

THE FLORIDA SENATE  
2022 SUMMARY OF LEGISLATION PASSED  
**Committee on Health Policy**

**CS/CS/HB 1239 — Nursing Homes**

by Health and Human Services Committee; Finance and Facilities Subcommittee; and Rep. Melo (CS/CS/SB 804 by Rules Committee; Health Policy Committee; and Senator Albritton)

The bill makes several changes to Florida Statutes related to nursing home staffing and changes of ownership.

***Nursing Home Staffing***

CS/CS/HB 1239 amends multiple sections of the Florida Statutes to modify nursing home staffing requirements. The bill modifies the definition of “resident care plan” and defines the terms “direct care staff” and “facility assessment.” The bill allows the 3.6 hours of direct care required under preexisting law to be met with direct care staff rather than requiring certified nursing assistant (CNA) and nurse staffing to provide all of those hours of care. The bill also reduces the requirement that a nursing home must provide a minimum of 2.5 hours of CNA staffing per resident per day to 2.0 hours of CNA staffing per resident per day.

The bill specifies that complying with the minimum requirements is not admissible as evidence of compliance with certain federal regulations. The bill also specifies that the required 3.6 weekly average of direct care staffing hours includes hours provided by paid feeding assistants who have completed a feeding assistant training program, that feeding assistance provided by CNAs and nurses may count toward their respective required minimum hours, that staffing hours do not include time spent on certain administrative tasks, and that nursing assistants employed under CNA training and personal care attendant programs may count toward providing such hours of care. The bill requires nursing homes to document compliance with staffing standards, to maintain records for five years, and to report staffing in accordance with specified federal law.

***Changes of Ownership and Other Provisions***

The bill also revises provisions in s. 400.024, F.S., related to changes of ownership in nursing homes. The bill specifies that any adverse final judgment of a nursing home that is changing ownership becomes the responsibility and liability of the new owner if the Agency for Health Care Administration (AHCA) approves the change in ownership. Additionally, the bill requires a nursing home to provide written notice to any claimant, by certified mail or other method that provides verification of receipt, after the licensee or controlling interest files a change of ownership application within 14 days of filing the application allows such claimant 30 days after receipt of the notice to file an objection to the change of ownership. The AHCA must consider any objection when making its decision to approve or deny the change of ownership application. Additionally, the bill specifies that information contained in annual financial reports filed by nursing homes with the AHCA is discoverable and may be admissible in a civil or administrative action.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 28-9; House 80-31*