

By Representative Barreiro

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 the Agency for Health Care
5 Administration to adopt rules providing the
6 minimum staffing requirements for nursing
7 homes; providing minimum ratios of nurses and
8 nursing assistants to residents; providing
9 application of requirements; requiring certain
10 information to be posted in each facility;
11 amending s. 400.063, F.S.; conforming a cross
12 reference; providing an effective date.

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

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

18 Section 2. Subsections (3) through (13) of section
19 400.23, Florida Statutes, 1998 Supplement, are renumbered as
20 subsections (4) through (14), respectively, and a new
21 subsection (3) is added to said section to read:

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

25 (3) The agency shall adopt rules providing the minimum
26 staffing requirements for nursing homes. These requirements
27 shall include, for each nursing facility:

28 (a) The facility shall maintain a minimum ratio of
29 certified nursing assistants to residents of not less than:

30 1. Day shift: one certified nursing assistant for
31 every eight residents.

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

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

5 (b) The facility shall maintain a minimum ratio of
6 registered nurses or licensed practical nurses to residents of
7 not less than:

8 1. Day shift: one nurse for every 15 residents.

9 2. Afternoon shift: one nurse for every 25 residents.

10 3. Night shift: one nurse for every 35 residents.

11 (c) An employee designated as a member of the nursing
12 staff shall not provide services such as food preparation,
13 housekeeping, laundry, or maintenance services. A person
14 employed to provide such services shall not provide nursing
15 care to residents and shall not be counted in determining the
16 ratios of residents to nursing staff.

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

29
30 The agency's rules shall further provide that the minimum
31 staffing requirements apply to all nursing home residents,

1 including respite care residents, and must be adjusted upward
2 to meet any special care needs of residents, and that staffing
3 assignments must be based on accurate acuity levels and the
4 intensity and time needed to provide safe, preventive, and
5 restorative care. The requirements provided in this subsection
6 must be enforced for all residents, regardless of payment
7 source. No ongoing waivers shall be allowed.

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

10 400.063 Resident Protection Trust Fund.--

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

1 emergency pursuant to s. 252.38(3)(a)5., or upon a duly
2 authorized local order of evacuation of a facility by
3 emergency personnel to protect the health and safety of the
4 residents.

5 Section 4. This act shall take effect October 1, 1999.

6

7

8

HOUSE SUMMARY

9

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

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31