

Bill No. CS for SB 2034, 1st Eng.

Amendment No. ____

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Forman moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 66, between lines 22 and 23,		
15			
16	insert:		
17	Section 38. Subsection (4) of section 20.41, Florida		
18	Statutes, is amended to read:		
19	20.41 Department of Elderly Affairs.--There is created		
20	a Department of Elderly Affairs.		
21	(4) The department shall administratively house the		
22	State Long-Term Care Ombudsman Council, created by s.		
23	400.0067, and the <u>local</u> district long-term care ombudsman		
24	councils, created by s. 400.0069 and shall, as required by s.		
25	712 of the federal Older Americans Act of 1965, ensure that		
26	both the state and <u>local</u> district long-term care ombudsman		
27	councils operate in compliance with the Older Americans Act.		
28	The councils in performance of their duties shall not be		
29	subject to control, supervision, or direction by the		
30	department.		
31	Section 39. Paragraph (h) of subsection (4) of section		

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1 395.3025, Florida Statutes, is amended to read:

2 395.3025 Patient and personnel records; copies;
3 examination.--

4 (4) Patient records are confidential and must not be
5 disclosed without the consent of the person to whom they
6 pertain, but appropriate disclosure may be made without such
7 consent to:

8 (h) The State Long-Term Care Ombudsman Council and the
9 local ~~district~~ long-term care ombudsman councils, with respect
10 to the records of a patient who has been admitted from a
11 nursing home or long-term care facility, when the councils are
12 conducting an investigation involving the patient as
13 authorized under part II of chapter 400, upon presentation of
14 identification as a council member by the person making the
15 request. Disclosure under this paragraph shall only be made
16 after a competent patient or the patient's representative has
17 been advised that disclosure may be made and the patient has
18 not objected.

19 Section 40. Paragraph (b) of subsection (3) of section
20 400.0063, Florida Statutes, is amended to read:

21 400.0063 Establishment of Office of State Long-Term
22 Care Ombudsman; designation of ombudsman and legal advocate.--

23 (3)

24 (b) The duties of the legal advocate shall include,
25 but not be limited to:

26 1. Assisting the ombudsman in carrying out the duties
27 of the office with respect to the abuse, neglect, or violation
28 of rights of residents of long-term care facilities.

29 2. Assisting the state and local ~~district~~ ombudsman
30 councils in carrying out their responsibilities under this
31 part.

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1 3. Initiating and prosecuting legal and equitable
2 actions to enforce the rights of long-term care facility
3 residents as defined in this chapter.

4 4. Serving as legal counsel to the state and local
5 ~~district~~ ombudsman councils, or individual members thereof,
6 against whom any suit or other legal action is initiated in
7 connection with the performance of the official duties of the
8 councils or an individual member.

9 Section 41. Paragraph (f) of subsection (1) and
10 subsections (2) and (3) of section 400.0065, Florida Statutes,
11 are amended to read:

12 400.0065 State Long-Term Care Ombudsman; duties and
13 responsibilities; conflict of interest.--

14 (1) The purpose of the Office of State Long-Term Care
15 Ombudsman shall be to:

16 (f) Provide administrative and technical assistance to
17 state and local ~~district~~ ombudsman councils.

18 (2) The State Long-Term Care Ombudsman shall have the
19 duty and authority to:

20 (a) Assist and support the efforts of the State
21 Long-Term Care Ombudsman Council in the establishment and
22 coordination of local ~~district~~ ombudsman councils throughout
23 the state.

24 (b) Perform the duties specified in state and federal
25 law, rules, and regulations.

26 (c) Within the limits of federal and state funding
27 authorized and appropriated, employ such personnel, including
28 staff for local ~~district~~ ombudsman councils, as are necessary
29 to perform adequately the functions of the office and provide
30 or contract for legal services to assist the state and local
31 ~~district~~ ombudsman councils in the performance of their

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1 duties. Staff positions for each local district ombudsman
2 council may be established as career service positions, and
3 shall be filled by the ombudsman after ~~in~~ consultation with
4 the respective local district ombudsman council.

5 (d) Contract for services necessary to carry out the
6 activities of the office.

7 (e) Apply for, receive, and accept grants, gifts, or
8 other payments, including, but not limited to, real property,
9 personal property, and services from a governmental entity or
10 other public or private entity or person, and make
11 arrangements for the use of such grants, gifts, or payments.

12 (f) Annually prepare a budget request that shall be
13 submitted to the Governor by the department for transmittal to
14 the Legislature.

15 ~~(f) Perform the duties specified in state and federal~~
16 ~~law without interference by officials of the Department of~~
17 ~~Elderly Affairs, the Agency for Health Care Administration, or~~
18 ~~the Department of Children and Family Services. The ombudsman~~
19 ~~shall report to the Governor, the President of the Senate, and~~
20 ~~the Speaker of the House of Representatives whenever~~
21 ~~organizational or departmental policy issues threaten the~~
22 ~~ability of the Office of State Long-Term Care Ombudsman to~~
23 ~~carry out its duties under state or federal law.~~

24 (g) Coordinate, to the greatest extent possible, state
25 and local district ombudsman services with the protection and
26 advocacy systems for individuals with developmental
27 disabilities and mental illnesses and with legal assistance
28 programs for the poor through adoption of memoranda of
29 understanding and other means.

30 (h) Enter into a cooperative agreement with the
31 statewide and district human rights advocacy committees for

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1 the purpose of coordinating advocacy services provided to
2 residents of long-term care facilities.

3 (i) Enter into a cooperative agreement with the office
4 of state government which is responsible for investigating
5 Medicaid fraud.

6 (3) The State Long-Term Care Ombudsman shall not:

7 (a) Have a direct involvement in the licensing or
8 certification of, or an ownership or investment interest in, a
9 long-term care facility or a provider of a long-term care
10 service.

11 (b) Be employed by, or participate in the management
12 of, a long-term care facility.

13 (c) Receive, or have a right to receive, directly or
14 indirectly, remuneration, in cash or in kind, under a
15 compensation agreement with the owner or operator of a
16 long-term care facility.

17
18 The Department of Elderly Affairs, in consultation with the
19 ombudsman, shall adopt rules to establish procedures to
20 identify and eliminate conflicts of interest as described in
21 this subsection.

22 Section 42. Section 400.0066, Florida Statutes, is
23 created to read:

24 400.0066 Long-Term Care Ombudsman and departments of
25 state government.--

26 (1) The Long-Term Care Ombudsman shall perform the
27 duties specified in state and federal law.

28 (2) Officials from the Department of Elderly Affairs,
29 the Agency for Health Care Administration, and the Department
30 of Children and Family Services shall not interfere in the
31 performance of official duties of any ombudsman staff or

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1 volunteers.

2 (3) The Department of Elderly Affairs shall provide
3 administrative support to the ombudsman program. The
4 department shall meet the costs associated with these
5 functions from funds appropriated to the department.

6 (4) The department shall include the costs associated
7 with support of the ombudsman program in developing its budget
8 requests for consideration by the Governor and submittal to
9 the Legislature.

10 (5) The department may divert from the federal
11 ombudsman appropriation an amount not to exceed 10 percent of
12 the federal appropriation for the ombudsman.

13 Section 43. Section 400.0067, Florida Statutes, is
14 amended to read:

15 400.0067 Establishment of State Long-Term Care
16 Ombudsman Council; duties; membership.--

17 (1) There is created within the Office of State
18 Long-Term Care Ombudsman, the State Long-Term Care Ombudsman
19 Council.

20 (2) The State Long-Term Care Ombudsman Council shall:

21 (a) Assist the ombudsman in reaching a consensus among
22 local district ombudsman councils on issues of statewide
23 concern.

24 (b) Serve as an appellate body in receiving from the
25 local district ombudsman councils complaints not resolved at
26 the local district level. The state ombudsman council may
27 enter any long-term care facility involved in an appeal,
28 pursuant to the conditions specified in s. 400.0069(3).

29 (c) Assist the ombudsman to discover, investigate, and
30 determine the existence of abuse or neglect in any long-term
31 care facility and to develop procedures, in consultation with

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1 the Department of Elderly Affairs, relating to such
2 investigations. Investigations may consist, in part, of one or
3 more onsite administrative inspections.

4 (d) Assist the ombudsman in eliciting, receiving,
5 responding to, and resolving complaints made by or on behalf
6 of long-term care facility residents and in developing
7 procedures, in consultation with the Department of Elderly
8 Affairs, relating to the receipt and resolution of such
9 complaints.

10 (e) Elicit and coordinate state, local, and voluntary
11 organizational assistance for the purpose of improving the
12 care received by residents of a long-term care facility.

13 (f) Be authorized to call upon appropriate agencies of
14 state government for such professional assistance as may be
15 needed in the discharge of its duties, including assistance
16 from the adult protective services program of the Department
17 of Children and Family Services.

18 ~~(g) Enter into a cooperative agreement with the~~
19 ~~statewide and district human rights advocacy committees for~~
20 ~~the purpose of coordinating advocacy services provided to~~
21 ~~residents of long-term care facilities.~~

22 (g)~~(h)~~ Prepare an annual report describing the
23 activities carried out by the ombudsman and the State
24 Long-Term Care Ombudsman Council in the year for which the
25 report is prepared. The State Long-Term Care Ombudsman
26 Council shall submit the report to the Commissioner of the
27 United States Administration on Aging, the Governor, the
28 President of the Senate, the Speaker of the House of
29 Representatives, the minority leaders of the House and Senate,
30 the chairpersons of appropriate House and Senate committees,
31 the Secretaries of Elderly Affairs and Children and Family

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1 Services, and the Director of Health Care Administration. The
2 report shall be submitted at least 30 days before the
3 convening of the regular session of the Legislature and shall,
4 at a minimum:

5 1. Contain and analyze data collected concerning
6 complaints about and conditions in long-term care facilities.

7 2. Evaluate the problems experienced by residents of
8 long-term care facilities.

9 3. Contain recommendations for improving the quality
10 of life of the residents and for protecting the health,
11 safety, welfare, and rights of the residents.

12 4. Analyze the success of the ombudsman program during
13 the preceding year and identify the barriers that prevent the
14 optimal operation of the program. The report of the program's
15 successes shall also address the relationship between the
16 state long-term care ombudsman program, the Department of
17 Elderly Affairs, the Agency for Health Care Administration,
18 and the Department of Children and Family Services, and an
19 assessment of how successfully the state long-term care
20 ombudsman program has carried out its responsibilities under
21 the Older Americans Act.

22 5. Provide policy and regulatory and legislative
23 recommendations to solve identified problems; resolve
24 residents' complaints; improve the quality of care and life of
25 the residents; protect the health, safety, welfare, and rights
26 of the residents; and remove the barriers to the optimal
27 operation of the state long-term care ombudsman program.

28 6. Contain recommendations from the local district
29 ombudsman councils regarding program functions and activities.

30 7. Include a report on the activities of the legal
31 advocate and other legal advocates acting on behalf of the

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1 local district and state councils.

2 (3)(a) The State Long-Term Care Ombudsman Council
3 shall be composed of one active member designated by each
4 local council plus three persons appointed by the Governor ~~a~~
5 ~~number of members equal to the number of district councils in~~
6 ~~the state plus three. Each district ombudsman council,~~
7 ~~including the ombudsman councils for subdistricts 3A and 3B,~~
8 ~~shall appoint one member and the Governor shall appoint three~~
9 ~~members to the State Long-Term Care Ombudsman Council. An~~
10 ~~individual designated by a district ombudsman council must~~
11 ~~have been a member of a district ombudsman council for at~~
12 ~~least 1 year, and shall continue to serve as an active member~~
13 ~~at the district level. The Governor's appointments shall be~~
14 ~~made from a list of not fewer than eight nominees, to be~~
15 ~~selected by the secretary in consultation with the State~~
16 ~~Long-Term Care Ombudsman Council and submitted to the~~
17 ~~Governor. If the appointments are not made within 30 days~~
18 ~~after the Governor receives the list of nominees, the~~
19 ~~secretary shall, in consultation with the State Long-Term Care~~
20 ~~Ombudsman Council, appoint three members from the list of~~
21 ~~nominees submitted to the Governor. At least one member~~
22 ~~appointed by the Governor must be over 60 years of age.~~

23 (b) The ombudsman, in consultation with the secretary
24 and the state ombudsman council, shall submit to the Governor
25 a list of at least eight names of persons who are not serving
26 on a local council.

27 (c) The Governor shall appoint three members chosen
28 from the list, at least one of whom must be over 60 years of
29 age.

30 (d) If the Governor's appointments are not made within
31 60 days after the ombudsman submits the list, the ombudsman,

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1 in consultation with the State Long-Term Care Ombudsman
2 Council, shall appoint three members, one of whom must be over
3 60 years of age.

4 (e)(b) All members shall be appointed to serve 3-year
5 terms. A member of the State Long-Term Care Ombudsman Council
6 may not serve more than two consecutive terms. Any vacancy
7 shall be filled in the same manner as the original
8 appointment. The position of any member missing three
9 consecutive regular meetings without cause shall be declared
10 vacant. The finding of the ombudsman regarding cause shall be
11 final and binding.

12 (f)(c) The state ombudsman council shall elect a
13 chairperson for a term of 1 year from among the members who
14 have served for at least 1 year. The chairperson shall select
15 a vice chairperson from among the members. The vice
16 chairperson shall preside over the council in the absence of
17 the chairperson.

18 (g)(d) The state ombudsman council shall meet upon the
19 call of the chairperson, at least quarterly or more frequently
20 as needed.

21 (h)(e) Members shall receive no compensation but shall
22 be reimbursed for per diem and travel expenses as provided in
23 s. 112.061.

24 ~~(4) Members shall be appointed and serve 3-year terms~~
25 ~~as provided by this section.~~

26 (4)(5) No officer, employee, or representative of the
27 Office of State Long-Term Care Ombudsman or of the State
28 Long-Term Care Ombudsman Council, nor any member of the
29 immediate family of such officer, employee, or representative,
30 may have a conflict of interest. The Department of Elderly
31 Affairs, in consultation with the ombudsman, shall adopt rules

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1 to identify and remove conflicts of interest.

2 ~~(5)(6)~~ The Department of Elderly Affairs shall make a
3 separate and distinct request for an appropriation for all
4 expenses for the state and local ~~district~~ ombudsman councils.

5 Section 44. Section 400.0069, Florida Statutes, is
6 amended to read:

7 400.0069 Local ~~District~~ long-term care ombudsman
8 councils; duties; membership.--

9 (1) There shall be at least one long-term care
10 ombudsman council in each of the planning and service areas of
11 the Department of Elderly Affairs, which shall function under
12 the direction of the ombudsman and the state ombudsman
13 council.

14 (2) The duties of the local ~~district~~ ombudsman council
15 are:

16 (a) To serve as a third-party mechanism for protecting
17 the health, safety, welfare, and civil and human rights of
18 residents of a long-term care facility.

19 (b) To discover, investigate, and determine the
20 existence of abuse or neglect in any long-term care facility
21 and to use the procedures provided for in ss. 415.101-415.113
22 when applicable. Investigations may consist, in part, of one
23 or more onsite administrative inspections.

24 (c) To elicit, receive, investigate, respond to, and
25 resolve complaints made by, or on behalf of, long-term care
26 facility residents.

27 (d) To review and, if necessary, to comment on, for
28 their effect on the rights of long-term care facility
29 residents, all existing or proposed rules, regulations, and
30 other governmental policies relating to long-term care
31 facilities.

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1 (e) To review personal property and money accounts of
2 Medicaid residents pursuant to an investigation to obtain
3 information regarding a specific complaint or problem.

4 (f) To represent the interests of residents before
5 government agencies and to seek administrative, legal, and
6 other remedies to protect the health, safety, welfare, and
7 rights of the residents.

8 (g) To carry out other activities that the ombudsman
9 determines to be appropriate.

10 (3) In order to carry out the duties specified in
11 subsection (2), the local ~~district~~ ombudsman council is
12 authorized, pursuant to ss. 400.19(1) and 400.434, to enter
13 any long-term care facility without notice or first obtaining
14 a warrant, subject to the provisions of s. 400.0073(5).

15 (4) Each local ~~district~~ ombudsman council shall be
16 composed of no less than 15 members and no more than 30
17 members from the local planning and service area ~~district~~, to
18 include the following: one medical or osteopathic physician
19 whose practice includes or has included a substantial number
20 of geriatric patients and who may have limited practice in a
21 long-term care facility; one registered nurse who has
22 geriatric experience, if possible; one licensed pharmacist;
23 one registered dietitian; at least six nursing home residents
24 or representative consumer advocates for nursing home
25 residents; at least three residents of assisted living
26 facilities or adult family-care homes or three representative
27 consumer advocates for long-term care facility residents; one
28 attorney; and one professional social worker. In no case
29 shall the medical director of a long-term care facility or an
30 employee of the Agency for Health Care Administration, the
31 Department of Children and Family Services, or the Department

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1 of Elderly Affairs serve as a member or as an ex officio
2 member of a council. Each member of the council shall certify
3 that neither the council member nor any member of the council
4 member's immediate family has any conflict of interest
5 pursuant to subsection (10). Local ~~District~~ ombudsman
6 councils are encouraged to recruit council members who are 60
7 years of age or older.

8 (5) All members shall be appointed to serve 3-year
9 terms. Upon expiration of a term and in case of any other
10 vacancy, the council shall select ~~appoint~~ a replacement by
11 majority vote ~~of the council, subject to the approval of the~~
12 Governor. The ombudsman shall review the selection of the
13 council and recommend approval or disapproval to the Governor.
14 If no action is taken by the Governor to approve or disapprove
15 the replacement of a member within 30 days after the ombudsman
16 ~~council~~ has notified the Governor of his or her
17 recommendation, the appointment, the appointment of the
18 replacement shall be considered disapproved and the process
19 for selection of a replacement shall be repeated ~~approved~~. ~~The~~
20 ~~term of any member missing three consecutive regular meetings~~
21 ~~without cause shall be declared vacant.~~

22 (6) The local ~~district~~ ombudsman council shall elect a
23 chair for a term of 1 year from members who have served at
24 least 1 year. The chair shall select a vice chair from among
25 the members of the council. The vice chair shall preside over
26 the council in the absence of the chair.

27 (7) The local ~~district~~ ombudsman council shall meet
28 upon the call of the chair or the ombudsman, at least once a
29 month or more frequently as needed to handle emergency
30 situations.

31 (8) A member of a local ~~district~~ ombudsman council

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1 shall receive no compensation but shall be reimbursed for
2 travel expenses both within and outside the county of
3 residence in accordance with the provisions of s. 112.061.

4 (9) The local ~~district~~ ombudsman councils are
5 authorized to call upon appropriate agencies of state
6 government for such professional assistance as may be needed
7 in the discharge of their duties. All state agencies shall
8 cooperate with the local ~~district~~ ombudsman councils in
9 providing requested information and agency representatives at
10 council meetings. The Department of Children and Family
11 Services shall continue to provide space and in-kind
12 administrative support for each district ombudsman council
13 staff within available resources until the Legislature
14 appropriates funds for office space and administrative
15 support.

16 (10) No officer, employee, or representative of a
17 local ~~district~~ long-term care ombudsman council, nor any
18 member of the immediate family of such officer, employee, or
19 representative, may have a conflict of interest. The
20 Department of Elderly Affairs, in consultation with the
21 ombudsman, shall adopt rules to identify and remove conflicts
22 of interest.

23 Section 45. Section 400.0071, Florida Statutes, is
24 amended to read:

25 400.0071 Complaint procedures.--

26 (1) The state ombudsman council shall establish state
27 and local ~~district~~ procedures for receiving complaints against
28 a nursing home or long-term care facility or its employee.

29 (2) These procedures shall be posted in full view in
30 every nursing home or long-term care facility. Every resident
31 or representative of a resident shall receive, upon admission

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1 to a nursing home or long-term care facility, a printed copy
2 of the procedures of the state and the local ~~district~~
3 ombudsman councils.

4 Section 46. Section 400.0073, Florida Statutes, is
5 amended to read:

6 400.0073 State and local ~~district~~ ombudsman council
7 investigations.--

8 (1) A local ~~district~~ ombudsman council shall
9 investigate any complaint of a resident or representative of a
10 resident based on an action by an administrator or employee of
11 a nursing home or long-term care facility which might be:

12 (a) Contrary to law.

13 (b) Unreasonable, unfair, oppressive, or unnecessarily
14 discriminatory, even though in accordance with law.

15 (c) Based on a mistake of fact.

16 (d) Based on improper or irrelevant grounds.

17 (e) Unaccompanied by an adequate statement of reasons.

18 (f) Performed in an inefficient manner.

19 (g) Otherwise erroneous.

20 (2) In an investigation, both the state and local
21 ~~district~~ ombudsman councils have the authority to hold
22 hearings.

23 (3) Subsequent to an appeal from a local ~~district~~
24 ombudsman council, the state ombudsman council may investigate
25 any nursing home or long-term care facility.

26 (4) In addition to any specific investigation made
27 pursuant to a complaint, the local ~~district~~ ombudsman council
28 shall conduct, at least annually, an investigation, which
29 shall consist, in part, of an onsite administrative
30 inspection, of each nursing home or long-term care facility
31 within its jurisdiction.

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1 (5) Any onsite administrative inspection conducted by
2 an ombudsman council shall be subject to the following:

3 (a) All inspections shall be at times and for
4 durations necessary to produce the information required to
5 carry out the duties of the council.

6 (b) No advance notice of an inspection shall be
7 provided to any nursing home or long-term care facility,
8 except that notice of followup inspections on specific
9 problems may be provided.

10 (c) Inspections shall be conducted in a manner which
11 will impose no unreasonable burden on nursing homes or
12 long-term care facilities, consistent with the underlying
13 purposes of this part. Unnecessary duplication of efforts
14 among council members or the councils shall be reduced to the
15 extent possible.

16 (d) Any ombudsman council member physically present
17 for the inspection shall identify himself or herself and the
18 statutory authority for his or her inspection of the facility.

19 (e) Inspections may not unreasonably interfere with
20 the programs and activities of clients within the facility.
21 Ombudsman council members shall respect the rights of
22 residents.

23 (f) All inspections shall be limited to compliance
24 with parts II, III, and VII of this chapter and 42 U.S.C. ss.
25 1396(a) et seq., and any rules or regulations promulgated
26 pursuant to such laws.

27 (g) No ombudsman council member shall enter a
28 single-family residential unit within a long-term care
29 facility without the permission of the resident or the
30 representative of the resident.

31 (h) Any inspection resulting from a specific complaint

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1 made to an ombudsman council concerning a facility shall be
2 conducted within a reasonable time after the complaint is
3 made.

4 (6) An inspection may not be accomplished by forcible
5 entry. Refusal of a long-term care facility to allow entry of
6 any ombudsman council member constitutes a violation of part
7 II, part III, or part VII of this chapter.

8 Section 47. Section 400.0075, Florida Statutes, is
9 amended to read:

10 400.0075 Complaint resolution procedures.--

11 (1) Any complaint, including any problem identified by
12 an ombudsman council as a result of an investigation, deemed
13 valid and requiring remedial action by the local district
14 ombudsman council shall be identified and brought to the
15 attention of the long-term care facility administrator in
16 writing. Upon receipt of such document, the administrator, in
17 concurrence with the local district ombudsman council chair,
18 shall establish target dates for taking appropriate remedial
19 action. If, by the target date, the remedial action is not
20 completed or forthcoming, the local district ombudsman council
21 may:

22 (a) Extend the target date if the council has reason
23 to believe such action would facilitate the resolution of the
24 complaint.

25 (b) In accordance with s. 400.0077, publicize the
26 complaint, the recommendations of the council, and the
27 response of the long-term care facility.

28 (c) Refer the complaint to the state ombudsman
29 council.

30
31 If the health, safety, welfare, or rights of the resident are

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1 in imminent danger, the local ~~district~~ long-term care
2 ombudsman council may seek immediate legal or administrative
3 remedies to protect the resident.

4 (2) Upon referral from the local ~~district~~ ombudsman
5 council, the state ombudsman council shall assume the
6 responsibility for the disposition of the complaint. If a
7 long-term care facility fails to take action on a complaint
8 found valid by the state ombudsman council, the state council
9 may:

10 (a) In accordance with s. 400.0077, publicize the
11 complaint, the recommendations of the council, and the
12 response of the long-term care facility.

13 (b) Recommend to the agency a series of facility
14 reviews pursuant to s. 400.19(4) to assure correction and
15 nonrecurrence of conditions that give rise to complaints
16 against a long-term care facility.

17 (c) Recommend to the agency changes in rules for
18 inspecting and licensing or certifying long-term care
19 facilities, and recommend to the Agency for Health Care
20 Administration changes in rules for licensing and regulating
21 long-term care facilities.

22 (d) Refer the complaint to the state attorney for
23 prosecution if there is reason to believe the long-term care
24 facility or its employee is guilty of a criminal act.

25 (e) Recommend to the Agency for Health Care
26 Administration that the long-term care facility no longer
27 receive payments under the State Medical Assistance Program
28 (Medicaid).

29 (f) Recommend that the agency initiate procedures for
30 revocation of license in accordance with chapter 120.

31 (g) Seek legal, administrative, or other remedies to

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1 protect the health, safety, welfare, or rights of the
2 resident.

3

4 If the health, safety, welfare, or rights of the resident are
5 in imminent danger, the State Long-Term Care Ombudsman Council
6 shall seek immediate legal or administrative remedies to
7 protect the resident.

8 (3) The state ombudsman council shall provide, as part
9 of its annual report required pursuant to s.
10 400.0067(2)(~~g~~)(~~h~~), information relating to the disposition of
11 all complaints to the Department of Elderly Affairs.

12 Section 48. Paragraph (a) of subsection (1) and
13 subsections (4) and (5) of section 400.0077, Florida Statutes,
14 are amended to read:

15 400.0077 Confidentiality.--

16 (1) The following are confidential and exempt from the
17 provisions of s. 119.07(1):

18 (a) Resident records held by the ombudsman or by the
19 state or a local ~~district~~ ombudsman council.

20 (4) Members of any state or local ~~district~~ ombudsman
21 council shall not be required to testify in any court with
22 respect to matters held to be confidential under s. 400.414
23 except as may be necessary to enforce the provisions of this
24 act.

25 (5) Subject to the provisions of this section, the
26 Department of Elderly Affairs, in consultation with the
27 ombudsman and the State Long-Term Care Ombudsman Council,
28 shall adopt rules for the disclosure by the ombudsman or local
29 ~~district~~ ombudsman councils of files maintained by the
30 program.

31 Section 49. Subsection (2) of section 400.0079,

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1 Florida Statutes, is amended to read:

2 400.0079 Immunity.--

3 (2) The ombudsman or any person acting on behalf of
4 the Office of State Long-Term Care Ombudsman or the state or a
5 local district long-term care ombudsman council shall be
6 immune from any liability, civil or criminal, that otherwise
7 might be incurred or imposed, during the good faith
8 performance of official duties.

9 Section 50. Section 400.0081, Florida Statutes, is
10 amended to read:

11 400.0081 Access.--

12 (1) The Office of State Long-Term Care Ombudsman, the
13 State Long-Term Care Ombudsman Council, and the local district
14 long-term care ombudsman councils, or their representatives,
15 shall have access to:

16 (a) Long-term care facilities and residents.

17 (b) Medical and social records of a resident for
18 review, if:

19 1. The office has the permission of the resident or
20 the legal representative of the resident; or

21 2. The resident is unable to consent to the review and
22 has no legal representative.

23 (c) Medical and social records of the resident as
24 necessary to investigate a complaint, if:

25 1. A legal guardian of the resident refuses to give
26 permission.

27 2. The office has reasonable cause to believe that the
28 guardian is not acting in the best interests of the resident.

29 3. The representative obtains the approval of the
30 ombudsman.

31 (d) The administrative records, policies, and

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1 documents to which the residents, or the general public, have
2 access.

3 (e) Upon request, copies of all licensing and
4 certification records maintained by the state with respect to
5 a long-term care facility.

6 (2) Notwithstanding paragraph (1)(b), if, pursuant to
7 a complaint investigation by the state ombudsman council or a
8 local district ombudsman council, the legal representative of
9 the resident refuses to give permission for the release of the
10 resident's records, and if the Office of ~~the~~ State Long-Term
11 Care Ombudsman ~~Council~~ has reasonable cause to find that the
12 legal representative is not acting in the best interests of
13 the resident, the medical and social records of the resident
14 must be made available to the state or local district council
15 as is necessary for the members of the council to investigate
16 the complaint.

17 (3) The Department of Elderly Affairs, in consultation
18 with the ombudsman and the State Long-Term Care Ombudsman
19 Council, shall adopt rules to establish procedures to ensure
20 access as described in this section.

21 Section 51. Subsections (1) and (2) of section
22 400.0083, Florida Statutes, are amended to read:

23 400.0083 Interference; retaliation; penalties.--

24 (1) It shall be unlawful for any person, long-term
25 care facility, or other entity to willfully interfere with a
26 representative of the Office of ~~the~~ State Long-Term Care
27 Ombudsman, the State Long-Term Care Ombudsman Council, or a
28 local district long-term care ombudsman council in the
29 performance of official duties.

30 (2) It shall be unlawful for any person, long-term
31 care facility, or other entity to retaliate against any

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1 resident, employee, or other person for filing a complaint
2 with, providing information to, or otherwise cooperating with
3 any representative of the Office of ~~the~~ State Long-Term Care
4 Ombudsman, the State Long-Term Care Ombudsman Council, or a
5 local ~~district~~ long-term care ombudsman council.

6 Section 52. Section 400.0087, Florida Statutes, is
7 amended to read:

8 400.0087 Agency oversight.--

9 (1) The Department of Elderly Affairs shall monitor
10 the local ~~district~~ ombudsman councils responsible for carrying
11 out the duties delegated by s. 400.0069 and federal law. The
12 department, in consultation with the ombudsman and the State
13 Long-Term Care Ombudsman Council, shall adopt rules to
14 establish the policies and procedures for the monitoring of
15 local ~~district~~ ombudsman councils.

16 (2) The department is responsible for ensuring that
17 the Office of State Long-Term Care Ombudsman prepares its
18 annual report; provides information to public and private
19 agencies, legislators, and others; provides appropriate
20 training to representatives of the office or of the state or
21 local ~~district~~ long-term care ombudsman councils; and
22 coordinates ombudsman services with the Advocacy Center for
23 Persons with Disabilities and with providers of legal services
24 to residents of long-term care facilities in compliance with
25 state and federal laws.

26 (3) The Department of Elderly Affairs is the
27 designated state unit on aging for purposes of complying with
28 the federal Older Americans Act. The Department of Elderly
29 Affairs shall ensure that the ombudsman program has the
30 objectivity and independence required to qualify it for
31 funding under the federal Older Americans Act, and shall carry

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1 out the long-term care ombudsman program through the Office of
 2 ~~the~~ State Long-Term Care Ombudsman ~~Council~~. The Department of
 3 Elderly Affairs shall also:

4 (a) Receive and disburse state and federal funds for
 5 purposes that the state ombudsman council has formulated in
 6 accordance with the Older Americans Act.

7 (b) Act as liaison between the federal program
 8 representatives, the staffs of the state and local ~~district~~
 9 ombudsman councils, and members of the state and local
 10 ~~district~~ ombudsman councils.

11 Section 53. Section 400.0089, Florida Statutes, is
 12 amended to read:

13 400.0089 Agency reports.--The State Long-Term Care
 14 Ombudsman Council, shall, in cooperation with the Department
 15 of Elderly Affairs, maintain a statewide uniform reporting
 16 system to collect and analyze data relating to complaints and
 17 conditions in long-term care facilities and to residents, for
 18 the purpose of identifying and resolving significant problems.
 19 The council shall submit such data as part of its annual
 20 report required pursuant to s. 400.0067(2)(g)(~~h~~) to the Agency
 21 for Health Care Administration, the Department of Children and
 22 Family Services, the Statewide Human Rights Advocacy
 23 Committee, the Advocacy Center for Persons with Disabilities,
 24 the Commissioner for the United States Administration on
 25 Aging, the National Ombudsman Resource Center, and any other
 26 state or federal entities that the ombudsman determines
 27 appropriate.

28 Section 54. Section 400.0091, Florida Statutes, is
 29 amended to read:

30 400.0091 Training.--The ombudsman shall provide
 31 appropriate training to all employees of the Office of State

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1 Long-Term Care Ombudsman and to the state and local district
 2 long-term care ombudsman councils, including all unpaid
 3 volunteers. The ombudsman shall implement the training
 4 program no later than June 1, 1994. No employee, officer, or
 5 representative of the office or of the state or local district
 6 long-term care ombudsman councils, other than the ombudsman,
 7 may carry out any authorized ombudsman duty or responsibility
 8 unless the person has received the training required by this
 9 section and has been approved by the ombudsman as qualified to
 10 carry out ombudsman activities on behalf of the office or the
 11 state or local district long-term care ombudsman councils.

12 Section 55. Present subsections (8), (9), and (10) of
 13 section 400.021, Florida Statutes, are renumbered as
 14 subsections (7), (8), and (9), respectively, and present
 15 subsection (7) is renumbered as subsection (10) and amended to
 16 read:

17 400.021 Definitions.--When used in this part, unless
 18 the context otherwise requires, the term:

19 ~~(10)(7)~~ "Local District ombudsman council" means a
 20 local district long-term care ombudsman council established
 21 pursuant to s. 400.0069, located within the Older Americans
 22 Act planning and service areas.

23 Section 56. Paragraph (c) of subsection (1) and
 24 subsections (2) and (3) of section 400.022, Florida Statutes,
 25 are amended to read:

26 400.022 Residents' rights.--

27 (1) All licensees of nursing home facilities shall
 28 adopt and make public a statement of the rights and
 29 responsibilities of the residents of such facilities and shall
 30 treat such residents in accordance with the provisions of that
 31 statement. The statement shall assure each resident the

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1 following:

2 (c) Any entity or individual that provides health,
3 social, legal, or other services to a resident has the right
4 to have reasonable access to the resident. The resident has
5 the right to deny or withdraw consent to access at any time by
6 any entity or individual. Notwithstanding the visiting policy
7 of the facility, the following individuals must be permitted
8 immediate access to the resident:

9 1. Any representative of the federal or state
10 government, including, but not limited to, representatives of
11 the Department of Children and Family Services, the Department
12 of Health, the Agency for Health Care Administration, the
13 Office of the Attorney General, and the Department of Elderly
14 Affairs; any law enforcement officer; members of the state or
15 local district ombudsman council; and the resident's
16 individual physician.

17 2. Subject to the resident's right to deny or withdraw
18 consent, immediate family or other relatives of the resident.

19
20 The facility must allow representatives of the State Long-Term
21 Care Ombudsman Council to examine a resident's clinical
22 records with the permission of the resident or the resident's
23 legal representative and consistent with state law.

24 (2) The licensee for each nursing home shall orally
25 inform the resident of the resident's rights and provide a
26 copy of the statement required by subsection (1) to each
27 resident or the resident's legal representative at or before
28 the resident's admission to a facility. The licensee shall
29 provide a copy of the resident's rights to each staff member
30 of the facility. Each such licensee shall prepare a written
31 plan and provide appropriate staff training to implement the

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1 provisions of this section. The written statement of rights
2 must include a statement that a resident may file a complaint
3 with the agency or local ~~district~~ ombudsman council. The
4 statement must be in boldfaced type and shall include the
5 name, address, and telephone numbers of the local ~~district~~
6 ombudsman council and adult abuse registry where complaints
7 may be lodged.

8 (3) Any violation of the resident's rights set forth
9 in this section shall constitute grounds for action by the
10 agency under the provisions of s. 400.102. In order to
11 determine whether the licensee is adequately protecting
12 residents' rights, the annual inspection of the facility shall
13 include private informal conversations with a sample of
14 residents to discuss residents' experiences within the
15 facility with respect to rights specified in this section and
16 general compliance with standards, and consultation with the
17 ombudsman council in the local ~~district~~ in which the nursing
18 home is located.

19 Section 57. Subsections (8), (9), (11), (12), (13),
20 and (14) of section 400.0255, Florida Statutes, are amended to
21 read:

22 400.0255 Resident transfer or discharge; requirements
23 and procedures; hearings.--

24 (8) The notice required by subsection (7) must be in
25 writing and must contain all information required by state and
26 federal law, rules, or regulations applicable to Medicaid or
27 Medicare cases. The agency shall develop a standard document
28 to be used by all facilities licensed under this part for
29 purposes of notifying residents of a discharge or transfer.
30 Such document must include a means for a resident to request
31 the local ~~district~~ long-term care ombudsman council to review

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1 the notice and request information about or assistance with
2 initiating a fair hearing with the department's Office of
3 Appeals Hearings. In addition to any other pertinent
4 information included, the form shall specify the reason
5 allowed under federal or state law that the resident is being
6 discharged or transferred, with an explanation to support this
7 action. Further, the form shall state the effective date of
8 the discharge or transfer and the location to which the
9 resident is being discharged or transferred. The form shall
10 clearly describe the resident's appeal rights and the
11 procedures for filing an appeal, including the right to
12 request the local ~~district~~ ombudsman council to review the
13 notice of discharge or transfer. A copy of the notice must be
14 placed in the resident's clinical record, and a copy must be
15 transmitted to the resident's legal guardian or representative
16 and to the local ~~district~~ ombudsman council.

17 (9) A resident may request that the local ~~district~~
18 ombudsman council review any notice of discharge or transfer
19 given to the resident. When requested by a resident to review
20 a notice of discharge or transfer, the local ~~district~~
21 ombudsman council shall do so within 7 days after receipt of
22 the request. The nursing home administrator, or the
23 administrator's designee, must forward the request for review
24 contained in the notice to the local ~~district~~ ombudsman
25 council within 24 hours after such request is submitted.
26 Failure to forward the request within 24 hours after the
27 request is submitted shall toll the running of the 30-day
28 advance notice period until the request has been forwarded.

29 (11) Notwithstanding paragraph (10)(b), an emergency
30 discharge or transfer may be implemented as necessary pursuant
31 to state or federal law during the period of time after the

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1 notice is given and before the time a hearing decision is
2 rendered. Notice of an emergency discharge or transfer to the
3 resident, the resident's legal guardian or representative, and
4 the local ~~district~~ ombudsman council if requested pursuant to
5 subsection (9) must be by telephone or in person. This notice
6 shall be given before the transfer, if possible, or as soon
7 thereafter as practicable. A local ~~district~~ ombudsman council
8 conducting a review under this subsection shall do so within
9 24 hours after receipt of the request. The resident's file
10 must be documented to show who was contacted, whether the
11 contact was by telephone or in person, and the date and time
12 of the contact. If the notice is not given in writing, written
13 notice meeting the requirements of subsection (8) must be
14 given the next working day.

15 (12) After receipt of any notice required under this
16 section, the local ~~district~~ ombudsman council may request a
17 private informal conversation with a resident to whom the
18 notice is directed, and, if known, a family member or the
19 resident's legal guardian or designee, to ensure that the
20 facility is proceeding with the discharge or transfer in
21 accordance with the requirements of this section. If
22 requested, the local ~~district~~ ombudsman council shall assist
23 the resident with filing an appeal of the proposed discharge
24 or transfer.

25 (13) The following persons must be present at all
26 hearings authorized under this section:

27 (a) The resident, or the resident's legal
28 representative or designee.

29 (b) The facility administrator, or the facility's
30 legal representative or designee.

31

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1 A representative of the local ~~district~~ long-term care
2 ombudsman council may be present at all hearings authorized by
3 this section.

4 (14) In any hearing under this section, the following
5 information concerning the parties shall be confidential and
6 exempt from the provisions of s. 119.07(1):

- 7 (a) Names and addresses.
- 8 (b) Medical services provided.
- 9 (c) Social and economic conditions or circumstances.
- 10 (d) Evaluation of personal information.
- 11 (e) Medical data, including diagnosis and past history
12 of disease or disability.

13 (f) Any information received verifying income
14 eligibility and amount of medical assistance payments. Income
15 information received from the Social Security Administration
16 or the Internal Revenue Service must be safeguarded according
17 to the requirements of the agency that furnished the data.

18
19 The exemption created by this subsection does not prohibit
20 access to such information by a local ~~district~~ long-term care
21 ombudsman council upon request, by a reviewing court if such
22 information is required to be part of the record upon
23 subsequent review, or as specified in s. 24(a), Art. I of the
24 State Constitution.

25 Section 58. Subsection (1) of section 400.19, Florida
26 Statutes, is amended to read:

27 400.19 Right of entry and inspection.--

28 (1) The agency and any duly designated officer or
29 employee thereof or a member of the State Long-Term Care
30 Ombudsman Council or the local ~~district~~ long-term care
31 ombudsman council shall have the right to enter upon and into

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1 the premises of any facility licensed pursuant to this part,
2 or any distinct nursing home unit of a hospital licensed under
3 chapter 395 or any freestanding facility licensed under
4 chapter 395 that provides extended care or other long-term
5 care services, at any reasonable time in order to determine
6 the state of compliance with the provisions of this part and
7 rules in force pursuant thereto. The right of entry and
8 inspection shall also extend to any premises which the agency
9 has reason to believe is being operated or maintained as a
10 facility without a license, but no such entry or inspection of
11 any premises shall be made without the permission of the owner
12 or person in charge thereof, unless a warrant is first
13 obtained from the circuit court authorizing same. Any
14 application for a facility license or renewal thereof, made
15 pursuant to this part, shall constitute permission for and
16 complete acquiescence in any entry or inspection of the
17 premises for which the license is sought, in order to
18 facilitate verification of the information submitted on or in
19 connection with the application; to discover, investigate, and
20 determine the existence of abuse or neglect; or to elicit,
21 receive, respond to, and resolve complaints. The agency shall,
22 within 60 days after receipt of a complaint made by a resident
23 or resident's representative, complete its investigation and
24 provide to the complainant its findings and resolution.

25 Section 59. Subsection (1) of section 400.191, Florida
26 Statutes, is amended to read:

27 400.191 Availability, distribution, and posting of
28 reports and records.--

29 (1) The agency shall provide information to the public
30 about all of the licensed nursing home facilities operating in
31 the state. The agency shall, within 60 days after an annual

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1 inspection visit or within 30 days after any interim visit to
2 a facility, send copies of the inspection reports to the local
3 ~~district~~ long-term care ombudsman council, the agency's local
4 office, and a public library or the county seat for the county
5 in which the facility is located.

6 Section 60. Subsection (6) and paragraph (c) of
7 subsection (7) of section 400.23, Florida Statutes, are
8 amended to read:

9 400.23 Rules; evaluation and deficiencies; licensure
10 status.--

11 (6) Prior to conducting a survey of the facility, the
12 survey team shall obtain a copy of the local ~~district~~
13 long-term care ombudsman council report on the facility.
14 Problems noted in the report shall be incorporated into and
15 followed up through the agency's inspection process. This
16 procedure does not preclude the local ~~district nursing home~~
17 ~~and~~ long-term care ~~facility~~ ombudsman council from requesting
18 the agency to conduct a followup visit to the facility.

19 (7) The agency shall, at least every 15 months,
20 evaluate all nursing home facilities and make a determination
21 as to the degree of compliance by each licensee with the
22 established rules adopted under this part as a basis for
23 assigning a licensure status to that facility. The agency
24 shall base its evaluation on the most recent inspection
25 report, taking into consideration findings from other official
26 reports, surveys, interviews, investigations, and inspections.
27 The agency shall assign a licensure status of standard or
28 conditional to each nursing home.

29 (c) In evaluating the overall quality of care and
30 services and determining whether the facility will receive a
31 conditional or standard license, the agency shall consider the

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1 needs and limitations of residents in the facility and the
2 results of interviews and surveys of a representative sampling
3 of residents, families of residents, ombudsman council members
4 in the planning and service area ~~district~~ in which the
5 facility is located, guardians of residents, and staff of the
6 nursing home facility.

7 Section 61. Subsection (13) of section 400.419,
8 Florida Statutes, is amended to read:

9 400.419 Violations; administrative fines.--

10 (13) The agency shall develop and disseminate an
11 annual list of all facilities sanctioned or fined \$5,000 or
12 more for violations of state standards, the number and class
13 of violations involved, the penalties imposed, and the current
14 status of cases. The list shall be disseminated, at no charge,
15 to the Department of Elderly Affairs, the Department of
16 Health, the Department of Children and Family Services, the
17 area agencies on aging, the Statewide Human Rights Advocacy
18 Committee, and the state and local ~~district nursing home~~
19 ombudsman councils. The Department of Children and Family
20 Services shall disseminate the list to service providers under
21 contract to the department who are responsible for referring
22 persons to a facility for residency. The agency may charge a
23 fee commensurate with the cost of printing and postage to
24 other interested parties requesting a copy of this list.

25 Section 62. Subsection (2) of section 400.428, Florida
26 Statutes, is amended to read:

27 400.428 Resident bill of rights.--

28 (2) The administrator of a facility shall ensure that
29 a written notice of the rights, obligations, and prohibitions
30 set forth in this part is posted in a prominent place in each
31 facility and read or explained to residents who cannot read.

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1 This notice shall include the name, address, and telephone
 2 numbers of the local ~~district~~ ombudsman council and adult
 3 abuse registry and, when applicable, the Advocacy Center for
 4 Persons with Disabilities, Inc., and the district human rights
 5 advocacy committee, where complaints may be lodged. The
 6 facility must ensure a resident's access to a telephone to
 7 call the local ~~district~~ ombudsman council, adult abuse
 8 registry, Advocacy Center for Persons with Disabilities, Inc.,
 9 and district human rights advocacy committee.

10 Section 63. Section 400.434, Florida Statutes, is
 11 amended to read:

12 400.434 Right of entry and inspection.--Any duly
 13 designated officer or employee of the department, the
 14 Department of Children and Family Services, the agency, the
 15 state or local fire marshal, or a member of the state or local
 16 ~~district~~ long-term care ombudsman council shall have the right
 17 to enter unannounced upon and into the premises of any
 18 facility licensed pursuant to this part in order to determine
 19 the state of compliance with the provisions of this part and
 20 of rules or standards in force pursuant thereto. The right of
 21 entry and inspection shall also extend to any premises which
 22 the agency has reason to believe is being operated or
 23 maintained as a facility without a license; but no such entry
 24 or inspection of any premises may be made without the
 25 permission of the owner or person in charge thereof, unless a
 26 warrant is first obtained from the circuit court authorizing
 27 such entry. The warrant requirement shall extend only to a
 28 facility which the agency has reason to believe is being
 29 operated or maintained as a facility without a license. Any
 30 application for a license or renewal thereof made pursuant to
 31 this part shall constitute permission for, and complete

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1 acquiescence in, any entry or inspection of the premises for
2 which the license is sought, in order to facilitate
3 verification of the information submitted on or in connection
4 with the application; to discover, investigate, and determine
5 the existence of abuse or neglect; or to elicit, receive,
6 respond to, and resolve complaints. Any current valid license
7 shall constitute unconditional permission for, and complete
8 acquiescence in, any entry or inspection of the premises by
9 authorized personnel. The agency shall retain the right of
10 entry and inspection of facilities that have had a license
11 revoked or suspended within the previous 24 months, to ensure
12 that the facility is not operating unlawfully. However, before
13 entering the facility, a statement of probable cause must be
14 filed with the director of the agency, who must approve or
15 disapprove the action within 48 hours. Probable cause shall
16 include, but is not limited to, evidence that the facility
17 holds itself out to the public as a provider of personal care
18 services or the receipt of a complaint by the long-term care
19 ombudsman council about the facility.

20 Section 64. Subsection (2) of section 400.435, Florida
21 Statutes, is amended to read:

22 400.435 Maintenance of records; reports.--
23 (2) Within 60 days after the date of the biennial
24 inspection visit or within 30 days after the date of any
25 interim visit, the agency shall forward the results of the
26 inspection to the local ~~district~~ ombudsman council in whose
27 planning and service area, as defined in part II, the facility
28 is located; to at least one public library or, in the absence
29 of a public library, the county seat in the county in which
30 the inspected assisted living facility is located; and, when
31 appropriate, to the district adult services and district

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1 alcohol, drug abuse, and mental health program offices.

2 Section 65. Paragraph (i) of subsection (1) and
3 subsection (5) of section 400.4415, Florida Statutes, are
4 amended to read:

5 400.4415 Assisted living facilities advisory
6 committee.--

7 (1) There is created the assisted living facilities
8 advisory committee, which shall assist the agency in
9 developing and implementing a pilot rating system for
10 facilities. The committee shall consist of nine members who
11 are to be appointed by, and report directly to, the director
12 of the agency. The membership is to include:

13 (i) One consumer representative from a local district
14 long-term care ombudsman council.

15 (5) In determining the rating and evaluating the
16 overall quality of care and services, the agency shall
17 consider the needs and limitations of residents in the
18 facility and the results of interviews and surveys of a
19 representative sampling of residents, families of residents,
20 long-term care ombudsman council members in the planning and
21 service area district in which the facility is located,
22 guardians of residents, and staff of the facility.

23 Section 66. Subsection (7) of section 400.619, Florida
24 Statutes, is amended to read:

25 400.619 Licensure application and renewal.--

26 (7) Access to a licensed adult family-care home must
27 be provided at reasonable times for the appropriate officials
28 of the department, the Department of Health, the Department of
29 Children and Family Services, the agency, and the State Fire
30 Marshal, who are responsible for the development and
31 maintenance of fire, health, sanitary, and safety standards,

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1 to inspect the facility to assure compliance with these
2 standards. In addition, access to a licensed adult
3 family-care home must be provided at reasonable times for the
4 local ~~district~~ long-term care ombudsman council.

5 Section 67. Subsection (2) of section 400.628, Florida
6 Statutes, is amended to read:

7 400.628 Residents' bill of rights.--

8 (2) The provider shall ensure that residents and their
9 legal representatives are made aware of the rights,
10 obligations, and prohibitions set forth in this part.

11 Residents must also be given the names, addresses, and
12 telephone numbers of the local ~~district~~ ombudsman council and
13 the adult abuse registry where they may lodge complaints.

14 Section 68. (1) The sum of \$40,000 is appropriated
15 from the General Revenue Fund to the Long-Term Care Ombudsman
16 Program in the Department of Elderly Affairs to be used for
17 training members of the state and local long-term care
18 ombudsman councils.

19 (2) The sum of \$40,000 is appropriated from the
20 General Revenue Fund to the Long-Term Care Ombudsman Program
21 in the Department of Elderly Affairs to be used for materials
22 to educate residents of long-term care facilities, their
23 families, visitors, facility staff, and the public about the
24 ombudsman program and to encourage people to seek assistance
25 from the Long-Term Care Ombudsman Program.

26
27 (Redesignate subsequent sections.)
28
29

30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 On 6, line 4, after the semicolon,
2
3 insert:
4 amending s. 400.0065, F.S.; providing duty of
5 the State Long-Term Care Ombudsman to prepare
6 and submit annual budget requests; creating s.
7 400.0066, F.S.; specifying additional duties of
8 the Long-Term Care Ombudsman and other state
9 agencies; limiting administrative charges;
10 amending ss. 400.0067 and 400.0069, F.S.;
11 revising provisions relating to appointment and
12 terms of service of members of the state and
13 local ombudsman councils; amending ss.
14 400.0077, 400.0081, and 400.0087, F.S.;
15 providing authority of the Office of State
16 Long-Term Care Ombudsman to adopt rules
17 relating to disclosure of files maintained by
18 the program, access to facilities and
19 residents, and monitoring of local ombudsman
20 councils by the Department of Elderly Affairs;
21 deleting rulemaking authority of the
22 department; amending ss. 20.41, 395.3025,
23 400.0063, 400.0071, 400.0073, 400.0075,
24 400.0079, 400.0083, 400.0089, 400.0091,
25 400.021, 400.022, 400.0255, 400.19, 400.191,
26 400.23, 400.419, 400.428, 400.434, 400.435,
27 400.4415, 400.619, and 400.628, F.S.;
28 clarifying and conforming references and
29 cross-references; providing appropriations;
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