

Bill No. CS for CS for CS for SB 1202

Amendment No.      Barcode 111486

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Burt moved the following amendment:

**Senate Amendment (with title amendment)**

On page 59, line 27, through  
page 60, line 15, delete those lines

and insert:

Section 27. Subsections (3) and (4) of section 400.19,  
Florida Statutes, are amended to read:

400.19 Right of entry and inspection.--

(3) The agency shall every 15 months conduct at least  
one unannounced inspection to determine compliance by the  
licensee with statutes, and with rules promulgated under the  
provisions of those statutes, governing minimum standards of  
construction, quality and adequacy of care, and rights of  
residents. The survey shall be conducted every 6 months for  
the next 2-year period if the facility has been cited for a  
class I deficiency, has been cited for two or more class II  
deficiencies arising from separate surveys or investigations  
within a 60-day period, or has had three or more substantiated  
complaints within a 6-month period, each resulting in at least

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1 one class I or class II deficiency. In addition to any other  
2 fees or fines in this part, the agency shall assess a fine for  
3 each facility that is subject to the 6-month survey cycle. The  
4 fine for the 2-year period shall be \$6,000, one-half to be  
5 paid at the completion of each survey. The agency may adjust  
6 this fine by the change in the Consumer Price Index, based on  
7 the 12 months immediately preceding the increase, to cover the  
8 cost of the additional surveys.The agency shall verify  
9 through subsequent inspection that any deficiency identified  
10 during the annual inspection is corrected. However, the  
11 agency may verify the correction of a class III or class IV  
12 deficiency unrelated to resident rights or resident care  
13 without reinspecting the facility if adequate written  
14 documentation has been received from the facility, which  
15 provides assurance that the deficiency has been corrected.  
16 The giving or causing to be given of advance notice of such  
17 unannounced inspections by an employee of the agency to any  
18 unauthorized person shall constitute cause for suspension of  
19 not fewer than 5 working days according to the provisions of  
20 chapter 110.

21 (4) The agency shall conduct unannounced onsite  
22 facility reviews following written verification of licensee  
23 noncompliance in instances in which a long-term care ombudsman  
24 council, pursuant to ss. 400.0071 and 400.0075, has received a  
25 complaint and has documented deficiencies in resident care or  
26 in the physical plant of the facility that threaten the  
27 health, safety, or security of residents, or when the agency  
28 documents through inspection that conditions in a facility  
29 present a direct or indirect threat to the health, safety, or  
30 security of residents. However, the agency shall conduct ~~four~~  
31 ~~or more~~ unannounced onsite reviews every 3 months ~~within a~~

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1 ~~12-month period~~ of each facility while the facility ~~which~~ has  
2 a conditional license ~~licensure status~~. Deficiencies related  
3 to physical plant do not require followup reviews after the  
4 agency has determined that correction of the deficiency has  
5 been accomplished and that the correction is of the nature  
6 that continued compliance can be reasonably expected.

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

10 And the title is amended as follows:

11            On page 5, line 22, after the second semicolon,

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13 insert:

14            requiring the agency to conduct surveys of  
15            certain facilities cited for deficiencies;  
16            providing for a survey fine;

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