

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 1116

SPONSOR: Health, Aging, and Long-Term Care Committee and Senator Saunders

SUBJECT: Health Care Regulation/Florida Alzheimer’s Training Act

DATE: March 11, 2003      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Wilson</u>	<u>HC</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>AHS</u>	_____
3.	_____	_____	<u>AP</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This committee substitute requires home health agencies, hospices and adult day care centers to provide written information to employees, upon their beginning employment, about interacting with patients or participants who have Alzheimer’s disease or dementia-related disorders. Employees of these services must subsequently receive training in the care of individuals with Alzheimer’s disease or related disorders.

This bill amends ss. 400.4785, 400.5571, and 400.6045, F.S., and creates two unnumbered sections of law.

**II. Present Situation:**

**Alzheimer’s Disease**

Alzheimer's disease is a progressive, irreversible brain disorder with no known cause or cure. Symptoms of the disease include memory loss, confusion, impaired judgment, personality changes, disorientation, and loss of language skills. Always fatal, Alzheimer's disease is the most common form of irreversible dementia. How rapidly it advances varies from person to person, but it eventually causes confusion, personality and behavior changes and impaired judgment. Communication becomes difficult as the affected person struggles to find words, finish thoughts or follow directions. Most people with Alzheimer’s disease become unable to care for themselves.

There is no known treatment that will cure Alzheimer’s disease. For those who are currently suffering with the disease, medications can only help control symptoms and/or slow the progression of the disease. Approximately 100,000 victims die and 360,000 new cases of Alzheimer’s disease are diagnosed each year in the United States. It is estimated that by 2050, 14

million Americans will have this disease. In every nation where life expectancy has increased, so has the incidence of Alzheimer's disease. It is estimated that by 2020, 30 million people will be affected by this disorder worldwide and by 2050 the number could increase to 45 million.

#### *Florida's Alzheimer's Disease Initiative*

Section 430.502, F.S., establishes memory disorder clinics at three medical schools in the state, plus ten additional memory disorder clinics in other medical settings. The purpose of these clinics is to conduct research and training in a diagnostic and therapeutic setting for persons with Alzheimer's disease, conduct research and develop caregiver-training materials. Individuals diagnosed with or suspected of having Alzheimer's disease are eligible for memory disorder clinic services. Memory disorder clinics are located at:

- Mayo Clinic in Jacksonville;
- The University of Florida in Gainesville;
- East Central Florida Memory Disorder Clinic in Melbourne;
- Orlando Regional Healthcare System in Orlando;
- University of South Florida in Tampa;
- North Broward Medical Center in Pompano Beach;
- University of Miami in Miami;
- Mount Sinai Medical Center in Miami Beach;
- West Florida Regional Medical Center in Pensacola;
- St. Mary's Medical Center in West Palm Beach;
- Tallahassee Memorial Health Care in Tallahassee;
- Lee Memorial Memory Disorder Clinic in Ft. Myers; and
- Sarasota Memorial Hospital in Sarasota.

The memory disorder clinics have developed extensive educational programs targeted at doctors, medical students, caregivers, and nursing home staff. Four Model Day Care programs have been established in conjunction with Memory Disorder Clinics to test therapeutic models, provide training, and to deliver day care services to persons with Alzheimer's disease and related disorders. Model day care centers receive a state general revenue appropriation of \$125,510 each.

The Department of Elderly Affairs provides respite care services to relieve the families of persons with Alzheimer's disease and related disorders from the burden of care giving. The Alzheimer's respite program receives approximately \$7.8 million in General Revenue funding and serves approximately 3,800 clients annually.

#### **Training Requirements for Service Providers**

Currently home health agencies, hospices and adult day care centers do not require special training for staff caring for residents, patients, or participants diagnosed with Alzheimer's disease or dementia-related disorders. However, minimum Alzheimer's training is currently required for nursing homes pursuant to s. 400.1755, F.S., and Chapter 58A-4, Florida

Administrative Code (F.A.C), and assisted living facilities pursuant to s. 400.4178, F.S., and Chapter 58A-5.0191(9)(a), F.A.C.

There are 1,091 home health agencies licensed in Florida. The 2000 Florida Legislature revised the home health agency statutes to permit home health aides to pass a competency test in lieu of training. Home health agencies generally provide services of short duration to patients. Home health agency employees go into homes one or more times per week, or per month, for an hour or two; they are typically not the caregivers of the patients. Under s. 400.4785, F.S., a home health agency that claims that it provides special care for persons who have Alzheimer's disease must disclose in its advertisements or in a separate document those services that distinguish the care as being especially suitable to persons with Alzheimer's disease.

There are 41 hospices licensed in Florida. Hospice patients are seen more frequently in their homes and may reside in hospice facilities. Under s. 400.6045, F.S., a hospice that claims that it provides special care for persons who have Alzheimer's disease must disclose in its advertisements or in a separate document those services that distinguish the care as being especially suitable to persons with Alzheimer's disease.

There are 166 adult day care centers licensed in Florida offering 7,871 slots (slots indicate the total number of participants that may be served at one time). Participants in adult day care programs are generally elderly clients who spend a portion of their day at the centers. Most adult day care centers are open 8-12 hours a day and offer temporary care to an elderly participant. Under s. 400.5571, F.S., an adult day care center that claims that it provides special care for persons who have Alzheimer's disease must disclose in its advertisements or in a separate document those services that distinguish the care as being especially suitable to persons with Alzheimer's disease.

The Agency for Health Care Administration (AHCA) administers and develops rules for the home health agency programs. The Department of Elderly Affairs has rule writing authority for the adult day care centers (ADCCs) and hospices. AHCA licenses and inspects all three of these provider types to determine compliance with licensure requirements.

### **III. Effect of Proposed Changes:**

The bill amends ss. 400.4785, 400.5571, and 400.6045, F.S., to require home health agencies, hospices and adult day care centers to provide written information to employees, upon their beginning employment, about interacting with patients or participants who have Alzheimer's disease or dementia-related disorders. Employees of these services must subsequently receive training in the care of individuals with Alzheimer's disease or related disorders.

Under amendments to s. 400.4786, F.S., all newly hired home health agency employees providing direct care to patients must complete four hours of training in Alzheimer's disease and dementia-related disorders within 9 months after beginning employment with the agency. Nearly all of the 1,091 home health agencies in Florida provide services to elderly persons with the exception of a small number (less than 50) that specialize in pediatric patients. As an indication of the number of newly hired staff that may be affected by the bill, the Florida Department of Labor estimated that there were 28,989 home health aides in 1996 and projected that there would

be 52,171 aides in 2006. There may also be a large number of nurses, therapists and other employees who would be required to be trained upon employment with a home health agency. Future estimates of new employees and personnel for adult day care centers and hospices are unknown.

Newly hired hospice employees (under s. 400.6045, F.S.) and adult day care center personnel (under s. 400.5571, F.S.) who are expected to, or whose responsibilities require them to, have direct contact with participants who have Alzheimer's disease or dementia-related disorders must complete at least one hour of dementia training within the first three months after beginning employment. Newly hired hospice and adult day care center employees who will be providing direct care to participants who have Alzheimer's or dementia-related disorders must complete an additional three hours of training within nine months after beginning employment. An employee who is hired on or after July 1, 2003, must complete the required training by July 1, 2004, or by the deadline specified in the bill, whichever is later.

Employees who have received the Alzheimer's training would not be required to repeat it if they change employment to another home health agency, hospice, adult day care center, nursing home or assisted living facility. While home health agencies, hospices and adult day care centers will be required to provide Alzheimer's disease information to all their employees, the bill makes it the responsibility of the employee as well as the provider to obtain the training.

The Department of Elderly Affairs (DOEA) or its designee must approve the one-hour, three-hour and four-hour training courses, and DOEA must develop rules to establish standards for employees who are subject to the training and for the trainers and the training. The training requirements currently in place for nursing homes and assisted living facilities provide for a one-hour and three-hour program. DOEA must keep a list of current approved training providers.

The bill mandates that the four hours of training must be part of the total hours of training required annually as a condition of certification for certified nursing assistants. Licensed health care practitioners' continuing education hours would be counted toward the four hours required by the bill.

Universities, colleges and postsecondary schools educating students for health professions, as described in chapter 456, F.S., are encouraged to include basic training about Alzheimer's disease and related disorders in their curricula.

The bill takes effect July 1, 2003.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

According to AHCA, the actual cost to all the providers in this bill cannot be determined at this time. Since some of the training will be used toward individuals' certification or licensure, some of the costs are likely to be borne by the individuals; however, the home health agencies, adult day care centers and hospices are also expected to bear some of the new training costs. The fee structure for the training of the employees has not been determined; however, the fees and cost to assisted living facility employees are currently defined in rule. In Chapter 58A-5.0191(11), F.A.C., the Alzheimer's training fees range from no charge to \$30.

**C. Government Sector Impact:**

According to AHCA, there should not be a significant fiscal impact to the Agency. DOEA would incur the cost for developing standards for the training through rules, approving trainers, and maintaining lists of approved trainers.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.