



Lori Berndt
 Acting State Ombudsman

MEETING MINUTES
Legislative Workgroup
4/18/2022
via Teams video and audio

WORKGROUP MEMBERS			
Sharon Lauter, Chair	Present <input checked="" type="checkbox"/>	Marshall Kapp	Present <input checked="" type="checkbox"/>
Louis Grossman, Co-Chair	Present <input checked="" type="checkbox"/>	Raymond "Sully" Sullivan	Present <input checked="" type="checkbox"/>
Irene Dion	Present <input checked="" type="checkbox"/>	Donna Nagel	Present <input type="checkbox"/>
OTHER OMBUDSMAN PROGRAM REPRESENTATIVES			
Marie Brand	State Council Chair		
Lynn Hearn	Legal Advocate (Staff Liaison)		
Lori Berndt	Acting State Ombudsman/North Region Ombudsman Manager		
Tina Moore	Legal Assistant		

WELCOME/ROLL CALL/APPROVAL OF MINUTES

1. Called to order at 2:30 PM Quorum Established: Yes No
 Minutes Approved: Yes No (3/4/22))

MEETING TOPICS

2. **Update regarding Florida & Federal Legislative Topics** (Lynn Hearn)

All of these tracked bills have been signed by Governor DeSantis:

- **HB 1239 re Nursing Home Facility Staffing**
- **SB 988 re Patient Visitation Rights**
- **HB 539 re Nursing Home Financial Reporting**
- **HB 469 re Home Health Aides and CNAs**
- **HB 1349 re Guardianship Data Transparency**

Additionally, **Rule 59A-4.1081 re Personal Care Attendants** is in place and enforceable as of May 4, 2022. (Attached to these minutes). Lynn has requested but not received data collected by AHCA regarding how facilities are using PCAs. She will follow up. Additionally, if anyone has any ideas on how the Ombudsman Program can collect information regarding facilities' use of PCAs, please let her know.



3. **SB 988 re Visitation** (See April 9, 2022, email, and attachment from S. Lauter) - Signed and passed (attached), by May 6th all facilities must post their visitation policies on their websites. Ombudsmen should be notified of this requirement. The workgroup requests that this be placed on the State Council agenda, and Chair Brand agreed.
4. **Sully's Recommendations** (See March 16, 2022, email, and attachment from R. Sullivan)
The workgroup discussed the items in Sully's email, and decided:
 - The workgroup should prepare a mission statement to guide its work. State Chair Marie Brand, in attendance at this workgroup meeting, stated that all of the workgroups would be asked to do this at the next in-person State Council meeting.
 - Workgroup agenda items will be solicited in advance of the meeting and placed on the written agenda; however, additional items may always be brought up under "New Business."
 - The workgroup wants to be respectful of each other's time and not have unnecessarily long meetings, while also allowing for the free flow of discussion and debate.
5. **Discussion of communication mechanisms w/local councils** – Once the decision is made as to which bills to monitor next legislative session, then updates will be distributed to all state council representatives after each legislative workgroup meeting. The workgroup will discuss further as we get closer to next year's legislative session.
6. **Old Business** – None.
7. **New Business** – None.
8. **Next Meeting Date** – June 9 & 10, 2022 in Orlando in conjunction with the State Council.
9. **Public Comment** – None.

ADJOURNMENT

- Motion to adjourn was made, seconded and approved.
- Workgroup adjourned at 3:38 PM.

59A-4.1081 Personal Care Attendant Training Program Requirements.

(1) This program permits a nursing home licensed pursuant to Chapter 400 Part II, Florida Statutes (F.S.) to employ a trained Personal Care Attendant.

(2) Purpose – This Personal Care Attendant Training Program will enable the Personal Care Attendant to further obtain skills and training from their employer toward the goal of successfully passing the Certified Nursing Assistant (CNA) exam.

(3) Definitions.

(a) “Personal Care Attendant” or “PCA” means a person who meets the training requirement in this rule and Section 400.141(1)(w), F.S., and provides care to and assists residents with tasks related to the activities of daily living.

(b) “Training Program” means the Personal Care Attendant Training Program as specified in Section 400.141(1)(w), F.S.

(4) Scope – The Training Program must consist of a minimum of sixteen (16) hours of education. The 16 hours of required education and eight (8) hours of simulation must be completed before the PCA has any direct contact with a resident.

(5) Program Requirements.

(a) A candidate for the Training Program must be at least eighteen (18) years of age.

(b) The candidate must be able to read, write and complete written materials pertinent to their job duties.

(6) Training Standards.

(a) Completion of all training and documentation requirements for PCA candidates is the ultimate responsibility of the hiring facility.

(b) Training must consist of a minimum of sixteen (16) hours of classroom teaching and eight (8) hours of supervised simulation in which the PCA candidate is required to demonstrate competency in all areas of training.

(c) Upon completion of classroom instruction, PCA candidates must simulate and demonstrate competency in all required areas of instructions and competency in accordance with section (7) of this rule.

(d) The PCA Training Program must be taught by a registered nurse. For the purposes of this training program, the instructor must be a licensed professional registered nurse.

(e) Under observation by the instructor, PCA candidates will first simulate procedures while working together in pairs or teams. Next, the instructor must observe each candidate’s simulation of required skills and document the candidate’s competency.

(f) Upon completion of the Training Program, the facility must maintain a record of all PCA candidates who complete training and demonstrate the required competencies. The facility shall post daily the names of the PCAs on duty. When requested by the Agency, the facility will provide the names of all PCAs working in the facility at the time of the request.

(g) PCAs must be supervised by a licensed nurse and shall report to the facility’s nursing management or supervisor.

(h) The facility must notify its certified and licensed staff members that PCAs have a limited scope of permissible work, and detail duties they may not be delegated to perform as PCAs. If the facility learns that any PCA is performing duties outside the limited scope of permissible work, the facility must immediately intervene, stop the PCA, and reassign those duties to authorized personnel.

(i) Upon completion of the 16 hour education requirement and eight (8) hour simulation requirement, the PCA will work under the supervision of the licensed nursing staff and in collaboration with the Certified Nursing Assistants.

(7) Required areas of classroom instruction (16 hours).

(a) Residents’ rights (2 hours).

1. Immediate reporting of abuse and neglect to nurse/manager on duty.

2. Sample scenarios of situations involving resident rights, abuse, and neglect.

3. Review of immediate protection of resident until assistance arrives if abuse is in process.

4. Review of duty to immediately report abuse or neglect to nurse/manager on duty.

5. Department of Children and Families (DCF) reporting requirements for mandated reporters.

6. Maintaining resident privacy and honoring resident preferences.

(b) Confidentiality of residents’ personal information and medical records (1.5 hours).

1. How to maintain confidentiality of resident information.

2. Response to a witnessed (or reported) breach.

(c) Control of contagious and infectious diseases (2 hours of classroom education and 1.5 hours of simulation).

1. How infection is spread (chain of infection/modes of transmission) and how to prevent infection.

2. Hand hygiene: handwashing, alcohol-based hand rub (ABHR), cough etiquette.

3. Standard precautions/personal protective equipment.
4. Handling of clean and soiled linens.
5. Disinfection of common use articles/equipment/high touch objects/areas.
6. Personal protective equipment (PPE) use and disposal.
7. The PCA will not be assigned or provide care or services to a resident on isolation precautions.
- (d) Emergency response measures (2 hours of classroom education and 1.5 hours of simulation).
 1. Fall prevention.
 2. What to do when a resident is found on the floor.
 3. Choking: abdominal thrusts.
 4. Fire safety.
 5. Weather safety.
- (e) Assistance with activities of daily living (4 hours of classroom education and 2 hours of simulation).
 1. Initial steps/responding to a call light.
 2. Obtaining a temperature (all routes other than rectal), reporting/documentation.
 3. Making an unoccupied bed/handling of linens.
 4. Turning and repositioning the resident while in bed.
 5. Transfer from bed to chair/wheelchair/use of Gait belt – one person standby/transfer.
 6. For anything beyond a one-person transfer, the PCA may only assist and must be directed by a certified/licensed staff member.
 7. Assistance with dressing/undressing.
 8. Incontinence/perineal care.
 9. Assist to toilet/use of urinal (only for a resident requiring one person/standby assistance).
 10. Oral care – conscious residents only.
 11. Devices/use/storage.
 - a. Hearing aids.
 - b. Eyeglasses.
 - c. Dentures.
 12. PCA may not apply or don orthotics and prosthetics devices or braces.
 13. Final steps/observations to report to the nurse.
 14. Assistance with bathing/showering.
- (f) Measuring vital signs (1 hour of classroom education and 1.5 hours of simulation).
- (g) Skin care and pressure sores prevention (30 minutes of classroom education and 1 hour of simulation).
 1. Basic care/interventions/devices.
 2. Offloading/floating heels.
 3. Observations to report to the nursing management or supervisor on duty.
 - a. Open area or skin condition observed to be lacking a dressing – emphasis on no dressing applied by the PCA.
 - b. Observed bruises, abrasions, or skin tears.
- (h) Portable oxygen use and safety (30 minutes of classroom education and 30 minutes of simulation).
 1. Nasal cannula/tubing/storage/observing liter flow.
 2. Potential hazards safety.
- (i) Nutrition and hydration (30 minutes).
 1. Mechanically altered diets/thickened liquids/adherence to diet.
 2. Passing trays/retrieving trays (set up/opening packages for residents who can consume meals independently).
 3. Passing ice water.
 4. Food storage/safety.
 5. PCAs cannot feed a resident prior to completing the training for paid feeding assistants required in Section 400.141, F.S.
- (j) Dementia care (1 hour).
 1. Stages of dementia/overview.
 2. Tips on communicating with cognitively impaired residents.

3. Recognition of when to seek additional staff assistance.
- (k) Mental health/challenging behaviors (1 hour).
 1. Responding to a challenging behavior.
 2. Recognition of when to seek additional staff assistance.
 3. Reporting a challenging behavior to nurse/manager on duty.
 4. Trauma informed care.
- (8) Required areas of hands on simulation (8 hours).
 - (a) Hand hygiene: handwashing, alcohol-based hand rub (ABHR), cough etiquette.
 - (b) Handling of clean and soiled linens.
 - (c) Disinfection of common use articles/equipment/high touch objects/areas.
 - (d) Personal protective equipment (PPE) use and disposal.
 - (e) What to do when a resident is found on the floor.
 - (f) Choking: abdominal thrusts.
 - (g) Fire safety.
 - (h) Initial steps/responding to a call light.
 - (i) Obtaining a temperature (all routes other than rectal), reporting/documentation.
 - (j) Making an unoccupied bed/handling of linens.
 - (k) Turning and repositioning the resident while in bed.
 - (l) Transfer from bed to chair/wheelchair/use of gait belt – one person standby/transfer.
 - (m) Assistance with dressing/undressing.
 - (n) Incontinence/perineal care.
 - (o) Assist to toilet/use of urinal (only for a resident requiring one person/standby assistance).
 - (p) Assistance with bathing/showering.
 - (q) Oral care – conscious residents only.
 - (r) Measuring Vital Signs.
 - (s) Basic care/interventions/devices.
 - (t) Offloading/floating heels.
 - (u) Nasal cannula/tubing/storage/observing liter flow.
- (9) This rule is in effect for five years from its effective date.

Rulemaking Authority 400.141, 400.23 FS. Law Implemented 400.141, 400.211(2)(d), 400.23 FS. History—New 5-4-22.