

CHAPTER 2023-278

Committee Substitute for Committee Substitute for House Bill No. 299

An act relating to education and training for Alzheimer’s disease and related forms of dementia; creating s. 430.5025, F.S.; providing a short title and definitions; requiring the Department of Elderly Affairs to offer education about Alzheimer’s disease and related forms of dementia to the general public; requiring certain employees of covered providers to complete specified training; authorizing the department to adopt training curricula guidelines; providing requirements for training providers; providing rulemaking authority to the department; authorizing specified completed training hours to count toward other required training or continuing education hours; providing construction; amending ss. 400.0239, 400.1755, and 400.4785, F.S.; conforming provisions to changes made by the act; creating s. 400.51, F.S.; requiring a person employed, contracted, or referred by a nurse registry or a person registered with the agency to provide companion or homemaker services to complete specified training; repealing s. 400.53, F.S., relating to Nurse Registry Excellence Program; amending s. 400.980, F.S.; requiring a health care services pool to verify and maintain documentation that certain employees or independent contractors have met certain licensing, certification, training, and continuing education requirements; prohibiting delegation of specified responsibilities; amending s. 429.52, F.S.; requiring assisted living facility employees to complete specified training; providing an exception; authorizing specified completed training hours to count toward the required preservice orientation hours; amending ss. 429.178, 429.83, 429.917, and 429.918, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 430.5025, Florida Statutes, is created to read:

430.5025 Alzheimer’s disease and related forms of dementia; education and training.—

(1) This section may be cited as the “Alzheimer’s Disease and Related Forms of Dementia Education and Training Act.”

(2) As used in this section, the term:

(a) “Covered provider” means a nursing home, a home health agency, a nurse registry, a companion or homemaker service provider, a health care services pool, an assisted living facility, an adult family-care home, or an adult day care center licensed or registered under chapter 400 or chapter 429.

(b) “Department” means the Department of Elderly Affairs.

(c) “Personal care” means providing, through in-person contact, assistance with activities of daily living, assistance with self-administration of medication, homemaker or companion services, nursing services, or other services that promote the physical, mental, and psychosocial well-being of participants, patients, and residents of covered providers. The term does not include duties involving administrative functions or maintaining the physical environment of a licensed facility, including grounds maintenance, building maintenance, housekeeping, laundry, or food preparation.

(d) “Employee” means a person, contracted staff, or an independent contractor employed or referred by a covered provider who is required to undergo a level 2 background screening under s. 408.809 and chapter 435.

(e) “Regular contact” means the performance of duties other than personal care that may require employees to interact in person on a daily basis with participants, patients, or residents.

(3) The department shall offer to the general public education about Alzheimer’s disease and related forms of dementia. Such education must provide basic information about the most common forms of dementia, how to identify the signs and symptoms of dementia, coping skills, how to respond to changes, planning for the future, and how to access additional resources about dementia.

(4) Employees of covered providers must complete the following training for Alzheimer’s disease and related forms of dementia:

(a) Upon beginning employment, each employee must receive basic written information about interacting with persons who have Alzheimer’s disease or related forms of dementia.

(b) Within 30 days after beginning employment, each employee who provides personal care to or has regular contact with participants, patients, or residents must complete a 1-hour training program provided by the department.

1. The department shall provide training that is available online at no cost. The 1-hour training program shall contain information on understanding the basics about the most common forms of dementia, how to identify the signs and symptoms of dementia, and skills for communicating and interacting with persons with Alzheimer’s disease or related forms of dementia. A record of the completion of the training program must be made available to the covered provider which identifies the training curricula, the name of the employee, and the date of completion.

2. A covered provider must maintain a record of the employee’s completion of the training program and, upon written request of the employee, provide the employee with a copy of the record of completion consistent with the employer’s written policies.

3. An employee who has completed the training required in this subsection is not required to repeat the program upon changing employment to a different covered provider.

(c) Within 7 months after beginning employment for a home health agency, nurse registry, or companion or homemaker service provider, each employee who provides personal care must complete 2 hours of training in addition to the training required in paragraphs (a) and (b). The additional training must include, but is not limited to, behavior management, promoting the person's independence in activities of daily living, and skills in working with families and caregivers.

(d) Within 7 months after beginning employment for a nursing home, an assisted living facility, an adult family-care home, or an adult day care center, each employee who provides personal care must complete 3 hours of training in addition to the training required in paragraphs (a) and (b). The additional training must include, but is not limited to, behavior management, promoting the person's independence in activities of daily living, skills in working with families and caregivers, group and individual activities, maintaining an appropriate environment, and ethical issues.

(e) For an assisted living facility, adult family-care home, or adult day care center that advertises and provides, or is designated to provide, specialized care for persons with Alzheimer's disease or related forms of dementia, in addition to the training specified in paragraphs (a) and (b), employees must receive the following training:

1. Within 3 months after beginning employment, each employee who provides personal care to or has regular contact with the residents or participants must complete the additional 3 hours of training as provided in paragraph (d).

2. Within 6 months after beginning employment, each employee who provides personal care must complete an additional 4 hours of dementia-specific training. Such training must include, but is not limited to, understanding Alzheimer's disease and related forms of dementia, the stages of Alzheimer's disease, communication strategies, medical information, and stress management.

3. Thereafter, each employee who provides personal care must participate in at least 4 hours of continuing education each calendar year through contact hours, on-the-job training, or electronic learning technology. For this subparagraph, the term "on-the-job training" means a form of direct coaching in which a facility administrator or his or her designee instructs an employee who provides personal care with guidance, support, or hands-on experience to help develop and refine the employee's skills for caring for a person with Alzheimer's disease or a related form of dementia. The continuing education must cover at least one of the topics included in the dementia-specific training in which the employee has not received previous training in the previous calendar year. The continuing education may be

fulfilled and documented in a minimum of one quarter-hour increments through on-the-job training of the employee by a facility administrator or his or her designee or by an electronic learning technology chosen by the facility administrator. On-the-job training may not account for more than 2 hours of continuing education each calendar year.

(f)1. An employee provided, assigned, or referred by a health care services pool must complete the training required in paragraphs (c), (d), or (e) that is applicable to the covered provider and the position in which the employee will be working. The documentation verifying the completed training and continuing education of the employee, if applicable, must be provided to the covered provider upon request.

2. A health care services pool must verify and maintain documentation as required under s. 400.980(5) before providing, assigning, or referring an employee to a covered provider.

(5) The department may establish training curricula guidelines for the training required in paragraphs (4)(c), (d), and (e). The department may approve training providers and training curricula and maintain a list of approved providers. Approved training may be offered in a variety of formats, including, but not limited to, in person, electronically, or on-the-job by a facility administrator or his or her designee. Continuing education under this section does not require the adoption of training curricula guidelines by the department or approval of the training provider and curricula by the department. The department may develop or provide continuing education training or curricula as an option for covered providers and employees.

(a) A training provider meeting one of the following qualifications may offer training in compliance with the training curricula guidelines without prior approval of the department:

1. A person approved by an applicable board or the Department of Health to provide training who is registered with the electronic continuing education tracking system under s. 456.025; or

2. A training provider approved by the department or its designee before July 1, 2023.

(b) Training providers qualified under subparagraph (a)1. must also have:

1. At least 1 year of teaching experience as an educator for caregivers of persons with Alzheimer's disease or related forms of dementia;

2. At least 1 year of practical experience in a program providing care to persons with Alzheimer's disease or related forms of dementia; or

3. Completed a specialized training program in the subject matter of Alzheimer’s disease and related forms of dementia from an accredited health care, human services, or gerontology education provider.

(c) Upon an employee’s completion of the training specified in paragraphs (4)(c), (d), and (e), the training provider must provide a record of the completion of the training that includes the name of the employee, the name of the training provider, the topics covered, and the date of completion. The training record is evidence of completion of training in the identified topic and the employee is not required to repeat training in that topic if the employee changes employment to a different covered provider.

(d) Any Alzheimer’s disease and related forms of dementia training curriculum approved by the department or its designee before July 1, 2023, shall remain in effect until the curriculum’s expiration date.

(6) The department may adopt rules to create training curricula guidelines and establish requirements for the approval of other qualified training providers and a process for conducting a sampling of training or training curriculum as necessary to monitor for compliance with curricula guidelines.

(7) For a certified nursing assistant as defined in s. 464.201, training hours completed as required under this section may count toward the total hours of training required to maintain certification as a nursing assistant.

(8) For a health care practitioner as defined in s. 456.001, training hours completed as required under this section may count toward the total hours of continuing education required by that practitioner’s licensing board.

(9) Each person employed, contracted, or referred to provide services before July 1, 2023, must complete the training required in this section before July 1, 2026. Proof of completion of equivalent training completed before July 1, 2023, shall substitute for the training required in subsection (4). Each person employed, contracted, or referred to provide services on or after July 1, 2023, may complete training using approved curriculum under subparagraph (5)(d) until the effective date of the rules adopted by the department under subsection (6).

Section 2. Paragraph (b) of subsection (2) of section 400.0239, Florida Statutes, is amended to read:

400.0239 Quality of Long-Term Care Facility Improvement Trust Fund.

(2) Expenditures from the trust fund shall be allowable for direct support of the following:

(b) Development and implementation of specialized training programs for long-term care facility personnel who provide direct care for residents with Alzheimer’s disease and other dementias including training provided under s. 430.5025, residents at risk of developing pressure sores, and residents with special nutrition and hydration needs.

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, the employees of facilities licensed under this part must complete the training required under s. 430.5025 provide to each of their employees, 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 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, Internet-based 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 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.—The employees of a home health agency must complete the training required under s. 430.5025.

(1) ~~A home health agency must provide the following staff training:~~

~~(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 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.~~

(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.

(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. Section 400.51, Florida Statutes, is created to read:

400.51 Patients with Alzheimer's disease or other related disorders; staff training requirements.—A person employed, contracted, or referred by a nurse registry or a person registered with the agency to provide companion or homemaker services must complete the training required under s. 430.5025.

Section 6. Section 400.53, Florida Statutes, is repealed.

Section 7. Subsection (5) of section 400.980, Florida Statutes, is amended to read:

400.980 Health care services pools.—

(5) A health care services pool shall verify and maintain documentation ~~document~~ that each temporary employee or independent contractor ~~provided, assigned, or referred~~ to a health care facility has met the licensing, certification, training, or continuing education requirements, as established by the appropriate regulatory agency, for the position in which he or she will be working. The requirements of this subsection may not be delegated to another provider as defined in s. 408.803.

Section 8. Section 429.178, Florida Statutes, is amended to read:

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

(1) A facility which advertises that it provides special care for persons with Alzheimer’s disease or other related disorders must meet the following standards of operation:

(1)(a)1. If the facility has 17 or more residents, have an awake staff member on duty at all hours of the day and night; or

(b)2. If the facility has fewer than 17 residents, have an awake staff member on duty at all hours of the day and night or have mechanisms in place to monitor and ensure the safety of the facility’s residents.

(2)(b) Offer activities specifically designed for persons who are cognitively impaired.

(3)(e) Have a physical environment that provides for the safety and welfare of the facility’s residents.

(4)(d) Employ staff who must complete ~~have completed~~ the training and continuing education required under s. 430.5025 ~~in subsection (2)~~.

~~(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 up to 4 hours of initial dementia-specific training 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 beginning employment and satisfy the core training requirements of s. 429.52(3)(g).~~

~~(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 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.~~

~~(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 shall 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.~~

~~(8) The department shall adopt rules to establish standards for trainers and training and to implement this section.~~

Section 9. Subsection (1) of section 429.52, Florida Statutes, is amended to read:

429.52 Staff training and educational requirements.—

(1)(a) 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.

(b) Each assisted living facility employee must complete the training required under s. 430.5025. However, an employee of an assisted living facility licensed as a limited mental health facility under s. 429.075 is exempt from the training requirements under s. 430.5025(4)(d).

(c) If an assisted living facility employee completes the 1-hour training required under s. 430.5025 before interacting with residents, such training

may count toward the 2 hours of preservice orientation required under paragraph (a).

Section 10. Section 429.83, Florida Statutes, is amended to read:

429.83 Residents with Alzheimer’s disease or other related disorders; training; certain disclosures.—

(1) The employees of an adult family-care home must complete the training required under s. 430.5025.

(2) An adult family-care home 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 home must give a copy of all such advertisements or a copy of the document to each person who requests information about programs and services for persons with Alzheimer’s disease or other related disorders offered by the home and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the home’s records as part of the license renewal procedure.

Section 11. 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) The employees of an adult day care center licensed under this part must complete the training required under s. 430.5025 provide the following staff training:

~~(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 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 care center or to an assisted living facility, nursing home, home health agency, or hospice. The direct caregiver must comply with other applicable continuing education requirements.~~

(i) ~~An employee who is hired on or after July 1, 2004, must complete the training required by this section.~~

Section 12. Subsection (6) of section 429.918, Florida Statutes, is amended to read:

429.918 Licensure designation as a specialized Alzheimer's services adult day care center; training.—

(6)(a) An adult day care center having a license designated under this section must provide the following staff training and supervision:

(a)1. A registered nurse or licensed practical nurse must be on site daily for at least 75 percent of the time that the center is open to ADRD participants. Each licensed practical nurse who works at the center must be supervised in accordance with chapter 464.

(b) Each employee must complete the training and continuing education required under s. 430.5025.

~~2. Upon beginning employment with the center, each employee must receive and review basic written information about interacting with ADRD participants.~~

~~3. In addition to the information provided in subparagraph 2., every employee hired on or after July 1, 2012, who has direct contact with ADRD participants shall complete 4 hours of dementia-specific training within 3 months after employment.~~

~~4. In addition to the requirements of subparagraphs 2. and 3., each employee hired on or after July 1, 2012, who provides direct care to ADRD participants shall complete an additional 4 hours of dementia specific training within 6 months after employment.~~

~~(b) The Department of Elderly Affairs or its designee shall approve the training required under this section. The department shall adopt rules to establish standards for employees who are subject to this training, for trainers, and for the training required in this section.~~

~~(c) Upon completing any training described in this section, the employee shall be issued a certificate that includes the name of the training provider, the topics covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topics, and the employee is not required to repeat training in those topics if the employee changes employment to a different adult day care center.~~

~~(c)(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:~~

- ~~1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.~~
- ~~2. Information on the Silver Alert program in this state.~~
- ~~3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other locations.~~

Section 13. This act shall take effect July 1, 2023.

Approved by the Governor June 22, 2023.

Filed in Office Secretary of State June 22, 2023.