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Agency for Health Care Administration Furthers Governor DeSantis' Goal of Prioritizing Seniors First in Nursing Homes

On April 7 2022 the Agency for Health Care Administration (AHCA) announced that it [will move forward with the adoption of proposed rule 59A-4.1081](#) which formally establishes the requirements of the Personal Care Attendant (PCA) Training Program as directed in HB 485, passed during the 2021 Legislative Session.

This announcement comes [after Governor Ron DeSantis approved three bills yesterday impacting long-term care in Florida](#): SB 988, which guarantees families the fundamental right to visit their loved ones receiving care in health care facilities; HB 539, which strengthens financial transparency requirements for nursing homes; and HB 1239, which modernizes the calculation of minimum staffing ratios to account for health care professionals with more specialized qualifications.

“Over the past year, I have heard from nursing home operators across the state working to address record increases in operational costs and challenges in recruiting and retaining staff,” said **Agency for Health Care Administration Secretary Simone Marstiller**. “Today’s announcements reinforce Governor DeSantis’ Seniors First approach to protecting the health and welfare of Floridians residing in nursing homes while also ensuring that operators can recruit and retain staff to serve the residents in their care.”

[As announced by the Governor yesterday](#), SB 988 guarantees Florida families the fundamental right to visit their loved ones receiving care in hospitals, hospices, nursing homes, assisted living facilities, and intermediate care facilities for the developmentally disabled.

Additionally, the bill allows a resident, client, or patient the option to designate a visitor who is a family member, friend, guardian, or other individual as an essential caregiver. The provider must allow in-person visitation by the essential caregiver for at least 2 hours daily in addition to any other visitation authorized by the provider.

Since 2019, the State of Florida has continued to prioritize Seniors First through significant monetary investments in nursing homes. In order to protect the integrity of public funds, HB 539 amends the financial reporting requirements for nursing homes and their home offices to align with the financial reporting requirements of hospitals. This includes the requirement to annually submit audited, rather than unaudited, financials.

HB 1239 ensures Florida’s nursing homes can continue to provide high

quality care by modernizing required staffing ratios to account for both nursing staff and other direct care staff, including mental health counselors and physical and respiratory therapists. This change will incentivize operators to invest in more specialists to meet the needs of individual residents and statutory staffing requirements.

AHCA is in the final stages of the rulemaking process to fully implement HB 485, passed during the 2021 Legislative Session. The bill codified the temporary PCA Training Program implemented in March 2020. The PCA Training Program has created a pathway for individuals to develop the skills necessary to become a Certified Nursing Assistant (CNA) while receiving on the job experience.

Over the past year, nursing homes have reported a 130% increase in the use of the PCA Training program. Since 2020, nearly 3,000 have taken the CNA exam, 73% of whom have successfully passed and received their CNA license.

As the program continues to gain momentum, AHCA's proposed rule increases the number of hours of required training for PCAs prior to having direct contract with a resident. This is consistent with suggestions from stakeholders, including the American Association of Retired Persons (AARP).

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