By Senator Gibson

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A bill to be entitled

An act relating to dementia-related staff training; providing a short title; creating s. 430.5025, F.S.; defining terms; requiring certain entities, as a condition of licensure, to provide specified dementiarelated training for new employees within a specified timeframe; requiring certain employees to receive additional dementia-related training under certain circumstances within a specified timeframe; providing requirements for the training; requiring annual dementia-related training for certain employees; requiring certain employees to receive additional training developed or approved by the Department of Elderly Affairs under certain circumstances; providing that such additional training counts toward a certified nursing assistant's total annual training; authorizing certain health care practitioners to count certain continuing education hours toward the dementia-related training requirements under certain circumstances; requiring the department to approve such continuing education hours to satisfy the dementia-related training requirements; authorizing the department to develop a curriculum for the dementia-related training requirements and to review the curriculum at least every 4 years for a specified purpose; encouraging the department to consult with certain nationally recognized organizations; providing requirements for the curriculum; requiring the department or its designee to approve courses used to

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satisfy the dementia-related training requirements; requiring such courses to be approved in various formats; requiring the department or its designee to develop a registration process for training providers; providing requirements for such registration; requiring the department or its designee to issue unique identifiers to approved training providers; requiring the department or its designee to develop certain assessments and passing scores for a specified purpose; requiring certain employees to take and pass such assessments upon completion of the training; requiring training providers to issue such employees a certificate upon completing the training and passing the assessments; providing requirements for the certificate; providing that certain employees do not need to repeat certain training when changing employment, under certain circumstances; requiring the department to adopt rules; amending ss. 400.1755, 400.4785, 400.6045, 429.178, 429.52, and 429.917, F.S.; revising dementia-related staff training requirements for nursing homes, home health agencies, hospices, facilities that provide special care for persons with Alzheimer's disease or related disorders, assisted living facilities, and adult day care centers, respectively, to conform to changes made by the act; providing an effective date.

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

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Section 1. This act may be cited as the "Florida Alzheimer's Disease and Dementia Training Act."

Section 2. Section 430.5025, Florida Statutes, is created to read:

430.5025 Care for persons with Alzheimer's disease or a related disorder; staff training.—

- (1) As used in this section, the term:
- (a) "Department" means the Department of Elderly Affairs.
- (b) "Direct care worker" means an individual who, as part of his or her employment duties, provides or has access to provide direct contact assistance with personal care or activities of daily living to clients, patients, or residents of any facility licensed under part II, part III, or part IV of chapter 400 or part I or part III of chapter 429.
- (c) "Employee" means any staff member who has regular contact or incidental contact on a recurring basis with clients, patients, or residents of a facility licensed under part II, part III, or part IV of chapter 400 or part I or part III of chapter 429. The term includes, but is not limited to, direct care workers; staff responsible for housekeeping, the front desk, maintenance, and other administrative functions; and any other individuals who may have regular contact or incidental contact on a recurring basis with clients, patients, or residents.
- (d) "Licensee" means a person or an entity licensed under part II, part III, or part IV of chapter 400 or part I or part III of chapter 429.
- (2) As a condition of licensure, licensees must provide to each of their employees, within 30 days after their employment

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begins, 1 hour of dementia-related training, which must include methods for interacting with persons with Alzheimer's disease or a related disorder and for identifying warning signs of dementia.

- (3) In addition to the training requirements of subsection (2), licensees must require all employees who are direct care workers to receive at least 3 hours of training if the direct care workers are expected to, or their responsibilities require them to, have direct contact with clients, patients, or residents with Alzheimer's disease or a related disorder or with populations that are at a greater risk for Alzheimer's disease or a related disorder. The training must be completed within the first 3 months after employment begins and must include, but need not be limited to, an overview of Alzheimer's disease and related disorders and person-centered care, assessment and care planning, activities of daily living, and dementia-related behaviors and communication for clients, patients, and residents with Alzheimer's disease or a related disorder. Each calendar year thereafter, the licensee must require all of its direct care workers to receive at least 4 hours of continuing education, approved by the department, on these topics and any related changes in state or federal law.
- (4) If a licensee advertises that it provides special care for individuals with Alzheimer's disease or a related disorder which includes direct care to such individuals, the licensee must require its direct care workers to complete 4 hours of training developed or approved by the department. This training is in addition to the training requirements of subsections (2) and (3) and must be completed within 3 months after employment

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begins.

(5) Completion of the 4 hours of training developed or approved by the department under subsection (4) shall count toward a certified nursing assistant's annual training requirements.

- (6) If a health care practitioner as defined in s. 456.001 completes continuing education hours as required by that practitioner's licensing board, he or she may count those continuing education hours toward satisfaction of the training requirements of subsections (3) and (4) if the course curriculum covers the topics required under those subsections. The department must approve such continuing education hours for purposes of satisfying the training requirements of subsections (3) and (4).
- (7) (a) The department may develop an evidence-based curriculum for the training requirements of this section and review the curriculum at least every 4 years to make any necessary revisions based on current research and best practices. The department is encouraged to consult with a nationally recognized organization that has expertise in the care of individuals with Alzheimer's disease or a related disorder to develop the curriculum. The curriculum must include, at a minimum, all of the following topics related to clients, patients, and residents with Alzheimer's disease or a related disorder:
- 1. An overview of Alzheimer's disease and related disorders.
 - 2. Person-centered care.
 - 3. Assessment care and planning.

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- 4. Activities of daily living.
- 5. Dementia-related behaviors and communication.
- (b) The department or its designee shall approve the courses that licensees may use to satisfy the training requirements under this section. The department or its designee must approve training offered in a variety of formats, including, but not limited to, Internet-based training, videos, teleconferencing, and classroom instruction.
- (8) The department or its designee shall develop a process for registering training providers and maintain a list of those providers approved to provide training required under this section. To be approved, a training provider must have at least 2 years of experience related to Alzheimer's disease or related disorders, gerontology, health care, or a related field. The department or its designee shall issue each approved training provider a unique registration identifier.
- (9) For each training topic required under this section, the department or its designee shall develop an assessment that measures an individual's understanding of the topic and indicate a minimum required score to pass the assessment. Upon completion of any training under this section, the employee or direct care worker must pass the related assessment. If an employee or a direct care worker completes a training and passes the related assessment, the training provider must issue the employee or direct care worker a certificate that includes the training provider's name and unique identifier, the topic covered in the training, the date of completion, and the signature of the training provider. The certificate is evidence of completion of the training and assessment in the identified topic, and the

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employee or direct care worker is not required to repeat

training in that topic if he or she changes employment to a

different licensee, but he or she must comply with any

applicable continuing education requirements under this section.

(10) The department shall adopt rules to implement this section.

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

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

(1) As a condition of licensure, facilities licensed under this part must provide to each of their employees <u>training as required in s. 430.5025</u>, upon beginning employment, basic written information about interacting with persons with Alzheimer's disease or a related disorder.

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

(3) An individual who provides direct care shall be considered a direct caregiver and must complete the required initial training and an additional 3 hours of training within 9 months after beginning employment. This training shall include, but is not limited to, managing problem behaviors, promoting the

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resident's independence in activities of daily living, and skills in working with families and caregivers.

- (a) The required 4 hours of training for certified nursing assistants are part of the total hours of training required annually.
- (b) For a health care practitioner as defined in s. 456.001, continuing education hours taken as required by that practitioner's licensing board shall be counted toward this total of 4 hours.
- (4) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.
- (5) The Department of Elderly Affairs or its designee must approve the initial and continuing training provided in the facilities. The department must approve training offered in a variety of formats, including, but not limited to, Internetbased training, videos, teleconferencing, and classroom instruction. The department shall keep a list of current providers who are approved to provide initial and continuing training. The department shall adopt rules to establish standards for the trainers and the training required in this section.
- (6) Upon completing any training listed in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not

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required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must comply with other applicable continuing education requirements.

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

400.4785 Patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.—

- (1) A home health agency must provide the following staff training as required in s. 430.5025:
- (a) Upon beginning employment with the agency, each employee must receive basic written information about interacting with participants who have Alzheimer's disease or dementia-related disorders.
- (b) In addition to the information provided under paragraph (a), newly hired home health agency personnel who will be providing direct care to patients must complete 2 hours of training in Alzheimer's disease and dementia-related disorders within 9 months after beginning employment with the agency. This training must include, but is not limited to, an overview of dementia, a demonstration of basic skills in communicating with persons who have dementia, the management of problem behaviors, information about promoting the client's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- (c) For certified nursing assistants, the required 2 hours of training shall be part of the total hours of training

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required annually.

(d) For a health care practitioner as defined in s.

456.001, continuing education hours taken as required by that

practitioner's licensing board shall be counted toward the total

of 2 hours.

- (e) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.
- (f) The Department of Elderly Affairs, or its designee, must approve the required training. The department must consider for approval training offered in a variety of formats. The department shall keep a list of current providers who are approved to provide the 2-hour training. The department shall adopt rules to establish standards for the employees who are subject to this training, for the trainers, and for the training required in this section.
- (g) Upon completing the training listed in this section, the employee shall be issued a certificate that states that the training mandated under this section has been received. The certificate shall be dated and signed by the training provider. The certificate is evidence of completion of this training, and the employee is not required to repeat this training if the employee changes employment to a different home health agency.
- (2) (h) A licensed home health agency whose unduplicated census during the most recent calendar year was composed comprised of at least 90 percent of individuals aged 21 years or younger at the date of admission is exempt from the training requirements in this section.

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

Section 5. Subsection (1) of section 400.6045, Florida Statutes, is amended to read:

400.6045 Patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.—

- (1) A hospice licensed under this part must provide the following staff training as required in s. 430.5025:
- (a) Upon beginning employment with the agency, each employee must receive basic written information about interacting with persons who have Alzheimer's disease or dementia-related disorders.
- (a), employees 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 initial training of at least 1 hour within the first 3 months after beginning employment. The training must include an overview of dementias and must provide instruction in basic

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skills for communicating with persons who have dementia.

- (c) In addition to the requirements of paragraphs (a) and (b), an employee who will be providing direct care to a participant who has Alzheimer's disease or a dementia-related disorder must complete an additional 3 hours of training within 9 months after beginning employment. This training must include, but is not limited to, the management of problem behaviors, information about promoting the patient's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- (d) For certified nursing assistants, the required 4 hours of training shall be part of the total hours of training required annually.
- (e) For a health care practitioner as defined in s.

 456.001, continuing education hours taken as required by that
 practitioner's licensing board shall be counted toward the total
 of 4 hours.
- (f) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.
- (g) The Department of Elderly Affairs or its designee must approve the required 1-hour and 3-hour training provided to employees or direct caregivers under this section. The department must consider for approval training offered in a variety of formats. The department shall keep a list of current providers who are approved to provide the 1-hour and 3-hour training. The department shall adopt rules to establish standards for the employees who are subject to this training,

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for the trainers, and for the training required in this section.

(h) Upon completing any training described in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different hospice or to a home health agency, assisted living facility, nursing home, or adult day care center.

Section 6. Subsections (2) through (8) of section 429.178, Florida Statutes, are amended to read:

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

(2) (a) An individual who is employed by a facility that provides special care for residents who have Alzheimer's disease or other related disorders, and who has regular contact with such residents, must complete the up to 4 hours of initial dementia-specific training as required in s. 430.5025 developed or approved by the department. The training must be completed within 3 months after beginning employment and satisfy the core training requirements of s. 429.52(3)(g).

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

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beginning employment and satisfy the core training requirements of s. 429.52(3)(9).

- (c) An individual who is employed by a facility that provides special care for residents with Alzheimer's disease or other related disorders, but who only has incidental contact with such residents, must be given, at a minimum, general information on interacting with individuals with Alzheimer's disease or other related disorders, within 3 months after beginning employment.
- (3) In addition to the training required under subsection (2), a direct caregiver must participate in a minimum of 4 contact hours of continuing education each calendar year. The continuing education must include one or more topics included in the dementia-specific training developed or approved by the department, in which the caregiver has not received previous training.
- (4) Upon completing any training listed in subsection (2), the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility. The employee or direct caregiver must comply with other applicable continuing education requirements.
- (5) The department, or its designee, shall approve the initial and continuing education courses and providers.
 - (6) The department shall keep a current list of providers

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who are approved to provide initial and continuing education for staff of facilities that provide special care for persons with Alzheimer's disease or other related disorders.

- (3)(7) Any facility more than 90 percent of whose residents receive monthly optional supplementation payments is not required to pay for the training and education programs required under this section. A facility that has one or more such residents <u>must shall</u> pay a reduced fee that is proportional to the percentage of such residents in the facility. A facility that does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee, as established by the department, for such training and education programs.
- $\underline{(4)}$ (8) The department shall adopt rules to establish standards for trainers and training and to implement this section.
- Section 7. Subsection (1) of section 429.52, Florida Statutes, is amended to read:
 - 429.52 Staff training and educational requirements.-
- (1) Each new assisted living facility employee who has not previously completed core training must attend a preservice orientation provided by the facility before interacting with residents. The preservice orientation must be at least 2 hours in duration and cover topics that help the employee provide responsible care and respond to the needs of facility residents. Upon completion, the employee and the administrator of the facility must sign a statement that the employee completed the required preservice orientation. The facility must keep the signed statement in the employee's personnel record. Each

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assisted living facility shall provide staff training as required in s. 430.5025.

Section 8. Subsection (1) of section 429.917, Florida Statutes, is amended to read:

429.917 Patients with Alzheimer's disease or other related disorders; staff training requirements; certain disclosures.—

- (1) An adult day care center licensed under this part must provide the following staff training as required in s. 430.5025:
- (a) Upon beginning employment with the facility, each employee must receive basic written information about interacting with participants who have Alzheimer's disease or dementia-related disorders.
- (b) In addition to the information provided under paragraph (a), newly hired adult day care center personnel 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 initial training of at least 1 hour within the first 3 months after beginning employment. The training must include an overview of dementias and must provide instruction in basic skills for communicating with persons who have dementia.
- (c) In addition to the requirements of paragraphs (a) and (b), an employee who will be providing direct care to a participant who has Alzheimer's disease or a dementia-related disorder must complete an additional 3 hours of training within 9 months after beginning employment. This training must include, but is not limited to, the management of problem behaviors, information about promoting the participant's independence in activities of daily living, and instruction in skills for

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working with families and caregivers.

- (d) For certified nursing assistants, the required 4 hours of training shall be part of the total hours of training required annually.
- (e) For a health care practitioner as defined in s.

 456.001, continuing education hours taken as required by that
 practitioner's licensing board shall be counted toward the total
 of 4 hours.
- (f) For an employee who is a licensed health care practitioner as defined in s. 456.001, training that is sanctioned by that practitioner's licensing board shall be considered to be approved by the Department of Elderly Affairs.
- (g) The Department of Elderly Affairs or its designee must approve the 1-hour and 3-hour training provided to employees and direct caregivers under this section. The department must consider for approval training offered in a variety of formats. The department shall keep a list of current providers who are approved to provide the 1-hour and 3-hour training. The department shall adopt rules to establish standards for the employees who are subject to this training, for the trainers, and for the training required in this section.
- (h) Upon completing any training described in this section, the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different adult day

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194	care center or to an assisted living facility, nursing home,
195	home health agency, or hospice. The direct caregiver must comply
196	with other applicable continuing education requirements.
197	(i) An employee who is hired on or after July 1, 2004, must
198	complete the training required by this section.
199	Section 9. This act shall take effect July 1, 2021.