

**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 Regulation Committee

BILL: CS/SB 1916

INTRODUCER: Health Regulation Committee and Senator Fasano

SUBJECT: Assisted Living Facility Staff Training

DATE: April 11, 2007                      REVISED: \_\_\_\_\_

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

**I. Summary:**

The committee substitute 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.

The committee substitute requires the DOEA to register those conducting the training and establishes criteria that must be met for a trainer to register. The DOEA is required to adopt rules for establishing requirements for trainer registration.

The committee substitute appropriates from the General Revenue Fund \$69,969 in recurring funds and \$4,726 in nonrecurring funds to the DOEA.

This bill amends s. 429.52, 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.** Requires the DOEA to adopt, or contract for the development of, a curriculum for training staff at the ALFs. The committee substitute authorizes the department to consult with stakeholder agencies and associations in the development of that curriculum.

---

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

<sup>2</sup> Id.

This committee substitute 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 committee substitute 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 meet at least one of the following criteria:

- 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.

**Section 2.** Appropriates from the General Revenue Fund to the DOEA recurring funds in the amount of \$69,969 and nonrecurring funds in the amount of \$4,726. The appropriation is for the purpose of paying the salary and administrative expenses for one FTE position, a Senior Management Analyst II.

**Section 3.** Provides that the bill shall take effect upon becoming a law.

#### **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 bill appropriates from the General Revenue Fund to the DOEA recurring funds in the amount of \$69,969 and nonrecurring funds in the amount of \$4,726.

**Recurring:**

- \$63,079 for salary and benefits;
- \$6,489 for expenses; and
- \$401 for human resources services.

**Nonrecurring:**

- \$3,426 for expenses and \$1,300 for operating capital outlay.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

None.

---

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

---