  
246 provided, such training or education. ~~This subsection does not  
247 apply to an assisted living facility administrator certified  
248 under s. 429.55.~~

249       ~~(8) The department shall adopt rules related to these  
250 training requirements, and the competency test as required under  
251 this section, necessary procedures, and competency test fees,  
252 and shall adopt or contract with another entity to develop a  
253 curriculum, which shall serve as the be used as the minimum core  
254 training requirements. The department shall consult with  
255 representatives of stakeholder associations and agencies in the  
256 development of the curriculum.~~

257       ~~(9) The training required under this section must be  
258 conducted by a person registered with the department who has  
259 demonstrated requisite experience and credentials. A person  
260 seeking to register as a trainer must provide the department  
261 with proof of completion of the minimum core training education~~

4-00319B-14

2014316\_\_

262 ~~requirements, successful passage of the competency test~~  
263 ~~established under this section, and proof of compliance with the~~  
264 ~~continuing education requirement in subsection (4).~~

265 ~~(10) A person seeking to register as a trainer must also:~~

266 ~~(a) Provide proof of completion of a 4-year degree from an~~  
267 ~~accredited college or university and must have worked in a~~  
268 ~~management position in an assisted living facility for 3 years~~  
269 ~~after being core certified;~~

270 ~~(b) Have worked in a management position in an assisted~~  
271 ~~living facility for 5 years after being core certified and have~~  
272 ~~1 year of teaching experience as an educator or staff trainer~~  
273 ~~for persons who work in assisted living facilities or other~~  
274 ~~long-term care settings;~~

275 ~~(c) Have been previously employed as a core trainer for the~~  
276 ~~department; or~~

277 ~~(d) Meet other qualification criteria as defined by~~  
278 ~~department rule.~~

279 ~~(5)~~(11) The department may adopt rules establishing  
280 requirements for staff training.

281 Section 4. Section 429.55, Florida Statutes, is created to  
282 read:

283 429.55 Assisted living facility administrator  
284 certification.—

285 (1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
286 that an assisted living facility administrator earn and maintain  
287 professional certification from a third-party credentialing  
288 entity approved by the Department of Elderly Affairs. The  
289 Legislature further intends that certification ensures that an  
290 administrator has the competencies necessary to appropriately

4-00319B-14

2014316\_\_

291 respond to the needs of residents, to maintain resident care and  
292 facility standards, and to meet facility licensure requirements.  
293 The Legislature recognizes professional certification by a  
294 nationally recognized professional credentialing organization as  
295 an equivalent alternative to a state-run licensure program and,  
296 therefore, intends that certification pursuant to this section  
297 is sufficient as an acceptable alternative to licensure.

298 (2) DEFINITIONS.—As used in this section, the term:

299 (a) "Assisted living facility administrator certification"  
300 or "administrator certification" means a professional credential  
301 awarded by a department-approved third-party credentialing  
302 entity to a person who meets core competency requirements in  
303 assisted living facility practice areas.

304 (b) "Core competency" means the minimum knowledge and  
305 skills necessary to carry out work responsibilities.

306 (c) "Nonprofit organization" means an organization that is  
307 exempt from federal income tax under s. 501(c)(6) of the  
308 Internal Revenue Code.

309 (d) "Third-party credentialing entity" or "credentialing  
310 entity" means a nonprofit organization that develops and  
311 administers professional certification programs according to  
312 nationally recognized certification and psychometric standards.

313 (3) THIRD-PARTY CREDENTIALING ENTITIES.—

314 (a) The department shall approve one or more third-party  
315 credentialing entities for the purpose of developing and  
316 administering a professional credentialing program for  
317 administrators. Within 90 days after receiving documentation  
318 from a credentialing entity, the department shall approve a  
319 credentialing entity that demonstrates compliance with the

4-00319B-14

2014316\_\_

320 following minimum standards:

321 1. Establishment of assisted living facility administrator  
322 core competencies, certification standards, testing instruments,  
323 and recertification according to nationally recognized  
324 certification and psychometric standards.

325 2. Establishment of a process to administer the  
326 certification application, award, and maintenance processes.

327 3. Demonstrated ability to administer a professional code  
328 of ethics and a disciplinary process that applies to all  
329 certified persons.

330 4. Establishment of, and ability to maintain, a publicly  
331 accessible Internet-based database that contains information on  
332 each person who applies for and holds certification, including,  
333 but not limited to, the person's first and last name,  
334 certification status, and ethical or disciplinary history.

335 5. Demonstrated ability to administer biennial continuing  
336 education and certification renewal requirements.

337 6. Demonstrated ability to administer an education provider  
338 program to approve training entities that are qualified to  
339 provide precertification training to applicants and continuing  
340 education opportunities to certified professionals.

341 (b) To avoid a conflict of interest, a credentialing entity  
342 or its affiliate may not deliver training to an applicant or  
343 continuing education to a certificate holder.

344 (c) An individual adversely affected by the decision of a  
345 department-approved credentialing entity to deny initial  
346 certification or take adverse action on continued certification  
347 may appeal such action to the department for final  
348 determination.

4-00319B-14

2014316\_\_

349       (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION  
350 REQUIRED.—Effective July 1, 2015, an assisted living facility  
351 administrator must be certified by a credentialing entity that  
352 is approved by the department under this section. An assisted  
353 living facility licensee that fails to employ a certified  
354 administrator threatens the physical and emotional health and  
355 safety of residents and is subject to an administrative fine as  
356 provided in s. 429.19. This subsection does not apply to an  
357 administrator licensed under part II of chapter 468.

358       (5) GRANDFATHER CLAUSE.—A credentialing entity that is  
359 approved by the department shall establish a process, at no cost  
360 to the department or the person, to certify a person who:

361       (a) Is employed as an assisted living facility  
362 administrator and is in compliance with the requirements in s.  
363 429.52, including continuing education requirements in place  
364 before July 1, 2015; or

365       (b) Before July 1, 2015, completed the required training as  
366 an administrator, including the competency test and continuing  
367 education requirements established under s. 429.52.

368       (c) This subsection shall stand repealed on October 1,  
369 2015.

370       (6) CORE COMPETENCIES.—A credentialing entity that is  
371 approved by the department shall establish the core competencies  
372 for assisted living facility administrators according to  
373 nationally recognized certification and psychometric standards.

374       (7) CERTIFICATION PROGRAM REQUIREMENTS.—A certification  
375 program of a department-approved credentialing entity must:

376       (a) Be established according to nationally recognized  
377 certification and psychometric standards.

4-00319B-14

2014316\_\_

- 378       (b) Be directly related to the core competencies.
- 379       (c) Establish minimum requirements in each of the following  
380 categories:
- 381       1. Formal education.
- 382       2. Training.
- 383       3. On-the-job work experience.
- 384       4. Supervision.
- 385       5. Testing.
- 386       6. Biennial continuing education.
- 387       (d) Administer a professional code of ethics and a  
388 disciplinary process that applies to certified persons.
- 389       (e) Administer and maintain a publicly accessible Internet-  
390 based database that contains information on each person who  
391 applies for or holds certification.
- 392       (f) Approve qualified training entities that provide  
393 precertification training to applicants and continuing education  
394 to certified assisted living facility administrators.
- 395       (8) FEES.—A credentialing entity shall set a fee for  
396 application, examination, certification, and for biennial  
397 certification renewal. The fee for application, examination, and  
398 certification may not exceed \$225. The fee for biennial  
399 certification renewal may not exceed \$100.
- 400       Section 5. Except as otherwise expressly provided in this  
401 act, this act shall take effect July 1, 2014.