

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/HB 767 — Assisted Living Facilities

by Health and Human Services Committee; Health Market Reform Subcommittee; and Rep. Grant and others (CS/CS/SB 402 by Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill amends various statutes related to the regulation of an assisted living facility (ALF). The bill:

- Allows the use of certain physical restraints in ALFs, including any device the resident chooses to use and is able to remove or avoid independently.
- Requires ALFs to submit a preliminary adverse incident report and final report through the Agency for Health Care Administration's (AHCA) online portal or by electronic mail if the portal is offline.
- Revises adverse incident reporting notifications for the AHCA and requirements for ALFs.
- Authorizes unlicensed ALF staff to change the bandages of residents for minor cuts and abrasions.
- Authorizes a resident or his or her representative, designee, surrogate, guardian, or attorney, as applicable, to contract for services with a third party and provides requirements for third-party communication with the facility and for an ALF to document that it received such communication.
- Removes the preexisting requirement for ALF staff assisting with the self-administration of medication to read the label of the medication to the resident. Instead, the bill requires staff to, in the presence of the resident, confirm the medication is correct and advise the resident of the medication name and dosage. The bill also allows the resident to sign a waiver to opt-out of being orally advised and provides that the waiver must be immediately updated each time the resident's medications and dosage change.
- Allows ALFs to admit residents that require 24-hour nursing care, residents that are receiving hospice services, or residents who are bedridden that meet specific criteria.
- Clarifies the requirements for a resident to be admitted to and retained in an ALF.
- Requires each resident to have a medical examination performed no longer than 60 days prior to or up to 30 days after admission to the ALF and requires the AHCA to adopt a form in rule that may be used by the health care practitioner performing the medical examination.
- Amends the Resident Bill of Rights to allow the State Long-Term Care Ombudsman Program to provide assistance to a resident who needs to be relocated due to the closure of a facility and requires the notice of relocation to include a statement that the resident may contact the ombudsman.
- Requires an ALF to notify a resident's representative or designee of the need for health care services and assist in making appointments if an underlying condition of dementia or cognitive impairment is determined to exist. If the resident does not have a representative or designee or the ALF cannot reach their representative or designee, the ALF must arrange for the necessary care and services to treat the condition with an appropriate health care provider.

This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.
--

- Amends the AHCA's rulemaking authority to account for technological advances in the provision of care, safety, and security.
- Clarifies who may approve an ALF's comprehensive emergency management plan and allows an ALF to submit the plan up to 30 days after receiving a license.
- Requires the AHCA to conduct a full inspection instead of an abbreviated biennial licensure inspection to review the key quality-of-care standards for a facility that has a class I, class II, or uncorrected class III violation resulting from a complaint referred by the State Long-Term Care Ombudsman Program.
- Consolidates provisions related to fire safety into their own section of law rather than being intermingled with the AHCA's rulemaking authority.
- Amends several provisions related to the ALF administrator core competency curriculum and examination to clarify that the AHCA must adopt an outline and learning objectives for such curriculum.

If approved by the Governor, these provisions take effect July 1, 2020.

Vote: Senate 39-0; House 119-0