

By Senator Holzendorf

2-1311-98

See HB

1 A bill to be entitled
2 An act relating to nursing homes; providing a
3 short title; amending s. 400.23, F.S.;
4 requiring rules providing staffing requirements
5 for nursing homes; providing minimum ratios of
6 certified nursing assistants to residents;
7 providing application of requirements;
8 requiring certain information to be posted in
9 each facility; amending s. 400.063, F.S.;
10 conforming a cross reference; providing an
11 effective date.

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

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15 Section 1. Section 400.23(3), Florida Statutes, may be
16 cited as the "Florida Nursing Home Quality Care Act."

17 Section 2. Subsections (3) through (13) of section
18 400.23, Florida Statutes, are renumbered as subsections (4)
19 through (14), respectively, and a new subsection (3) is added
20 to said section to read:

21 400.23 Rules; criteria; Nursing Home Advisory
22 Committee; evaluation and rating system; fee for review of
23 plans.--

24 (3) The agency shall adopt rules providing staffing
25 requirements for nursing homes, including minimum staffing
26 requirements for certified nursing assistants. These rules
27 shall include the following requirements for each nursing home
28 facility:

29 (a) The facility shall maintain a minimum ratio of
30 certified nursing assistants to residents of not less than:
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1 1. Day shift: one certified nursing assistant for
2 every eight residents.

3 2. Afternoon shift: one certified nursing assistant
4 for every 10 residents.

5 3. Midnight shift: one certified nursing assistant
6 for every 15 residents.

7 (b) An employee designated as a member of the nursing
8 staff shall not provide services such as food preparation,
9 housekeeping, laundry, or maintenance services. A person
10 employed to provide such services shall not provide nursing
11 care to residents and shall not be counted in determining the
12 ratios of residents to nursing staff.

13 (c) The requirements provided in this subsection shall
14 apply to all nursing home residents, including respite care
15 residents, and must be adjusted upward to meet any special
16 care needs of residents. Staffing assignments must be based on
17 accurate acuity levels and the intensity and time needed to
18 provide safe, preventive, and restorative care. The
19 requirements provided in this subsection must be enforced for
20 all residents, regardless of payment source. No ongoing
21 waivers shall be allowed.

22 (d) The facility shall post the current ratios of
23 residents to staff for each wing and floor of the facility and
24 for each shift. The posted ratios shall show separately the
25 number of residents to licensed nursing staff and the number
26 of residents to unlicensed nursing staff directly responsible
27 for resident care. In addition, such information shall be
28 posted for the most recently concluded cost-reporting period
29 in the form of average daily staffing ratios for that period.
30 This information must be posted in each facility in a manner
31 which is visible and accessible to all residents and their

1 families and caregivers, and to potential consumers of the
2 facility's services.

3 Section 3. Subsection (1) of section 400.063, Florida
4 Statutes, is mended to read:

5 400.063 Resident Protection Trust Fund.--

6 (1) A Resident Protection Trust Fund shall be
7 established for the purpose of collecting and disbursing funds
8 generated from the license fees and administrative fines as
9 provided for in ss. 393.0673(2), 400.062(3)(b), 400.111(1),
10 400.121(2), and 400.23~~(10)~~⁽⁹⁾. Such funds shall be for the
11 sole purpose of paying for the appropriate alternate
12 placement, care, and treatment of residents who are removed
13 from a facility licensed under this part or a facility
14 specified in s. 393.0678(1) in which the agency determines
15 that existing conditions or practices constitute an immediate
16 danger to the health, safety, or security of the residents.
17 If the agency determines that it is in the best interest of
18 the health, safety, or security of the residents to provide
19 for an orderly removal of the residents from the facility, the
20 agency may utilize such funds to maintain and care for the
21 residents in the facility pending removal and alternative
22 placement. The maintenance and care of the residents shall be
23 under the direction and control of a receiver appointed
24 pursuant to s. 393.0678(1) or s. 400.126(1). However, funds
25 may be expended in an emergency upon a filing of a petition
26 for a receiver, upon the declaration of a state of local
27 emergency pursuant to s. 252.38(3)(a)5., or upon a duly
28 authorized local order of evacuation of a facility by
29 emergency personnel to protect the health and safety of the
30 residents.

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1 Section 4. This act shall take effect October 1 of the
2 year in which enacted.

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5 HOUSE SUMMARY

6 Creates the "Florida Nursing Home Quality Care Act."
7 Directs the Agency for Health Care Administration to
8 adopt rules providing staffing requirements for nursing
9 homes, including minimum requirements for the ratio of
10 certified nursing assistants to residents. Provides for
11 determination of such ratios and application to all
12 residents. Requires posting of information on such ratios
13 in each facility in specified places and in a visible and
14 accessible manner.

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