

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 485 — Personal Care Attendants

by Health and Human Services Committee; Finance and Facilities Subcommittee; Reps. Garrison; Rayner and others (CS/CS/SB 1132 by Appropriations Committee; Health Policy Committee; and Senator Bean)

The bill establishes in law a personal care attendant (PCA) program for nursing homes. The bill authorizes a nursing home to hire PCAs who are participating in the training program developed by the Agency for Health Care Administration (AHCA) in accordance with federal requirements for nurse aide training. Each PCA may only work for a single nursing home for a period of four consecutive months before becoming a certified nursing assistant. During the four month period, the nursing home may count the hours worked by the PCA as CNA hours for the purposes of staffing requirements; however, the bill specifies that a PCA may not perform any task that requires clinical assessment, interpretation, or judgement.

Prior to having direct contact with a resident, the PCA must complete 16 hours of required education developed by the AHCA. The bill specifies what topics, at a minimum, must be covered by such education and allows the AHCA to add to the content areas covered. The bill requires the AHCA to develop the PCA training program and adopt rules to implement the provisions of the bill.

The bill specifies that should the Governor's Executive Order 20-52 (related to COVID-19) be terminated before the AHCA adopts rules to implement the PCA program that the current PCA program, which is authorized on an emergency basis, be allowed to continue until the adoption of such rules.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 32-7; House 106-11