

FLORIDA

Overview			
<p>The Agency for Health Care Administration (the Agency), Division of Health Quality Assurance (HQA) Health Facility Regulation licenses all adult day care centers (ADCCs) as defined in <i>The 2004 Florida Statutes</i>. The Department of Elderly Affairs, in conjunction with the Agency, has adopted rules as defined in the <i>Florida Administrative Code</i> to implement the statutory provisions for ADCCs. This profile contains both statutory and regulatory language. Providers of adult day health care services under a Medicaid waiver must meet general and service-specific Medicaid provider qualifications.</p> <p>Licensed assisted living facilities, licensed hospitals, and licensed nursing home facilities that provide adult day care services to adults who are not residents are exempt from licensure as an adult day care center, providing they do not hold themselves out to the public as an ADCC. However, the Agency must monitor the facility during the regular inspection and at least biennially to ensure adequate space and sufficient staff.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care is a program of therapeutic social and health activities and services provided to adults who have functional impairments, in a protective environment that provides as noninstitutional an environment as possible. Participants may utilize a variety of services offered during any part of a day, but less than a 24-hour period.</p> <p>Adult day care center or <i>center</i> means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a 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 adult day care center must be licensed by the agency as an ADCC.</p> <p>Adult day health care is not defined in licensing or requirements; however, required and optional services are outlined.</p>			
Parameters for Who Can Be Served			
<p>No participant shall be admitted or retained in a center if the services required are beyond 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.</p> <p>No participant who requires medication during the time spent at the center and who is incapable of self-administration shall be admitted or retained unless there is a person licensed according to Florida law to administer medications.</p> <p>Any participant who is diagnosed a having a communicable disease shall be excluded from participation until deemed noninfectious. However, participants who have human immunodeficiency virus (HIV) infection may be admitted to the center, provided that they would otherwise be eligible according to the Rule.</p> <p>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.</p>			

Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
<p>In addition to an initial licensure survey, a biennial license renewal survey, and a follow-up survey, the Agency shall conduct on-site surveys of ADCCs for the purpose of determining compliance with the relevant statutes and rules. The Agency may conduct an abbreviated biennial inspection of key quality-of-care standards, in lieu of a full inspection, of a center that has a record of good performance. However, the Agency must conduct a full inspection of a center that has had one or more confirmed complaints within the licensure period immediately preceding the inspection or that has a serious problem identified during the abbreviated inspection. The Agency shall develop the key quality-of-care standards, taking into consideration the comments and recommendations of the Department of Elderly Affairs and of provider groups. These standards shall be included in rules adopted by the Department of Elderly Affairs.</p>				
Required and Optional Services				
	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling	X		X	
Health Monitoring/Health-Related Services		X	X	
Medication Administration		X	X	
Nursing Services		X	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X	X	
Skilled Nursing Services				
Social Services	X		X	
Transportation		X	X	
Provisions Regarding Medications				
<p>No participant who requires medication during the time spent at the center and who is incapable of self-administration shall 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, RN, licensed practical nurse (LPN), or physician's assistant can administer medications. Supervision of self-administered medication shall not be construed to mean that a center shall provide such supervision to participants who are capable of administering their own medications.</p> <p>No prescription drug shall be brought into the center unless it has been legally dispensed and labeled by a licensed pharmacist for the person for whom it is prescribed. Participants who can self-administer medications may bring and be responsible for their own medications, unless the preservation of medicines requires refrigeration; or medication is determined, and documented by the physician, to be hazardous if kept in the personal possession of the person for whom it was prescribed; or is a safety hazard to others at the center, in which cases the medications shall be centrally stored in a locked cabinet or container.</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> persons with physical disabilities		

Staffing Requirements

Type of staff. The center shall employ qualified staff to provide the services, personal assistance, and safety measures required by the 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 work schedule for the center. The designated responsible person shall be on the premises during the center's hours of operation.

If adult day health care services for aged persons or disabled adults are provided, the following staff members are required: (1) an *RN* or *LPN* on site during the primary hours of program operation and on call during all hours the center is open; (2) a *social worker* to 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.

Staffing ratios. A minimum staff ratio of one staff member who provides direct services for every six participants shall be present in the center at all times. No fewer than two staff, one of whom has a certification in an approved first aid course and cardiopulmonary resuscitation (CPR), shall be present in the center at all times. At all times staffing shall be maintained to meet the needs of the participants as required by the participant file, including centers that serve persons with Alzheimer's disease and other dementias, persons with physical handicaps, or other special target populations. The owner or operator shall 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 dementia-related disorders. In addition, 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.

In addition, 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 ADL, and instruction in skills for working with families and caregivers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Adult day care centers that provide services under the Aged and Adult Disabled Waiver must be licensed in accordance with Chapter 400, Part V, *Florida Statutes* and must meet the general Medicaid provider qualifications contained in the *Florida Medicaid Provider General Handbook*, and the service requirements contained in the *Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook*.

Adult day health care services are provided 4 or more hours per day on a regularly scheduled basis, for 1 or more days per week, in an outpatient setting. Adult day health care services encompass both health and social services needed to ensure the optimal functioning of the recipient. The services can be authorized up to 10 hours per day. However, authorization of more than 8 hours would be unusual and requires extensive written justification.

Location of Licensing, Certification, or Other Requirements

1. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0400/titl0400.htm
2. <http://fac.dos.state.fl.us/faconline/chapter58.pdf>
3. <http://floridamedicaid.acs-inc.com/XJContent/Aged%20and%20Disabled%20Adult%20Waiver%20Services?id=000001429515>
4. <http://floridamedicaid.acs-inc.com/XJContent/Medicaid%20Provider%20General%20Handbook?id=000000182139>

Citations

1. *The 2004 Florida Statutes* (Chapter 400, Nursing Homes and Related Health Care Facilities, Part V--Adult Day Care Centers, 400.55 through 400.564).
2. *Florida Administrative Code* (Chapter 58A-6 Adult Day Care, 58A-6.001 through 58A-6.016). Department of Elder Affairs. [Updated 3/29/98 through 1/1/04]
3. *Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook*, Agency for Health Care Administration. Florida Medicaid. [Effective 03/04, updated 01/05]
4. *Florida Medicaid Provider General Handbook*, Agency for Health Care Administration. Florida Medicaid. [Updated 01/05]

REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

<http://aspe.hhs.gov/daltcp/reports/adultday.pdf>

SECTION 1. Overview of Adult Day Services Regulations

<http://aspe.hhs.gov/daltcp/reports/adultday1.pdf>

SECTION 2. State Regulatory Profiles

<http://aspe.hhs.gov/daltcp/reports/adultday2.pdf>

Each state can also be viewed separately at:

Alabama <http://aspe.hhs.gov/daltcp/reports/adultdayAL.pdf>

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