



Promoting Excellence in Assisted Care Communities

Assisted Living Talking Points

August 8, 2011

On behalf of the Florida Assisted Living Association, and Patricia Lange, our Executive Director (who is attending the FALA Annual Conference in Bonita Springs), we would like to thank the Agency, Dr. Larry Polivka, Chair and all the members of the Assisted Living Workgroup for allowing us the opportunity to present some concerns and proposed solutions for your consideration.

I. Fragmented Regulations

- ALF oversight is stretched out among too many agencies and departments.
- Providers are confused and perplexed trying to wrap logic around the many directions they are pulled.
 - Part I, Chapter 429, F.S. continues to be stripped of the ALF regulations.
 - The ALF website causes many problems for the providers.
 - Providers are overwhelmed by the Proof of Financial Ability to Operate Statement.

Recommendations: FALA recommends that the workgroup put the ALF licensure and regulatory provisions back in its own statutes, Part I, Chapter 429, F. S. The regulations shouldn't be written to make it easier for the agencies and the departments; rather written to be public friendly.

FALA recommends that the ALF website be revisited to be public friendly.

FALA recommends that AHCA develop a financial statement that is appropriate for a residential program.

II. The Initial Survey Process is Flawed

- The Licensee is surveyed before a license is issued.
- Field Office surveyors are inconsistent in how they survey.
- There are no records, staff or residents.
- The ALF laws are resident driven.
- When the survey is completed (with no, staff, records or residents), AHCA is not required to re-survey for 2 years.

Recommendations: FALA recommends that the Provisional license criteria in Part I, Chapter 429, F.S. be utilized by AHCA. Again, these are residential homes and should be recognized as such.

III. Survey Inconsistencies

- There are inconsistencies from Field Office to Field Office and between facilities within that same Field Office.
- There are inconsistencies in how regulations are interpreted.

Recommendations: FALA recommends that ALF surveyor be core trained and be required to take 12 hours of continuing education biennially.

IV. Core Training

- The core test has not been updated since 2008.
- There is one person approved to do on-line core training. In this climate, on-line training is very scary.
- Caregivers and direct care staff are taking CPR and First Aid on-line.
- The ALF training requirements are outdated.
- There should be no exemptions from the core training requirements for any individual wishing to become an ALF administrator.
- FALA believes that appropriate and quality training will directly improve the overall services to residents.

Recommendations: FALA recommends that the ALF training requirements for administrators and caregivers be re-evaluated.

FALA recommends that on-line training be vetted properly with DOEA, trainers and other stakeholders.

FALA recommends that other options be pursued for the core testing and for routinely updating the core test.

V. Trainers

- Some trainers are not complying with ALF curriculum.
- Some trainers are not teaching the required hours.
- Some trainers are just passing out materials.
- Some certified trainers do not train at all.
- There are no sufficient regulations to give DOEA authority to sanction violators or to take away trainers certifications.
- It is not certain whether surveyors are aware to check administrators' core certification to make sure they are being trained by a DOEA certified trainer.

Recommendation: FALA recommends that AHCA, in partnership with DOEA and other stakeholders, craft language in rule which will give enforcement authority to deal with non-compliant trainers.

FALA recommends that trainers be required to meet a minimum number of trainings per year, as required by rule, and that the rule includes provisions to de-certify non-compliant trainers.