

1                   A bill to be entitled  
2       An act relating to adult day care centers; amending s.  
3       429.917, F.S.; prohibiting an adult day care center  
4       from claiming to be licensed to provide specialized  
5       Alzheimer's services under certain circumstances;  
6       creating s. 429.918, F.S.; providing a short title;  
7       providing definitions; providing for the voluntary  
8       licensure of adult day care centers that provide  
9       specialized Alzheimer's services; requiring an adult  
10      day care center seeking such licensure to meet  
11      specified criteria; providing educational and  
12      experience requirements for the operator of an adult  
13      day care center seeking licensure to provide  
14      specialized Alzheimer's services; providing criteria  
15      for staff training and supervision; requiring that the  
16      Department of Elderly Affairs approve the staff  
17      training; requiring the department to adopt rules;  
18      requiring that the employee be issued a certificate  
19      upon completion of the staff training; providing  
20      requirements for staff orientation; providing  
21      requirements for admission into such an adult day care  
22      center; requiring that a participant's file include a  
23      data sheet, which shall be completed within a certain  
24      timeframe; requiring that certain information be  
25      included in the data sheet; requiring that dementia-  
26      specific services be documented in a participant's  
27      file; requiring that a participant's plan of care be  
28      reviewed quarterly; requiring that certain notes be

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29 entered into a participant's file; requiring the  
30 participant to provide the adult day care center with  
31 updated medical documentation; requiring the center to  
32 give each person who enrolls as a participant, or the  
33 caregiver, a copy of the participant's plan of care  
34 and safety information; requiring that the center  
35 coordinate and execute discharge procedures with a  
36 participant who has a documented diagnosis of  
37 Alzheimer's disease or a dementia-related disorder and  
38 the caregiver if the participant's enrollment in the  
39 center is involuntarily terminated; providing that the  
40 act does not prohibit an adult day care center that  
41 does not become licensed to provide specialized  
42 Alzheimer's services from providing adult day care  
43 services to persons who have Alzheimer's disease or  
44 other dementia-related disorders; authorizing the  
45 Department of Elderly Affairs to adopt rules;  
46 providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Subsection (2) of section 429.917, Florida  
51 Statutes, is amended to read:

52 429.917 Patients with Alzheimer's disease or other related  
53 disorders; staff training requirements; certain disclosures.—

54 (2) A center licensed under this part which claims that it  
55 provides special care for persons who have Alzheimer's disease  
56 or other related disorders must disclose in its advertisements

57 | or in a separate document those services that distinguish the  
 58 | care as being especially applicable to, or suitable for, such  
 59 | persons. The center must give a copy of all such advertisements  
 60 | or a copy of the document to each person who requests  
 61 | information about the center and must maintain a copy of all  
 62 | such advertisements and documents in its records. The agency  
 63 | shall examine all such advertisements and documents in the  
 64 | center's records as part of the license renewal procedure. An  
 65 | adult day care center may not claim to be licensed to provide  
 66 | specialized Alzheimer's services unless it has been licensed  
 67 | pursuant to s. 429.918.

68 | Section 2. Section 429.918, Florida Statutes, is created  
 69 | to read:

70 | 429.918 Specialized Alzheimer's services licensure.-

71 | (1) This section may be cited as the "Specialized  
 72 | Alzheimer's Services Adult Day Care Act."

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

74 | (a) "ADRD participant" means a participant who has a  
 75 | documented diagnosis of Alzheimer's disease or a dementia-  
 76 | related disorder (ADRD) from a licensed physician or a health  
 77 | care provider who is under the direct supervision of a licensed  
 78 | physician.

79 | (b) "Dementia" means the loss of at least two intellectual  
 80 | functions, such as thinking, remembering, and reasoning, which  
 81 | is severe enough to interfere with a person's daily function.  
 82 | The term does not describe a disease, but describes a group of  
 83 | symptoms that may accompany certain diseases or physical  
 84 | conditions.

85        (c) "Specialized Alzheimer's services" means therapeutic,  
86 behavioral, health, safety, and security interventions; clinical  
87 care; support services; and educational services that are  
88 customized for the specialized needs of an ADRD participant's  
89 caregiver and the participant who is affected by Alzheimer's  
90 disease or an irreversible, degenerative condition resulting in  
91 dementia.

92        (3) In addition to the standards required for licensure as  
93 an adult day care center under this part, an adult day care  
94 center may seek voluntary licensure under this section as a  
95 specialized Alzheimer's services licensee.

96        (4) An adult day care center seeking licensure under this  
97 section must:

98        (a) Have a mission statement that includes a commitment to  
99 proving dementia-specific services and disclose in the center's  
100 advertisements or in a separate document the services that  
101 distinguish the care as being suitable for a person who has  
102 Alzheimer's disease or a dementia-related disorder.

103        (b) Provide ADRD participants with a program for dementia-  
104 specific, therapeutic activities, including, but not limited to,  
105 physical, cognitive, and social activities appropriate for the  
106 ADRD participant's age, culture, and level of function.

107        (c) Maintain at all times a minimum staff-to-participant  
108 ratio of one staff member who provides direct services for every  
109 five ADRD participants.

110        (d) Provide ADRD participants with a program for  
111 therapeutic activity at least 70 percent of the time that the  
112 center is open.

113 (e) Provide ADRD participants with hands-on assistance  
114 with activities of daily living, inclusive of the provision of  
115 urinary and bowel incontinence care.

116 (f) Use assessment tools that identify the ADRD  
117 participant's cognitive deficits and identify the specialized  
118 and individualized needs of the ADRD participant and the  
119 caregiver. This assessment shall be conducted when the ADRD  
120 participant is initially admitted into the center and shall be  
121 updated when the ADRD participant experiences a significant  
122 change, but no less frequently than annually.

123 (g) Create an individualized plan of care for each ADRD  
124 participant which addresses the identified, dementia-specific  
125 needs of the ADRD participant and the caregiver. The plan of  
126 care shall be established when the ADRD participant is initially  
127 admitted into the center and reviewed at least quarterly.

128 (h) Conduct a monthly health assessment of each ADRD  
129 participant which includes, but is not limited to, the ADRD  
130 participant's weight, vital signs, and level of assistance  
131 needed with activities of daily living.

132 (i) Complete a monthly update in each ADRD participant's  
133 file regarding the ADRD participant's status or progress toward  
134 meeting the goals indicated on the individualized plan of care.

135 (j) Assist in the referral or coordination of other  
136 dementia-specific services and resources needed by the ADRD  
137 participant or the caregiver, such as medical services,  
138 counseling, medical planning, legal planning, financial  
139 planning, safety and security planning, disaster planning,  
140 driving assessment, transportation coordination, or wandering

141 prevention.

142 (k) Offer, facilitate, or provide referrals to a support  
143 group for persons who are caregivers to ADRD participants.

144 (l) Provide dementia-specific educational materials  
145 regularly to ADRD participants, as appropriate, and their  
146 caregivers.

147 (m) Routinely conduct and document a count of all ADRD  
148 participants present in the center throughout each day. This  
149 count must be compared to each ADRD participant's attendance  
150 record in order to ensure that an ADRD participant is not  
151 missing from the center.

152 (n) Be a secured unit or have working alarm or security  
153 devices installed on every door that is accessible to the ADRD  
154 participants and provides egress from the center or areas of the  
155 center designated for the provision of specialized Alzheimer's  
156 adult day care services.

157 (o) Not allow an ADRD participant to administer his or her  
158 own medication.

159 (p) Not allow an ADRD participant to drive himself or  
160 herself to or from the center.

161 (5) The operator of an adult day care center licensed  
162 under this section, and the operator's designee, as applicable,  
163 hired on or after July 1, 2012, shall:

164 (a) Have at least a bachelor's degree in health care  
165 services, social services, or a related field, at least 1 year  
166 of supervisory experience in a social services or health care  
167 services setting, and at least 1 year of experience in providing  
168 services to persons who have dementia;

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169 (b) Be a registered or practical nurse licensed in this  
170 state, have at least 1 year of supervisory experience in a  
171 social services or health care services setting, and have at  
172 least 1 year of experience in providing services to persons who  
173 have dementia; or

174 (c) Have at least 5 years of supervisory experience in a  
175 social services or health care services setting and at least 3  
176 years of experience in providing services to persons who have  
177 dementia.

178 (6) (a) An adult day care center licensed under this  
179 section must provide the following staff training and  
180 supervision:

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

186 2. Upon beginning employment with the center, each  
187 employee must receive basic written information about  
188 interacting with ADRD participants.

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

194 4. In addition to the requirements of subparagraphs 2. and  
195 3., each employee hired on or after July 1, 2012, who provides  
196 direct care to ADRD participants shall complete an additional 4

197 hours of dementia-specific training within 6 months after  
 198 beginning employment.

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

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

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

215 1. Procedures to locate an ADRD participant who has  
 216 wandered from the center. These procedures shall be reviewed  
 217 regularly with all direct care staff.

218 2. Information on the Silver Alert program in this state.

219 3. Information regarding available products or programs  
 220 used to identify ADRD participants or prevent them from  
 221 wandering away from the center, their homes, or other locations.

222 (7) (a) An ADRD participant admitted to an adult day care  
 223 center licensed under this section must:

224 1. Require ongoing supervision to maintain the highest



225 level of medical or custodial functioning and have a  
 226 demonstrated need for a responsible party to oversee his or her  
 227 care.

228 2. Not actively demonstrate aggressive behavior that  
 229 places himself, herself, or others at risk of harm.

230 3. Provide the following medical documentation signed by a  
 231 licensed physician or a health care provider who is under the  
 232 direct supervision of a licensed physician:

233 a. Any physical, health, or emotional condition that  
 234 requires medical care.

235 b. A listing of the ADRD participant's current prescribed  
 236 and over-the-counter medications and dosages, diet restrictions,  
 237 mobility restrictions, and other physical limitations.

238 4. Provide documentation signed by a health care provider  
 239 licensed in this state which indicates that the ADRD participant  
 240 is free of the communicable form of tuberculosis and free of  
 241 signs and symptoms of other communicable diseases.

242 (b) Before admitting an ADRD participant to an adult day  
 243 care center licensed under this section, the center shall  
 244 determine whether:

245 1. The medical, psychological, safety, and behavioral  
 246 support and intervention required by the ADRD participant can be  
 247 provided by the center.

248 2. The resources required to assist with the ADRD  
 249 participant's acuity level of care and support needed can be  
 250 provided or coordinated by the center.

251 (8) (a) An ADRD participant's file must include a data  
 252 sheet, which must be completed within 45 days before or within

253 24 hours after admission to an adult day care center licensed  
254 under this section. The data sheet must contain:

255 1. Information regarding the status of the ADRD  
256 participant's enrollment in an identification or wandering-  
257 prevention program, including the name of the program; and

258 2. A current photograph of the ADRD participant.

259 (b) Dementia-specific services shall be documented in the  
260 ADRD participant's file.

261 (c) An ADRD participant's plan of care must be reviewed at  
262 least quarterly. Notes regarding services provided to the ADRD  
263 participant must be entered at least monthly in the ADRD  
264 participant's file, and must indicate the ADRD participant's  
265 status or progress toward achieving identified goals. Additional  
266 notes must be entered more frequently if indicated by the ADRD  
267 participant's condition.

268 (d) An ADRD participant shall annually provide the center  
269 with updated medical documentation required under subparagraphs  
270 (7)(a)3. and 4., and the center must place that documentation in  
271 the ADRD participant's file.

272 (9) An adult day care center licensed under this section  
273 must give to each person who enrolls as an ADRD participant in  
274 the center, or the caregiver, a copy of the ADRD participant's  
275 plan of care, as well as information regarding resources to  
276 assist in ensuring the safety and security of the ADRD  
277 participant, which must include, but need not be limited to,  
278 information pertaining to driving for those persons affected by  
279 dementia, available technology on wandering-prevention devices  
280 and identification devices, the Silver Alert program in this

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281 state, and dementia-specific safety interventions and strategies  
282 that can be used in the home setting.

283 (10) If an ADRD participant's enrollment in the center is  
284 involuntarily terminated due to medical or behavioral reasons,  
285 the center shall coordinate and execute appropriate discharge  
286 procedures with the ADRD participant and the caregiver.

287 (11) This section does not prohibit an adult day care  
288 center that does not become licensed under this section from  
289 providing adult day care services to persons who have  
290 Alzheimer's disease or other dementia-related disorders.

291 (12) The Department of Elderly Affairs may adopt rules to  
292 administer this section.

293 Section 3. This act shall take effect July 1, 2012.