

FLORIDA

Overview

The Florida Agency for Health Care Administration, Division of Health Quality Assurance, Health Facility Regulation, licenses all adult day care (ADC) centers. Licenses are issued for a two-year period. The Department of Elderly Affairs, in conjunction with the Agency, adopts rules to implement the statutory provisions for ADC centers. A specialty license is needed to provide services as a Specialized Alzheimer's Services Adult Day Care Center. An ADC center can be a freestanding program or services can be offered through a nursing home, assisted living facility, or hospital.

Adult day health care (ADHC) is not a specific licensing category; however, it is a service that can be provided in an ADC center. ADC centers may choose to be ADHC providers. If so, they must furnish additional services, such as nursing and rehabilitative therapies, and meet related staffing requirements. ADHC is covered in the state's Medicaid Managed Long-Term Care Program, which has replaced six 1915(c) waiver programs that formerly served the aged and disabled populations.

All Medicaid providers must be licensed but if they contract directly with one of the state's managed care organizations they do not have to become a Medicaid-contracted provider. Managed long-term care plans may limit the providers in their networks based on credentials, quality indicators, and price, but they must include a minimum number of providers of all covered services.

Licensed assisted living facilities, licensed hospitals, and licensed nursing home facilities that provide ADC services to adults who are not residents are exempt from licensure as an ADC center, providing they do not hold themselves out to the public as one.

Definitions

Adult day care is a program of therapeutic social and health services as well as activities for adults who have functional impairments, furnished in a protective environment that provides as non-institutional an environment as possible. Participants may utilize a variety of services offered during any part of a day, but for less than a 24-hour period.

Adult day care center or **center** means any building, buildings, or part of a building, whether operated for profit or not, in which its owner or management provides for part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who

require such services. Any facility that comes within the definition of an ADC center must be licensed as such.

Parameters for Who Can Be Served

No participant may be admitted or retained in a center if the services required exceed those that the center is licensed to provide. Admission is limited to adults with functional impairments in need of a protective environment and a program of therapeutic social and health activities and services.

No participant who requires medication during the time spent at the center and who is incapable of self-administration may be admitted or retained unless there is a person licensed according to Florida law to administer medications who will provide this service.

Any participant who is diagnosed as having a communicable disease must be excluded from participation until deemed non-infectious. However, participants who have HIV infection may be admitted to the center, provided that they would otherwise be eligible.

Centers are not required to accept or retain any applicant or participant whose behavior and physical limitations are deemed hazardous to the safety of the individual or other participants, and such conditions shall constitute a basis for termination of center participation.

Inspection and Monitoring

An on-site inspection is conducted after an initial application for licensure is submitted to verify the information submitted on or in connection with the application. Subsequently, the Agency can conduct an on-site inspection at any reasonable time to determine compliance with licensing requirements. Any subsequent inspections are unannounced.

Licensed assisted living facilities, licensed hospitals, and licensed nursing home facilities that provide ADC services to adults who are not residents are monitored during their regular inspection and at least biennially to ensure adequate space and sufficient staff.

Required and Optional Services

All ADC programs furnish socialization, social activities, nutrition services, and supervision to ensure safety. They also monitor participants' health and functioning at a

basic level to determine if the program can continue to meet participants' health and functional needs. The table below lists additional required and optional services.

Required and Optional Services	Adult Day Care	
	Required	Optional ¹
ADL Assistance ²		
Health Education and Counseling		X*
Health Monitoring/Health-Related Services		X*
Medication Administration		X*
Nursing Services		X*
Physical Therapy, Occupational Therapy, or Speech Therapy		X
Skilled Nursing Services		
Social Services	X	
Transportation		X*
<p>1. All ADC providers may choose to offer optional services. If furnished, such services must be administered by staff qualified to provide them. To be considered an ADHC center, providers must offer services indicated with an asterisk (*), as well as medical screening, and other medical services. ADHC providers must furnish services for a minimum of 5 hours per day, 5 days per week.</p> <p>2. Assistance with activities of daily living (ADLs) is not specified as a basic service; however, providers must be able to provide the appropriate level of care and service to all participants.</p>		

Medication Provisions

“Supervision of self-administered medication” means reminding participants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of pre-packaged medication; reading the medication label to participants; observing participants while they take medication; checking the self-administered dosage against the label of the container; reassuring participants that they have obtained and are taking the dosage as prescribed; keeping daily records of when participants received supervision; and immediately reporting apparent adverse effects on a participant’s condition to the participant’s physician and responsible person. Supervision of self-administered medication must not be construed to mean that a center shall provide such supervision to participants who are capable of administering their own medication.

No participant who requires medication during the time spent at the center and who is incapable of self-administration can be admitted or retained unless there is a person licensed according to Florida law to administer medications. A physician, advanced registered nurse (RN) practitioner, dentist, licensed practical nurse (LPN), RN, or physician’s assistant can administer medications.

Staffing Requirements

Type of Staff. The center must employ qualified staff to provide the services, personal assistance, and safety measures required by participants. The owner or operator may serve in a dual capacity as an RN, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services. The owner or operator may be

counted as one of the required staff members, provided the owner or operator provides direct services and is included in the center's work schedule. The designated responsible person must be on the premises during the center's hours of operation.

If centers provide **adult day health care**, the following staff members are required: (1) a *registered nurse* or *licensed practical nurse* on site during the primary hours of program operation and on call during all hours the center is open; all LPNs must be supervised by an RN; (2) a *social worker* or *case manager* to provide and supervise the provision of social services, including counseling for participants' families and caregivers and compilation of a social history and psychosocial assessment of formal and informal support systems, and mental and emotional status; and (3) an *activity director* or *recreation therapist*, who may be retained as a consultant. All services provided by program aides must be directly supervised by the activity director or recreation therapist.

Staffing Ratios. At all times, staffing must be maintained to meet participants' needs as required by the participant file, including centers that serve persons with Alzheimer's disease and other types of dementia, persons with physical handicaps, or other special target populations.

- A minimum staff ratio of one staff member who provides direct services for every six participants must be present in the center at all times.
- If licensed as a specialized Alzheimer's services ADC center, the minimum staff-to-participant ratio is one staff member who provides direct services for every five participants with Alzheimer's disease or other dementia.
- No fewer than two staff, one of whom has a certification in an approved first-aid course and cardiovascular pulmonary resuscitation, must be present in the center at all times.
- The owner or operator may be counted as one of the required staff members if he or she provides direct services and is included in the center's work schedule. However, the owner or operator must not be counted more than once in the staff-to-participant ratio, calculated on the basis of daily census.

Training Requirements

Upon beginning employment with the facility, each employee must receive basic written information about interacting with participants who have Alzheimer's disease or other dementias.

In addition, newly hired ADC center personnel who are expected to--or whose responsibilities require them to have direct contact with participants with Alzheimer's disease or other dementias--must complete initial training of at least 1 hour within the

first 3 months after beginning employment. The training must include information to provide an understanding of Alzheimer's disease and other dementias, their characteristics, and how to communicate with participants who have these conditions.

Employees who will be providing direct care to a participant who has Alzheimer's disease or other dementia must complete an additional 3 hours of training within 9 months after beginning employment. This training must address the following topics as they apply to Alzheimer's disease and other dementias, including but not limited to: (1) the management of problem behaviors; (2) assistance with ADLs to promote participants' independence; (3) activities for participants; (4) stress management for caregivers; (5) family issues; (6) the participant's environment; and (7) ethical issues.

For certified nursing assistants, the required 4 hours of training must be part of the total hours of training required annually.

Location of Licensing, Certification, or Other Requirements

Florida Administrative Register and Florida Administrative Code. Rule Chapter 58A-6: Adult Day Care.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=58A-6>

Florida Agency for Health Care Administration website. Adult Day Care Statutes/Rule Authority; Survey Guidelines; Notices and Updates; Applications and Forms; and Resources.

http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Assisted_Living/adcc.shtml

Florida Agency for Health Care Administration website. Inspection Reports for Health Care Providers.

<http://ahca.myflorida.com/MCHQ/WebDmHelp/>

2014 Florida Statutes. Title XXX, Chapter 429.905 Exemptions: monitoring of adult day care center programs co-located with assisted living facilities or licensed nursing home facilities.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=adult+day+care&URL=0400-0499/0429/Sections/0429.905.html

2014 Florida Statutes. Title XXX, Chapter 429.917: Patients with Alzheimer's disease or other related disorders; staff training requirements for Specialized Alzheimer's Services, Adult Day Care Centers.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=adult+day+care&URL=0400-0499/0429/Sections/0429.917.html

Florida Agency for Health Care Administration website. Home and Community-Based Services Waivers.

http://www.fdhc.state.fl.us/Medicaid/hcbs_waivers/

Information Sources

Christine Powers
President
Florida Adult Day Services Association
and
Chair
Florida Alzheimer's Advisory Committee

Catherine Anne Avery
Unit Manager
Agency for Health Care Administration
Bureau of Health Facility Regulation

Devona Pickle
Administrator
Agency for Health Care Administration

REGULATORY REVIEW OF ADULT DAY SERVICES: FINAL REPORT, 2014 EDITION

Files Available for This Report

FULL REPORT

Executive Summary <http://aspe.hhs.gov/daltcp/reports/2014/adultday14es.cfm>
HTML <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.cfm>
PDF <http://aspe.hhs.gov/daltcp/reports/2014/adultday14.pdf>

SEPARATE STATE PROFILES

[**NOTE:** These profiles are available in the full HTML and PDF versions, as well as each state available as a separate PDF listed below.]

Alabama	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AL.pdf
Alaska	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AK.pdf
Arizona	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AZ.pdf
Arkansas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-AR.pdf
California	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CA.pdf
Colorado	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CO.pdf
Connecticut	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-CT.pdf
Delaware	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DE.pdf
District of Columbia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-DC.pdf
Florida	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-FL.pdf
Georgia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-GA.pdf
Hawaii	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-HI.pdf
Idaho	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ID.pdf
Illinois	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IL.pdf
Indiana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IN.pdf
Iowa	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-IA.pdf
Kansas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KS.pdf
Kentucky	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-KY.pdf
Louisiana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-LA.pdf

Maine	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ME.pdf
Maryland	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MD.pdf
Massachusetts	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MA.pdf
Michigan	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MI.pdf
Minnesota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MN.pdf
Mississippi	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MS.pdf
Missouri	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MO.pdf
Montana	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-MT.pdf
Nebraska	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NE.pdf
Nevada	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NV.pdf
New Hampshire	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NH.pdf
New Jersey	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NJ.pdf
New Mexico	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NM.pdf
New York	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NY.pdf
North Carolina	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-NC.pdf
North Dakota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-ND.pdf
Ohio	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OH.pdf
Oklahoma	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OK.pdf
Oregon	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-OR.pdf
Pennsylvania	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-PA.pdf
Rhode Island	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-RI.pdf
South Carolina	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SC.pdf
South Dakota	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-SD.pdf
Tennessee	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TN.pdf
Texas	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-TX.pdf
Utah	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-UT.pdf
Vermont	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VT.pdf
Virginia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-VA.pdf
Washington	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WA.pdf
West Virginia	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WV.pdf
Wisconsin	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WI.pdf
Wyoming	http://aspe.hhs.gov/daltcp/reports/2014/adultday14-WY.pdf