

By Senator Sobel

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1 A bill to be entitled
2 An act relating to pediatric subacute care units;
3 creating s. 395.1028, F.S.; defining terms; providing
4 requirements for pediatric subacute care units
5 relating to admission, assessment, management, and
6 care of patients; requiring the unit to collaborate
7 with the local education agency to develop and
8 implement an education plan for patients above a
9 certain age; providing educational requirements and
10 responsibilities for nursing staff; requiring the
11 Agency for Health Care Administration, in
12 collaboration with the Division of Children's Medical
13 Services of the Department of Health, to adopt rules
14 for the operation of pediatric subacute care units;
15 providing an effective date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Section 395.1028, Florida Statutes, is created
20 to read:

21 395.1028 Pediatric subacute care units; admission
22 requirements; staffing.-

23 (1) As used in this section, the term:

24 (a) "Pediatric subacute care services" means health care
25 services required by a person less than 21 years of age who uses
26 a medical technology that compensates for the loss of a vital
27 bodily function.

28 (b) "Pediatric subacute care unit" means an identifiable
29 unit of a certified nursing facility that provides pediatric

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30 subacute care services and is licensed as a skilled nursing
31 facility under this chapter.

32 (c) "Pediatric subacute patient" means a patient who is
33 less than 21 years of age, is medically fragile, and requires
34 special services, including, but not limited to, respiratory
35 therapy; tracheostomy care, including, but not limited to,
36 intravenous feeding; or complex wound management care.

37 (d) "Subacute care" means a level of care required by a
38 patient who does not require hospital acute care, but who
39 requires more intensive licensed skilled nursing care than is
40 provided to the majority of patients in a skilled nursing
41 facility.

42 (2) A pediatric subacute care unit shall:

43 (a) Accept and retain only patients for whom it can provide
44 appropriate care pursuant to this section.

45 (b) Provide a safe, clean, comfortable, and nurturing
46 homelike environment designed to promote normal child
47 development.

48 (c) Serve patients based on age, gender, developmental
49 level, and social needs in a manner designed to promote their
50 growth and development.

51 (d) Designate a resident care manager, whose staffing time
52 equals one full-time position for every 20 patients. This
53 position shall be dedicated to the pediatric subacute care unit
54 and be separate from other nurse staffing hours required by the
55 facility. The resident care manager shall be a registered nurse
56 who possesses the knowledge and ability to assess and meet the
57 current needs of each pediatric subacute patient. The resident
58 care manager's responsibilities include, but are not limited to:

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59 1. Coordinating patient admissions.

60 2. Acting as a liaison between the patient, family members,
61 the interdisciplinary team, and the community to ensure that
62 services to meet the patient's needs are initiated and delivered
63 in accordance with an individualized plan of care and treatment.

64 3. Referring patients who qualify for special educational
65 services pursuant to the Individuals with Disabilities Education
66 Act, 20 U.S.C. ss. 1400 et seq., early intervention programs,
67 and special education programs offered under the Florida K-20
68 Education Code.

69 4. Coordinating with local and state agencies and programs
70 that provide services to children.

71 5. Coordinating patient and family education.

72 6. Preparing and implementing a discharge plan for each
73 patient.

74 7. Organizing quarterly care plan meetings with the patient
75 and the patient's parent or legal representative to determine
76 the appropriate time for discharge to the least restrictive
77 environment.

78 (e) Provide for a comprehensive developmental assessment
79 for each pediatric subacute patient who is under 36 months of
80 age. The assessment shall be performed by a qualified
81 professional with training and expertise specific to the
82 assessment of, and program planning for, infant and child
83 development. The professional who performs the developmental
84 assessment shall:

85 1. Assess the patient's abilities and needs in at least the
86 following areas, where applicable, within 14 calendar days after
87 the patient is admitted to the pediatric subacute care unit:

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- 88 a. Sensorimotor development, including gross motor skills,
89 fine motor skills, and visual motor perception.
- 90 b. Social development and cognitive development.
- 91 c. Self-help development, including developmentally
92 appropriate feeding, toileting, dressing, and grooming.
- 93 d. Language and communication skills.
- 94 e. Play and recreation needs.
- 95 2. Prepare a developmental program for each patient with
96 specific goals and activity plans to reach each goal.
- 97 3. Provide direct developmental services to patients in
98 accordance with the developmental program.
- 99 4. Provide ongoing instruction to pediatric subacute direct
100 patient care unit staff on the daily activities required to
101 facilitate continuity of the developmental program.
- 102 5. Monitor the progress of the patient in reaching the
103 goals of the developmental program, reassess the patient and
104 revise the developmental program at least quarterly.
- 105 6. Maintain a record of the developmental program in the
106 patient's medical chart, including regular progress notes.
- 107 7. Participate in interdisciplinary team conferences.
- 108 8. Provide family education and advocacy to meet the
109 medical and educational needs of the patient.
- 110 9. Make recommendations to the resident care manager
111 regarding the provision of continuing developmental services
112 before the patient is discharged to a lower level of care.
- 113 (f) Incorporate each patient's developmental program into
114 his or her comprehensive nursing care plan. The nursing care
115 plan shall be revised based on changes in the developmental
116 program.

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117 (g) Work with the local education agency to develop and
118 implement an individual education plan for each pediatric
119 subacute care patient who is 36 months of age or older. The
120 facility shall incorporate activities identified in the
121 individual education plan, as appropriate, into the patient's
122 comprehensive nursing care plan. To facilitate the continuity of
123 educational goals, the local education agency shall instruct
124 facility staff on strategies to incorporate individual education
125 plan goals into after-school activities.

126 (h) For each pediatric subacute patient who is under 36
127 months of age, incorporate activities identified in the
128 individual family service plan, as appropriate, in the patient's
129 comprehensive nursing plan. To facilitate continuity of
130 services, the local education agency shall instruct facility
131 staff on strategies to incorporate the goals of the individual
132 family service plan in such activities.

133 (i) Implement and maintain a system for determining patient
134 requirements for nursing care based on patient needs with goals
135 that are time limited, as provided in each patient's
136 comprehensive care plan.

137 (j) Maintain documentation of compliance with this section
138 and provide such documentation to the agency upon request.

139 (3) The agency shall adopt rules providing minimum staffing
140 requirements for pediatric subacute care units. These
141 requirements must include, for each unit:

142 (a) Maintenance of a nursing staff level sufficient to
143 ensure prompt recognition of any untoward change in patient
144 condition and facilitate appropriate nursing, medical, or other
145 intervention.

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146 (b) Designation of a head nurse, who shall be a registered
147 nurse and shall manage the nursing staff of the unit. A head
148 nurse must submit proof of completion of at least 10 continuing
149 education units specific to the physical and psychosocial
150 assessment of, and provision of care to, critically ill children
151 within 1 year after the date of hire.

152 (c) A minimum daily average of 7.0 actual, unduplicated
153 licensed nursing hours per patient day, including 24 hours of
154 registered nurse care, 1.5 hours of certified nursing assistant
155 care per patient day, and 2.5 hours of respiratory care per
156 patient day.

157 (d) A minimum of one registered nurse per shift, not
158 including the head nurse, unless at least 80 percent of the head
159 nurse's time is spent in direct patient care. In such a case,
160 the remaining 20 percent of the head nurse's time must be spent
161 performing managerial duties.

162 (4) Each licensed nurse employed in the unit shall provide
163 evidence of an acquired competency, which shall be documented in
164 the nurse's personnel records, including:

165 (a) Proof of completion of at least 10 continuing education
166 units specific to the provision of care to critically ill
167 children, within 1 year after date of hire. These units are to
168 be included in the continuing education total that is currently
169 required and are not in addition to the continuing education
170 requirement.

171 (b) Proof of completion of at least 40 hours of direct
172 practical experience and training in providing nursing services
173 to the types of pediatric patients with technology dependency
174 for whom the facility provides care, within 2 months after date

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175 of hire. The training must be provided by a registered nurse and
176 may be provided during the licensed nurse's normal working
177 hours.

178 (c) Cardiopulmonary resuscitation certification. A
179 registered nurse, a licensed practical nurse, or a respiratory
180 therapist shall have upon date of hire, or shall obtain and
181 subsequently maintain within 90 calendar days after date of
182 hire, pediatric advanced cardiopulmonary resuscitation life
183 support certification.

184 (5) To serve as a nursing assistant in a pediatric subacute
185 care unit, a person must be certified as a nursing assistant
186 under part II of chapter 464, unless the person is a registered
187 nurse or practical nurse licensed in accordance with part I of
188 chapter 464 or an applicant for such licensure who is permitted
189 to practice nursing in accordance with rules adopted by the
190 Board of Nursing pursuant to part I of chapter 464.

191 (6) A nurse who provides direct care and is assigned to the
192 pediatric subacute care unit, including the head nurse, may not
193 be assigned duties outside of the unit.

194 (7) The agency, in collaboration with the Division of
195 Children's Medical Services of the Department of Health, shall
196 adopt rules for the operation of pediatric subacute care units.

197 Section 2. This act shall take effect July 1, 2014.