

**The Florida Senate**  
**PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT**

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

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/CS/SB 1916

INTRODUCER: Health and Human Services Appropriations Committee, Health Regulation Committee and Senator Fasano

SUBJECT: Assisted Living Facility Staff Training

DATE: April 24, 2007                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Ray	Jameson	CF	<b>Fav/1 amendment</b>
2.	Bedford	Wilson	HR	<b>Fav/CS</b>
3.	Peters	Peters	HA	<b>Fav/CS</b>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill requires the Department of Elderly Affairs (DOEA) to adopt a curriculum for training assisted living facility (ALF) staff and authorizes the DOEA to consult with stakeholders, agencies, and associations in the development of that curriculum. DOEA is required to register those conducting the training and establish criteria that must be met for a trainer to register. DOEA is required to adopt rules for establishing requirements for trainer registration.

The bill also provides for the temporary relocation of adult day care centers in the event of a disaster or emergency as defined in statute.

The fiscal impact is minimal and the Department of Elder Affairs should be able to absorb any cost within existing resources.

This bill amends s. 429.52, F.S and s. 429.907, F.S.

**II. Present Situation:**

Part I of chapter 429, F.S., provides for the licensure of ALFs by the Agency for Health Care Administration (AHCA). An ALF provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. Personal services include assistance with or supervision of the activities of daily living (ambulation, bathing, dressing, eating, grooming, and toileting) and the self-administration of medication. Personal services do not include medical, nursing, dental, or mental health

services. The DOEA, in consultation with the AHCA, the Department of Children and Family Services, and the Department of Health, is required to adopt rules for the regulation of the ALFs. A licensed ALF must require any employee who is an administrator, manager, or staff person to obtain specific training and education pursuant to s. 429.52, F.S., and Rule 58A-5.0191, F.A.C. The DOEA establishes minimum training and education requirements by rule. Training requirements are specific to an individual's responsibilities within the facility. Depending on the staff and the particular facility, required training may include:<sup>1</sup>

- Ongoing staff in-service training;
- HIV/AIDS training;
- First aid;
- Cardiopulmonary resuscitation (CPR);
- Assistance with self-administered medication;
- Nutrition and food service;
- Extended congregate care training; or
- Limited mental health training.

A facility that advertises that it provides special care for persons with Alzheimer's disease and related disorders must ensure that facility staff receives training in that area.<sup>2</sup>

The DOEA is the agency constitutionally designated to be responsible for administering human services programs for the elderly. It began operation in January of 1992. Before 1999, the DOEA developed and provided all training for the Core Examination and the statutorily mandated courses for the certification of administrators for the ALFs and Adult Family Care Homes (AFCHs). During Special Session 2003-A, the Legislature privatized the DOEA's Assisted Living Facility Core Training program and eliminated the 11 Full Time Equivalent (FTE) training positions associated with the program since its inception. When the training program was no longer the responsibility of the department, it was open to various providers statewide. However, the DOEA continued its contract with the University of South Florida (USF) to update the Core Examination test bank and to administer the test.

The Florida Affordable Assisted Living Website was created in 2003 as a part of the Coming Home Project Grant, a Federal grant program administered by the DOEA. The website was designed to be a comprehensive clearinghouse of information for assisted living developers, operators, and consumers. Trainers were given the ability to self-register their services (Find A Trainer) and indicate that they were qualified to teach the Core Examination and the statutorily mandated courses. Before this resource was created, it was difficult for the ALF and AFCH administrators and prospective students to locate trainers.

### III. Effect of Proposed Changes:

**Section 1** amends s. 429.52, F.S., to require the DOEA to adopt, or contract for the development of, a curriculum for training staff at the ALFs. The bill authorizes the department to consult with stakeholder agencies and associations in the development of that curriculum.

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<sup>1</sup> Rule 58A-5.0191, F.A.C.

<sup>2</sup> Id.

The bill requires that the training under s. 429.52(1), F.S., be conducted by a person registered with the DOEA and requires the DOEA to adopt rules for establishing requirements for trainer registration. The bill provides that a person seeking the DOEA registration as a trainer must have completed the minimum core training education requirements, and must have passed the core competency test. The person must maintain continuing education, and must also:

- Possess a four-year degree from an accredited school and have worked in a management position in an ALF for three years since completing the core education requirements and being certified;
- Possess five years experience with an ALF in a management position subsequent to completion of the core requirements and certification and one year of experience as an educator or trainer for an ALF or other long-term care facility employees;
- Possess experience as a trainer of core requirements for the DOEA; or
- Meet other qualification criteria as defined in rule.

The bill requires the DOEA to adopt rules to establish trainer registration requirements.

**Section 2** amends s. 429.907, F.S., to provide an exception to the separate license requirement for separate premises of adult day care centers in the case of disaster or emergency that renders the current facility unusable. Under these circumstances, the licensee may continue operation at one or more premises under their current license for up to 180 days. The premises must be included in the licensee's comprehensive emergency management plan and approved by the county emergency management authority. The licensee of the adult day care center must notify AHCA and county emergency management authorities within 24 hours of beginning operation in a separate premises.

**Section 3** provides that the bill shall take effect July 1, 2007.

#### **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 Article I, Section 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:

This bill will raise the quality of care by providing better training to direct care workers in the ALFs.

C. Government Sector Impact:

The fiscal impact is minimal and should be absorbed within current departmental resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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