

Bill No. CS for CS for CS for SB 1202

Amendment No. Barcode 630608

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

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