

By the Committee on Children, Families, and Elder Affairs; and  
Senator Bean

586-03141-14

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1                                   A bill to be entitled  
2           An act relating to certification of assisted living  
3           facility administrators; amending s. 429.52, F.S.;  
4           requiring assisted living facility administrators to  
5           meet the training and education requirements  
6           established by a third-party credentialing entity or  
7           by the Department of Elderly Affairs; requiring the  
8           department to establish a competency test; requiring a  
9           third-party credentialing entity to develop a  
10          competency test and a minimum required score to  
11          indicate successful completion of the training and  
12          educational requirements; revising requirements for  
13          facility administrators who are hired on or after a  
14          specified date; authorizing the department to require  
15          additional training and education of any personal care  
16          staff in the facility, except for certain assisted  
17          living facility administrators; requiring training to  
18          be conducted by an entity recognized by a third-party  
19          credentialing entity under s. 429.55, F.S.;  
20          authorizing the department to adopt rules to establish  
21          staff training requirements; creating s. 429.55, F.S.;  
22          providing legislative intent; defining terms;  
23          authorizing the department to approve third-party  
24          credentialing entities for the purpose of developing  
25          and administering a professional credentialing program  
26          for assisted living facility administrators; requiring  
27          the department to approve a third-party credentialing  
28          entity that documents compliance with certain minimum  
29          standards; authorizing an administrator to be

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30 certified by a third-party credentialing entity;  
31 providing that an administrator who fails to be  
32 certified under s. 429.55, F.S., or fails to complete  
33 training and educational requirements under s. 429.55  
34 is subject to an administrative fine; providing an  
35 exemption for an administrator licensed under part II  
36 of ch. 468, F.S.; requiring a third-party  
37 credentialing entity to allow certain persons to  
38 enroll in its certification program for a specified  
39 time after the department approves the third-party  
40 credentialing entity; requiring an approved third-  
41 party credentialing entity to establish the core  
42 competencies for administrators according to the  
43 standards set forth by the National Commission for  
44 Certifying Agencies; requiring a certification program  
45 of a third-party credentialing entity to meet certain  
46 requirements; authorizing an individual adversely  
47 affected by the decision of a third-party  
48 credentialing entity to appeal the decision under  
49 certain circumstances; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Section 429.52, Florida Statutes, is amended to  
54 read:

55 429.52 Staff training and educational programs; core  
56 educational requirement.—

57 (1) Effective July 1, 2014, administrators shall meet the  
58 minimum training and education requirements established by a

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59 third-party credentialing entity pursuant to s. 429.55 or by the  
60 Department of Elderly Affairs by rule. ~~and~~ Other assisted living  
61 facility staff shall ~~must~~ meet minimum training and education  
62 requirements established by the department ~~of Elderly Affairs~~ by  
63 rule. This training and education is intended to assist  
64 facilities to appropriately respond to the needs of residents,  
65 to maintain resident care and facility standards, and to meet  
66 licensure requirements.

67 (2) The department shall establish a competency test and a  
68 minimum required score to indicate successful completion of the  
69 training and educational requirements. The department shall  
70 develop the competency test ~~must be developed by the department~~  
71 in conjunction with the agency and providers. A third-party  
72 credentialing entity approved under s. 429.55 must also develop  
73 a competency test and a minimum required score to indicate  
74 successful completion of the training and educational  
75 requirements. The required training and education must cover at  
76 least the following topics:

77 (a) State law and rules relating to assisted living  
78 facilities.

79 (b) Resident rights and identifying and reporting abuse,  
80 neglect, and exploitation.

81 (c) Special needs of elderly persons, persons with mental  
82 illness, and persons with developmental disabilities and how to  
83 meet those needs.

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

86 (e) Medication management, recordkeeping, and proper  
87 techniques for assisting residents with self-administered

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88 medication.

89 (f) Firesafety requirements, including fire evacuation  
90 drill procedures and other emergency procedures.

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

93 (3) ~~Effective January 1, 2004,~~ A ~~new~~ facility administrator  
94 hired on or after July 1, 2014, must:

95 (a) Complete the required training and education, including  
96 the competency test, within a reasonable time after being  
97 employed as an administrator, as determined by the department;  
98 or

99 (b) Earn and maintain certification as an assisted living  
100 facility administrator from a third-party credentialing entity  
101 that is approved by the department as provided in s. 429.55.

102  
103 Failure of a facility administrator to comply with paragraph (a)  
104 or paragraph (b) ~~do so~~ is a violation of this part and subjects  
105 the violator to an administrative fine as prescribed in s.  
106 429.19. Administrators licensed in accordance with part II of  
107 chapter 468 are exempt from this requirement. ~~Other licensed~~  
108 ~~professionals may be exempted, as determined by the department~~  
109 ~~by rule.~~

110 (4) Administrators shall ~~are required to~~ participate in  
111 continuing education for a minimum of 12 contact hours every 2  
112 years.

113 (5) Staff involved with the management of medications and  
114 assisting with the self-administration of medications under s.  
115 429.256 must complete a minimum of 4 additional hours of  
116 training provided by a registered nurse, licensed pharmacist, or

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117 department staff. The department shall establish by rule the  
118 minimum requirements of this additional training.

119 (6) Other facility staff shall participate in training  
120 relevant to their job duties as specified by rule of the  
121 department.

122 (7) If the department ~~or the agency~~ determines that there  
123 is a need for ~~are problems in a facility that could be reduced~~  
124 ~~through~~ specific staff training or education beyond that already  
125 required under this section, the department ~~or the agency~~ may  
126 require, and provide, or cause to be provided, the training or  
127 education of ~~any~~ personal care staff in the facility. However,  
128 this subsection does not apply to an assisted living facility  
129 administrator certified under s. 429.55.

130 (8) The department shall adopt rules related to these  
131 training requirements, the competency test, necessary  
132 procedures, and competency test fees and shall adopt or contract  
133 with another entity to develop a curriculum, which shall be used  
134 as the minimum core training requirements. The department shall  
135 consult with representatives of stakeholder associations and  
136 agencies in the development of the curriculum.

137 (9) The training required by this section must ~~shall~~ be  
138 conducted by a person who is ~~persons~~ registered with the  
139 department as having the requisite experience and credentials to  
140 conduct the training or by a training entity recognized by a  
141 third-party credentialing entity under s. 429.55(7)(f). A person  
142 seeking to register as a trainer must provide the department  
143 with proof of completion of the minimum core training education  
144 requirements, successful passage of the competency test  
145 established under this section, and proof of compliance with the

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146 continuing education requirement in subsection (4).

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

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

152 (b) Have worked in a management position in an assisted  
153 living facility for 5 years after being core certified and have  
154 1 year of teaching experience as an educator or staff trainer  
155 for persons who work in assisted living facilities or other  
156 long-term care settings;

157 (c) Have been previously employed as a core trainer for the  
158 department; or

159 (d) Meet other qualification criteria as defined in rule,  
160 which the department may ~~is authorized to~~ adopt.

161 (11) The department may ~~shall~~ adopt rules to establish  
162 staff training ~~trainer registration~~ requirements.

163 Section 2. Section 429.55, Florida Statutes, is created to  
164 read:

165 429.55 Assisted living facility administrator;  
166 certification.-

167 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature  
168 that each assisted living facility administrator have the option  
169 to earn and maintain professional certification from a third-  
170 party credentialing entity that is approved by the Department of  
171 Elderly Affairs. The Legislature further intends that  
172 certification ensure that an administrator has the competencies  
173 necessary to appropriately respond to the needs of residents, to  
174 maintain resident care and facility standards, and to meet

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175 licensure requirements for a facility. The Legislature  
176 recognizes professional certification by a professional  
177 credentialing organization as an equivalent alternative to a  
178 state-run licensure program and, therefore, intends that  
179 certification pursuant to this section is sufficient as an  
180 acceptable alternative to the training and educational  
181 requirements of s. 429.52.

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

183 (a) "Assisted living facility administrator certification"  
184 means a professional credential awarded by a department-approved  
185 third-party credentialing entity to a person who meets core  
186 competency requirements in assisted living facility practice  
187 areas.

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

190 (c) "Department" means the Department of Elderly Affairs.

191 (d) "Third-party credentialing entity" means an  
192 organization that develops and administers certification  
193 programs according to the standards established by the National  
194 Commission for Certifying Agencies.

195 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department  
196 shall approve one or more third-party credentialing entities for  
197 the purpose of developing and administering a professional  
198 credentialing program for administrators. Within 90 days after  
199 receiving documentation from a third-party credentialing entity,  
200 the department shall approve a third-party credentialing entity  
201 that demonstrates compliance with the following minimum  
202 standards:

203 (a) Establishment of assisted living facility administrator

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204 core competencies, certification standards, testing instruments,  
205 and recertification standards according to national psychometric  
206 standards.

207 (b) Establishment of a process to administer the  
208 certification application, award, and maintenance processes  
209 according to national psychometric standards.

210 (c) Demonstrated ability to administer a professional code  
211 of ethics and disciplinary process that applies to all certified  
212 persons.

213 (d) Establishment of, and ability to maintain a publicly  
214 accessible Internet-based database that contains information on  
215 each person who applies for and is awarded certification, such  
216 as the person's first and last name, certification status, and  
217 ethical or disciplinary history.

218 (e) Demonstrated ability to administer biannual continuing  
219 education and certification renewal requirements.

220 (f) Demonstrated ability to administer an education  
221 provider program to approve qualified training entities and to  
222 provide precertification training to applicants and continuing  
223 education opportunities to certified professionals.

224 (4) ASSISTED LIVING FACILITY ADMINISTRATOR CERTIFICATION.-  
225 Effective July 1, 2014, an assisted living facility  
226 administrator may be certified by a third-party credentialing  
227 entity that is approved by the department under this section. An  
228 assisted living facility administrator who fails to be certified  
229 under this section or fails to meet training and educational  
230 requirements of s. 429.52 violates this section and is subject  
231 to an administrative fine as provided under s. 429.19. This  
232 subsection does not apply to an administrator licensed under



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233 part II of chapter 468.

234 (5) GRANDFATHER CLAUSE.—A third-party credentialing entity  
235 shall allow the following persons to enroll in its certification  
236 program, at no cost to the department or the person, in the 12  
237 months immediately after the department approves the third-party  
238 credentialing entity as provided in subsection (3):

239 (a) A person who is employed as an assisted living facility  
240 administrator and is in compliance with the requirements in s.  
241 429.52, including continuing education requirements in place  
242 before July 1, 2014.

243 (b) A person who has completed before July 1, 2014, the  
244 required training as an administrator, including the competency  
245 test and continuing education requirements established in s.  
246 429.52.

247 (6) CORE COMPETENCIES.—A third-party credentialing entity  
248 that is approved by the department shall establish the core  
249 competencies for assisted living facility administrators  
250 according to the standards established by the National  
251 Commission for Certifying Agencies.

252 (7) CERTIFICATION PROGRAM REQUIREMENTS.—A certification  
253 program of a third-party credentialing entity that is approved  
254 by the department must:

255 (a) Be established according to the standards set forth by  
256 the National Commission for Certifying Agencies.

257 (b) Be directly related to the core competencies.

258 (c) Establish minimum requirements in each of the following  
259 categories:

260 1. Formal education.

261 2. Training.

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262       3. On-the-job work experience.

263       4. Supervision.

264       5. Testing.

265       6. Biannual continuing education.

266       (d) Administer a professional code of ethics and  
267 disciplinary process that applies to all certified persons.

268       (e) Administer and maintain a publicly accessible Internet-  
269 based database that contains information on each person who  
270 applies for certification or is certified.

271       (f) Approve qualified training entities that provide  
272 precertification training to applicants and continuing education  
273 to certified assisted living facility administrators.

274       (8) APPEAL.—An individual who is adversely affected by the  
275 decision of a department-approved, third-party credentialing  
276 entity with regard to the denial of initial certification or an  
277 adverse action on continued certification may appeal such  
278 decision to the department for a final determination.

279       Section 3. This act shall take effect July 1, 2014.