

CHAPTER 2021-163

Committee Substitute for Committee Substitute for House Bill No. 485

An act relating to personal care attendants; amending s. 400.141, F.S.; authorizing nursing home facilities to employ personal care attendants if a certain training requirement is met; requiring that the Agency for Health Care Administration, in consultation with the Board of Nursing, develop a certain training program; providing minimum requirements for such program; requiring a personal care attendant to complete the required education before having direct contact with a resident; prohibiting a personal care attendant from performing certain tasks; requiring an individual employed as a personal care attendant to work exclusively for one nursing facility before becoming a certified nursing assistant; requiring the agency to adopt rules necessary to implement the personal care attendant program; requiring the agency to authorize the continuation of the personal care attendant program under certain circumstances; amending s. 400.211, F.S.; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified period if a certain training requirement is met; providing a definition for the term “personal care attendants”; providing an effective date.

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

Section 1. Paragraph (w) is added to subsection (1) of section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(w) Be allowed to employ personal care attendants as defined in s. 400.211(2)(d), if such personal care attendants are participating in the personal care attendant training program developed by the agency, in accordance with 42 C.F.R. ss. 483.151-483.154, in consultation with the Board of Nursing.

1. The personal care attendant program must consist of a minimum of 16 hours of education and must include all of the topics and lessons specified in the program curriculum.

2. The program curriculum must include, but need not be limited to, training in all of the following content areas:

a. Residents’ rights.

b. Confidentiality of residents’ personal information and medical records.

- c. Control of contagious and infectious diseases.
- d. Emergency response measures.
- e. Assistance with activities of daily living.
- f. Measuring vital signs.
- g. Skin care and pressure sores prevention.
- h. Portable oxygen use and safety.
- i. Nutrition and hydration.
- j. Dementia care.

3. A personal care attendant must complete the 16 hours of required education before having any direct contact with a resident.

4. A personal care attendant may not perform any task that requires clinical assessment, interpretation, or judgment.

5. An individual employed as a personal care attendant under s. 400.211(2)(d) must work exclusively for one nursing facility before becoming a certified nursing assistant.

The agency shall adopt rules necessary to implement this paragraph. If the state of emergency declared by the Governor pursuant to Executive Order No. 20-52 is terminated before the agency adopts rules to implement this paragraph, the agency shall authorize the continuation of the personal care attendant program until the agency adopts such rules.

Section 2. Subsection (2) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(2) The following categories of persons who are not certified as nursing assistants under part II of chapter 464 may be employed by a nursing facility for a single consecutive period of 4 months:

(a) Persons who are enrolled in, or have completed, a state-approved nursing assistant program.;

(b) Persons who have been positively verified as actively certified and on the registry in another state with no findings of abuse, neglect, or exploitation in that state.;

(c) Persons who have preliminarily passed the state's certification exam.

(d) Persons who are employed as personal care attendants and who have completed the personal care attendant training program developed pursuant to s. 400.141(1)(w). As used in this paragraph, the term “personal care attendants” means persons who meet the training requirement in s. 400.141(1)(w) and provide care to and assist residents with tasks related to the activities of daily living.

The certification requirement must be met within 4 months after initial employment as a nursing assistant in a licensed nursing facility.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 24, 2021.

Filed in Office Secretary of State June 24, 2021.