

By Senator Silver

38-308A-02

1                                   A bill to be entitled  
2           An act relating to children's medical services;  
3           providing legislative intent with respect to  
4           the licensure and regulation of facilities that  
5           provide care for medically fragile or  
6           technologically dependent children; providing  
7           definitions; providing requirements for the  
8           licensure of subacute pediatric prescribed  
9           extended alternative care centers; providing  
10          for the licensing of such facilities by the  
11          Agency for Health Care Administration;  
12          prescribing a license fee; providing  
13          requirements for applicants for licensure;  
14          providing requirements for a licensee in  
15          administering and managing a SPPEAC center;  
16          requiring that each center have an advisory  
17          board; providing for membership on the advisory  
18          board; providing requirements for the admission  
19          of a child to a SPPEAC center; requiring each  
20          center to maintain policies for child care;  
21          requiring that a board-certified pediatrician  
22          serve as the medical director of a center;  
23          providing requirements for the nursing services  
24          provided at a SPPEAC center; providing  
25          requirements for the qualifications and  
26          experience of nursing personnel; specifying the  
27          minimum staff-to-child ratio for a center;  
28          providing requirements for ancillary  
29          professional staff; requiring that a SPPEAC  
30          center provide certain educational services for  
31          children admitted to the center; requiring

1 in-service training for center staff and family  
2 members of children admitted to the center;  
3 requiring that the center maintain certain  
4 medical records; requiring that a center have a  
5 committee to conduct reviews for quality  
6 assurance; providing requirements for dietary  
7 services provided at a center; providing  
8 requirements for the physical environment of a  
9 SPPEAC center; requiring that a center maintain  
10 certain specified safety, medical, and  
11 emergency equipment; providing requirements for  
12 infection control; providing requirements for  
13 transportation services provided by a center;  
14 requiring that a center conform to certain  
15 minimum emergency standards; providing an  
16 effective date.

17

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

19

20 Section 1. Purpose.--It is the intent of the  
21 Legislature to provide for the licensure and regulation of  
22 facilities that provide care for medically fragile or  
23 technologically dependent children.

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25 Section 2. Definitions.--As used in this act, the  
26 term:

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28 (1) "Advisory board" means a group of health care  
29 professionals and at least one consumer approved by the SPPEAC  
30 medical and nursing directors to serve each SPPEAC center to  
31 review policies, procedures, and licensure requirements and to  
provide consultation to the administrators of the center.

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1           (2) "Agency" means the Agency for Health Care  
2 Administration.

3           (3) "Basic services" includes, but is not limited to,  
4 development, implementation, and monitoring of a comprehensive  
5 plan of care, developed in conjunction with a child's parent  
6 or guardian, which specifies the medical, nursing,  
7 psychosocial, and developmental therapies required by the  
8 medically fragile or technologically dependent child served,  
9 as well as the caregiver-training needs of the child's parent  
10 or guardian.

11           (4) "Medical director" means a physician who is  
12 licensed under chapter 458 or chapter 459, Florida Statutes,  
13 who is certified by the American Board of Pediatrics or the  
14 American Osteopathic Board of Pediatrics, and who serves as  
15 the liaison between the SPPEAC and the medical community.

16           (5) "Medical records" means the medical records  
17 maintained by a SPPEAC center in accordance with accepted  
18 professional standards and practices.

19           (6) "Medically fragile or technologically dependent  
20 child" means a child who, because of a medical condition,  
21 requires continuous therapeutic interventions or skilled  
22 nursing supervision that is prescribed by a licensed physician  
23 or advanced registered nurse practitioner and administered by  
24 or under the direct, on-site supervision of a licensed  
25 registered nurse.

26           (7) "Nursing director" means a registered nurse who is  
27 licensed under chapter 464, Florida Statutes, and who is  
28 responsible for providing continuous supervision of services  
29 provided by a SPPEAC center and managing the daily operations  
30 of the center.

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1           (8) "Owner" or "operator" means an individual who has  
2 general administrative charge of a SPPEAC center.

3           (9) "Plan of care" means the comprehensive plan for  
4 implementing the medical, nursing, psychosocial,  
5 developmental, and education therapies provided by a SPPEAC  
6 center.

7           (10) "Premises" means the buildings, beds, and  
8 facilities located at the main address of the licensee.

9           (11) "Prescribing physician" or "prescribing advanced  
10 registered nurse practitioner" means the physician licensed  
11 under chapter 458 or chapter 459, Florida Statutes, or the  
12 advanced registered nurse practitioner licensed under chapter  
13 464, Florida Statutes, who signs the order admitting a child  
14 to a SPPEAC.

15           (12) "Primary physician" or "primary advanced  
16 registered nurse practitioner" means the physician licensed  
17 under chapter 458 or chapter 459, Florida Statutes, or the  
18 licensed advanced registered nurse practitioner licensed under  
19 chapter 464, Florida Statutes, who maintains overall  
20 responsibility for a child's medical management and who is  
21 available for consultation and collaboration with the staff of  
22 the SPPEAC center.

23           (13) "Quality assurance" means the mandatory program  
24 that all SPPEAC centers must have to assure periodic review of  
25 medical records at least annually and the determination of the  
26 quality and appropriateness of care rendered by the center.

27           (14) "Quality assurance committee" means a group of  
28 health care professionals and at least one consumer approved  
29 by the SPPEAC medical and nursing directors to serve each  
30 SPPEAC center to review SPPEAC medical records and treatment  
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1 procedures to evaluate the quality of care provided to each  
2 child.

3 (15) "Subacute pediatric prescribed extended  
4 alternative care center" or "SPPEAC center" means any building  
5 or other place, whether operated for profit or not, which  
6 provides basic services to three or more medically fragile or  
7 technologically dependent children who are not related to the  
8 owner or operator by blood, marriage, or adoption and who  
9 require such services. Infants and children considered for  
10 admission to a SPPEAC center must have a complex medical  
11 condition that requires daily care, transitional care, or  
12 continual care. The prerequisite for admission is a  
13 prescription from the child's attending physician or advanced  
14 registered nurse practitioner and consent of the child's  
15 parent or guardian.

16 Section 3. License required.--

17 (1) A person, firm, association, partnership, or  
18 corporation may not directly or indirectly operate a SPPEAC  
19 center in this state without first applying for and receiving  
20 a license from the agency to operate the facility.

21 (2) Any person operating a facility in this state is  
22 subject to the requirements of this act.

23 (3) An applicant for licensure must submit a separate  
24 application for each building of a facility if the buildings  
25 are located on separate premises.

26 (4) A licensee may not operate a facility at a  
27 capacity greater than the number of clients indicated on the  
28 face of the license.

29 (5) A license issued for the operation of a SPPEAC  
30 center expires 1 year following the date of issuance, unless  
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1 sooner suspended or revoked. An applicant for license renewal  
2 must comply with the provisions of this act.

3 (6) Another licensed entity may not collocate with a  
4 SPPEAC center.

5 Section 4. Licensure procedure.--

6 (1) Application for a license to operate a SPPEAC  
7 center must be made on a form prescribed by the agency and  
8 must be submitted to the agency under oath by the owner or  
9 administrator of the center.

10 (2) Except for a county or municipality, each  
11 applicant must submit a license fee of \$650 to the Agency for  
12 Health Care Administration, along with the application for  
13 licensure.

14 (3) All information provided on the application forms,  
15 or by a request for additional information, must be accurate  
16 and current at the time of filing.

17 (4) For purposes of this section, with respect to  
18 information required to be submitted to the agency by an  
19 applicant for a license to operate a SPPEAC center which  
20 concerns aspects, qualifications, or characteristics personal  
21 to the applicant, including age, moral character, affiliation  
22 through ownership or employment with other SPPEAC centers, and  
23 the applicant's criminal record, the term "applicant" means  
24 the individual applicant, if the applicant is an individual,  
25 and the term "applicant" means all members of the board of  
26 directors and all officers, if the applicant is a firm,  
27 partnership, association, or corporation.

28 (5) For purposes of this section, with respect to  
29 information required to be submitted to the agency by an  
30 applicant for a license to operate a SPPEAC center which  
31 concerns qualifications or characteristics personal to the

1 administrator, manager, or supervisor, including age, moral  
2 character, affiliation through ownership or employment with  
3 other SPPEAC centers, and the applicant's criminal record, the  
4 terms "administrator," "manager," or "supervisor" include the  
5 manager, the supervisor, and all members of the board of  
6 directors and all officers of any firm, partnership,  
7 association, or corporation with which the applicant may  
8 contract to provide for the management or supervision of the  
9 SPPEAC center.

10 (6) An applicant for an initial license to operate a  
11 SPPEAC center shall submit an application providing all of the  
12 information required by the agency, which must include:

13 (a) The number of clients for which the license is  
14 being requested.

15 (b) The name of the SPPEAC center's administrator,  
16 manager, or supervisor; the name and license number of the  
17 director of nursing and all other currently employed licensed  
18 personnel; and the number of currently employed supportive  
19 personnel having responsibility for any part of the care given  
20 to clients.

21 (c) A listing of the number of dietary, housekeeping,  
22 maintenance, and other personnel who are available on a daily  
23 basis.

24 (d) Certificates of approval from the local zoning  
25 authority indicating that the location of the facility  
26 conforms to local zoning ordinances.

27 (e) Proof of financial ability to operate the facility  
28 in accordance with the requirements of this act, which must be  
29 documented as follows:

30 1. A projection of revenue and expenses for the first  
31 12 months of operation, including a conversion of the

1 projection to a cash-flow analysis, a balance sheet as of the  
2 beginning of the reporting period, and a proforma balance  
3 sheet as of the end of the reporting period. These documents  
4 must be prepared in accordance with generally accepted  
5 accounting principles;

6 2. A copy of all deeds, contracts for sale, and  
7 leases, whether existing or proposed, showing that the  
8 applicant is responsible for the operation of the facility;

9 3. A contingency plan that demonstrates the ability of  
10 the applicant to handle extraordinary occurrences that would  
11 have a financial impact, such as major repairs, purchase of  
12 capital equipment, or decrease in paid children's days. An  
13 applicant meets this requirement if necessary contingency  
14 funds are guaranteed from within the applicant's organization  
15 or from proprietors, partners, or stockholders, or are  
16 evidenced as available from commitments from lending  
17 institutions, a line of credit, a letter of credit, or similar  
18 evidence. If the contingency funds are guaranteed by the  
19 applicant's organization, a proprietor, partners, or  
20 stockholders, the guarantors must submit a signed statement  
21 that the required funds shall be made available when  
22 necessary. The applicant must have a positive cash flow,  
23 including contingency funding, for each of the first 12 months  
24 of operation and must have a contingency plan for an amount  
25 not less than 80 percent of the total expenses detailed in the  
26 operating budget for the first 12 months of operation. If a  
27 line of credit exists, a letter from the lending institution  
28 must be submitted which states:

29 a. The amount;

30 b. The terms and conditions;

31 c. The interest rate;



1           d. The repayment schedule;  
2           e. The collateral;  
3           f. The guarantors; and  
4           g. The balance available on the date of license  
5 application;  
6           4. The names of proprietors, partners, or stockholders  
7 owning at least a 10-percent interest, and the officers of:  
8           a. The applicant;  
9           b. The lessor;  
10          c. The management company; and  
11          d. The seller.  
12  
13 The financial information submitted by the applicant for  
14 compliance with requirements for proof of financial ability  
15 must be prepared in accordance with generally accepted  
16 accounting principles. The financial information must be  
17 reviewed by the agency, and a decision shall be made regarding  
18 the applicant's financial ability to operate a SPPEAC center.  
19 All financial statements, other than projections, must be  
20 certified as true and correct by a corporate officer, all  
21 partners of a partnership, or an individual delegated by the  
22 owner to do so, as appropriate.  
23          (f) For new construction or new operations:  
24           1. Certificates of zoning approval from the county or  
25 the municipality if the facility is located within municipal  
26 limits; and  
27           2. Proof of approval for occupancy.  
28          (g) For a change of the licensed operator, proof of  
29 compliance with applicable provisions of this act.  
30          (h) Any other additional information the agency finds  
31 necessary in order to act upon the application.

1           (7) An applicant for renewal of a license to operate a  
2 facility must submit an application that includes:

3           (a) All of the information required by paragraphs  
4 (6)(a), (d), (e), and (f); and

5           (b) The information required by paragraph (6)(b) for  
6 each of the new personnel, if there has been a change of  
7 administrator, manager, supervisor, medical director, director  
8 of nursing services, or any licensed nurse during the  
9 preceding year.

10           (8) If the licensee of a facility seeks to increase  
11 the number of children for which the facility is licensed, the  
12 licensee must:

13           (a) Provide certificates of approval from the local  
14 zoning authority indicating that the location of the facility  
15 conforms to local zoning ordinances as to capacity; and

16           (b) Submit an application as required by subsection  
17 (7) to modify the license accordingly.

18           (9) Each applicant for a license to operate a  
19 facility, whether for initial licensure or for renewal, and  
20 the administrator, manager, or supervisor of the facility  
21 must:

22           (a) Be 18 years of age or older;

23           (b) Be of good moral character; and

24           (c) Have not been convicted or found guilty,  
25 regardless of adjudication, in any jurisdiction, of any felony  
26 involving fraud, embezzlement, fraudulent conversion,  
27 misappropriation of property, violence against a person, or  
28 moral turpitude.

29           (10) Documentation for the agency showing compliance  
30 with subsection (9), whether for initial licensure or for  
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1 renewal, must be submitted with the application and must  
2 include:

3 (a) Three character references for the applicant and  
4 for the administrator, manager, or supervisor of the facility,  
5 except on renewal if previously provided to the department;

6 (b) The criminal record, if any, for the applicant and  
7 for the administrator, manager, or supervisor of the facility,  
8 listing the court, the date of conviction, the offense, and  
9 the penalty imposed for each conviction regardless of  
10 adjudication; and

11 (c) A copy of any injunctive or restrictive order or  
12 federal or state administrative order relating to business  
13 activity or health care services as a result of an action  
14 brought by a public agency or department, including, without  
15 limitation, an action affecting a licensee under chapter 391,  
16 Florida Statutes, which is currently in effect with respect to  
17 the applicant or the administrator, manager, or supervisor of  
18 the facility.

19 (11)(a) Each facility must obtain and keep in force  
20 liability insurance. Proof of liability insurance must be  
21 submitted at the time of application. Liability insurance is  
22 insurance against legal liability for death, injury, or  
23 disability of any human being, or for damage to property, with  
24 provision for medical, hospital, and surgical benefits to the  
25 injured person, irrespective of the legal disability of the  
26 insured, when issued as a part of a liability insurance  
27 contract.

28 (b) Minimum liability insurance coverage shall be at  
29 least \$50,000 per child for bodily injury and \$150,000 per  
30 occurrence for the center, and \$50,000 per child for the  
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1 bodily injury and \$150,000 per occurrence for the vehicles if  
2 transportation services are provided by the center.

3 Section 5. Administration and management.--

4 (1) The licensee of each SPPEAC center has full legal  
5 authority and responsibility for operating the facility.  
6 Responsibilities of the licensee include, but are not limited  
7 to:

8 (a) Employing or otherwise arranging for the services  
9 of personnel required to properly staff the center in  
10 accordance with chapter 391, Florida Statutes, and this act;

11 (b) Adopting and making public a statement of the  
12 children's rights in accordance with chapter 391, Florida  
13 Statutes;

14 (c) Making application for a license to operate the  
15 center in accordance with chapter 391, Florida Statutes, and  
16 this act;

17 (d) Providing equipment and supplies required to meet  
18 the needs of the children;

19 (e) Ensuring that the center is operated in compliance  
20 with chapter 391, Florida Statutes, and this act;

21 (f) Ensuring that services identified as required to  
22 meet the needs of the children are provided directly by center  
23 personnel or secured from outside sources; and

24 (g) Ensuring that a copy of chapter 391, Florida  
25 Statutes, a copy of rule 59A-13 and 10D-13, Florida  
26 Administrative Code, a medical dictionary, the current year's  
27 copy of the American Academy of Pediatrics Red Book, and the  
28 current year's drug reference book are available in the  
29 center.

30 (2) The licensee shall manage the center on a sound  
31 financial basis and shall have the financial ability to

1 operate the facility in accordance with the requirements of  
2 chapter 391, Florida Statutes, and this act. A violation of  
3 this standard includes issuing bad checks; failing to make  
4 timely tax and payroll deposits; or failing to meet financial  
5 obligations for food, shelter, care, and utilities when due.

6 (3) Each SPPEAC center shall be organized in  
7 accordance with a written table of organization which  
8 describes the lines of authority and communication down to the  
9 child-care level. The organizational structure must be  
10 designed to ensure an integrated continuum of services to the  
11 clients.

12 (4)(a) The licensee of each center shall designate one  
13 person as administrator who is responsible and accountable for  
14 the overall management of the center.

15 (b) The center administrator shall designate, in  
16 writing or per organizational chart, a person who is  
17 responsible for operating the center when the administrator is  
18 absent from the center for 24 hours or longer.

19 (c) Responsibilities of the center administrator  
20 include, but are not limited to:

21 1. Maintaining or causing to be maintained the  
22 following written records and any other records required by  
23 chapter 391, Florida Statutes, and this act. The records must  
24 be kept in a place, form, and system ordinarily employed in  
25 acceptable medical and business practices and must be  
26 available in the center for inspection by the agency during  
27 normal business hours.

28 a. A census record that indicates the number of  
29 children currently receiving services in the center;

30 b. A record of all accidents or unusual incidents  
31 involving any child or staff member which caused, or had the

1 potential to cause, injury or harm to any person or property  
2 within the center. Such records must contain a clear  
3 description of each accident or incident, the names of the  
4 persons involved, a description of all medical or other  
5 services provided to these persons, who provided such  
6 services, and the steps taken, if any, to prevent recurrence  
7 of such accident or incidents in the future;

8 c. A copy of current agreements with third-party  
9 providers;

10 d. A copy of current agreements with each consultant  
11 employed by the center and documentation of each consultant's  
12 visits and required written, dated reports;

13 e. A personnel record for each employee, including the  
14 employee's current license or certificate number, as  
15 applicable; the original employment application and references  
16 furnished from the most recent health care employer and  
17 employment history for the preceding 5 years; and a copy of  
18 all job performance evaluations; and

19 f. Fiscal records in accordance with subsection (5).

20 2. Ensuring the development and maintenance of a  
21 current job description for each employee.

22 3. Ensuring that each employee is furnished with a  
23 copy of written personnel policies governing conditions of  
24 employment, including the job description for the employee's  
25 own position.

26 4. Ensuring that each employee receives at least a  
27 yearly written job-performance evaluation that is discussed  
28 with the employee, notes job performance strengths and  
29 weaknesses, and discusses plans to correct any weaknesses in  
30 job performance.

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1           5. Ensuring that each employee is assigned duties that  
2 are consistent with the employee's job description and with  
3 the employee's level of education, preparation, and  
4 experience.

5           (5)(a) The licensee for each SPPEAC center shall  
6 maintain fiscal records in accordance with the requirements of  
7 chapter 391, Florida Statutes, and this act.

8           (b) Each center shall use an accrual or cash system of  
9 accounting which reflects transactions of the business.  
10 Records and accounts of transactions, general ledgers, or  
11 disbursement journals must be posted at least quarterly and  
12 must be available for review by the agency.

13           Section 6. Advisory board.--

14           (1) Each SPPEAC center must have an advisory board.  
15 Membership on the advisory board must include, but need not be  
16 limited to:

17           (a) A physician or an advanced registered nurse  
18 practitioner who is familiar with SPPEAC services;

19           (b) A registered nurse who has experience in the care  
20 of medically fragile or technologically dependent children;

21           (c) A developmentalist or child life specialist who  
22 has experience in the care of medically fragile or  
23 technologically dependent children and their families;

24           (d) A social worker who has experience in the care of  
25 medically fragile or technologically dependent children and  
26 their families; and

27           (e) A consumer representative who is a parent or  
28 guardian of a child placed in the SPPEAC center.

29           (2) The advisory board shall:  
30  
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1           (a) Review the policy and procedure components of the  
2 SPPEAC center to assure conformance with the standards for  
3 licensure; and

4           (b) Provide consultation with respect to the  
5 operational and programmatic components of the SPPEAC center.

6           Section 7. Admission, transfer, and discharge  
7 policies.--

8           (1) Each SPPEAC center must have written policies and  
9 procedures governing the admission, transfer, and discharge of  
10 children.

11           (2) The admission of each child to a SPPEAC center  
12 must be under the supervision of the center nursing  
13 administrator or his or her designee, and must be in  
14 accordance with the center's policies and procedures.

15           (3) Each child admitted to a SPPEAC center shall be  
16 admitted upon prescription of a prescribing physician or  
17 advanced registered nurse practitioner and the child shall  
18 remain under the care of the licensed primary physician or  
19 advanced registered nurse practitioner for the duration of his  
20 or her stay in the center.

21           (4) Each child admitted to a SPPEAC center must meet  
22 at least the following criteria:

23           (a) The child must be medically fragile or  
24 technologically dependent.

25           (b) The child may not, prior to admission, present  
26 significant risk of infection to other children or personnel.  
27 The medical and nursing directors shall review, on a  
28 case-by-case basis, any child who is suspected of having an  
29 infectious disease to determine whether admission is  
30 appropriate.

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1           (c) The child must be medically stabilized and require  
2 skilled nursing care or other interventions.

3           (5) If the child meets the criteria specified in  
4 paragraphs (4)(a), (b), and (c), the medical director or  
5 nursing director of the SPPEAC center shall implement a  
6 preadmission plan that delineates services to be provided and  
7 appropriate sources for such services.

8           (a) If the child is hospitalized at the time of  
9 referral, preadmission planning must include the participation  
10 of the child's parent or guardian and relevant medical,  
11 nursing, social services, and developmental staff to assure  
12 that the hospital's discharge plans will be implemented  
13 following the child's placement in the SPPEAC center.

14           (b) A consent form, outlining the purpose of a SPPEAC  
15 center, family responsibilities, authorized treatment,  
16 appropriate release of liability, and emergency disposition  
17 plans must be signed by the parent or guardian and witnessed  
18 before the child is admitted to a SPPEAC center. The parent or  
19 guardian shall be provided a copy of the consent form.  
20 Confidentiality of SPPEAC records shall be maintained in  
21 accordance with section 456.057, Florida Statutes.

22           Section 8. Child care policies.--

23           (1) Each SPPEAC center shall develop, implement, and  
24 maintain written policies and procedures governing all child  
25 care and related medical services or other services provided.

26           (2) A group of professional staff from the SPPEAC  
27 center shall develop and maintain child care policies and  
28 procedures. The group shall include the medical director or  
29 medical consultant, the center administrator, and the director  
30 of nursing services. All child care policies and procedures  
31 must be reviewed annually and revised as needed.

1           (3) The child care policies and procedures developed  
2 shall, at a minimum, ensure client care in compliance with  
3 chapter 391, Florida Statutes, and the standards contained in  
4 this act.

5           Section 9. Medical director.--A board-certified  
6 pediatrician shall serve as the medical director for a SPPEAC  
7 center. Responsibilities of the medical director include:

8           (1) Periodically reviewing services in order to assure  
9 acceptable levels of quality;

10           (2) Maintaining a liaison with the medical community;

11           (3) Advising center personnel of the development of  
12 new programs and modifications of existing programs;

13           (4) Ensuring that medical consultation will be  
14 available in the event of the medical director's absence;

15           (5) Serving on committees as defined and required by  
16 the center's policies;

17           (6) Consulting with the center administrator on the  
18 health status of facility personnel;

19           (7) Reviewing reports of all accidents or unusual  
20 incidents occurring on the premises and identifying to the  
21 center administrator hazards to health and safety; and

22           (8) Ensuring the development of a policy and procedure  
23 for delivering emergency services and regular services when a  
24 child's attending physician, advanced registered nurse  
25 practitioner, or designated alternate is not available.

26           Section 10. Nursing services.--

27           (1) A registered nurse shall serve full-time as the  
28 director of nursing at each SPPEAC center. The director of  
29 nursing must:

30           (a) Hold a baccalaureate degree in nursing;

31           (b) Be licensed in this state as a registered nurse;

1       (c) Have successfully completed a certification course  
2 in pediatric basic cardiac life support and advanced cardiac  
3 life support, with biennial recertification; and

4       (d) Have at least 2 years of experience in general  
5 pediatric care, including at least 6 months of experience in  
6 pediatric acute care during the previous 5 years.

7       (2) The director of nursing is responsible for the  
8 daily operation of the SPPEAC center, including:

9           (a) Ensuring that qualified personnel and ancillary  
10 services are available as necessary to assure the health,  
11 safety, and proper care of children; and

12           (b) Ensuring that policies and procedures to control  
13 infection are included in the center's policy manual.

14       (3)(a) Each SPPEAC center must have a minimum of one  
15 full-time equivalent registered nurse and one full-time  
16 equivalent licensed practical nurse on site at all times.

17           (b) The registered nurse must:

18               1. Hold a baccalaureate degree in nursing;

19               2. Be licensed in this state as a registered nurse;

20               3. Have at least 2 years of experience in pediatric  
21 specialty care;

22               4. Receive biennial certification in pediatric basic  
23 cardiac life support and pediatric advanced life support; and

24               5. Have at least 2 years of experience in general  
25 pediatrics, including at least 6 months of experience caring  
26 for medically fragile or technologically dependent children.

27           (c) A licensed practical nurse must:

28               1. Be licensed in this state as a licensed practical  
29 nurse;

1           2. Have at least 2 years of experience in pediatric  
2 nursing, including experience in caring for acutely ill or  
3 chronically ill children within the previous 24 months;

4           3. Receive biennial certification in pediatric basic  
5 cardiac life support and pediatric advance life support; and

6           4. Have at least 2 years of experience in general  
7 pediatrics, including at least 6 months of experience caring  
8 for medically fragile or technologically dependent children.

9           (d) The registered nurses and licensed practical  
10 nurses of a SPPEAC center are responsible for:

11           1. Providing nursing interventions, providing  
12 educational services to increase the family's confidence and  
13 competence in caring for the child with special needs,  
14 providing assistance to facilitate coping with the effects of  
15 chronic illness on the child and family, supporting effective  
16 relationships among siblings and the ill child, and providing  
17 interventions to foster normal development and psychosocial  
18 adaptation;

19           2. Possessing a knowledge of the availability of and  
20 requirements for accessing community resources; and

21           3. Fostering and maintaining a collaborative  
22 relationship with the interdisciplinary health team.

23           (4)(a) If nursing assistants are used to augment  
24 licensed nurse staff, each nursing assistant must:

25           1. Be certified as a nurse assistant;

26           2. Have a minimum of 2 years' experience in caring for  
27 infants and toddlers;

28           3. Provide references documenting his or her skill in  
29 caring for infants and children; and

30           4. Receive annual certification in basic cardiac life  
31 support.

1           (b) Each nursing assistant must work under the  
2 supervision of a licensed nurse and may provide direct care to  
3 children in the SPPEAC center.

4           (5) Total staffing for nursing services shall be, at a  
5 minimum, in the following ratios, but at least two staff  
6 members, including at least one registered nurse, must be on  
7 duty at all times and at least one staff member per three  
8 children must be on duty at all times:

9           (a) One to three children - one registered nurse and  
10 one other.

11           (b) Four to six children - one registered nurse and  
12 two others.

13           (c) Seven to nine children - one registered nurse, one  
14 licensed practical nurse, and one other.

15           (d) Ten to 12 children - two registered nurses, and  
16 two others; or one registered nurse, two licensed practical  
17 nurses, and one other.

18           (e) Thirteen to 15 children - two registered nurses,  
19 one licensed practical nurse, and two others.

20           (f) Sixteen to 18 children - two registered nurses,  
21 two licensed practical nurses, and two others.

22           (g) Nineteen to 21 children - two registered nurses,  
23 three licensed practical nurses, and two others.

24           (h) Twenty-two to 24 children - two registered nurses,  
25 three licensed practical nurses, and three others.

26           (i) Twenty-five children to 28 children - three  
27 registered nurses, three licensed practical nurses, and three  
28 others.

29           Section 11. Ancillary professional staffing  
30 standards.--Each SPPEAC center shall have available on at  
31 least a consultant basis:

- 1           (1) A child development specialist who shall:  
2           (a) Serve as a resource for SPPEAC center staff and  
3 parents of children served; and  
4           (b) Evaluate the developmental status of children  
5 using standardized and nonstandardized procedures.  
6           (2) A child life specialist who has a baccalaureate  
7 degree in child life, early childhood education, or a related  
8 field, and at least 1 year of experience in planning and  
9 implementing developmental stimulation programs for children.  
10 The child life specialist shall:  
11           (a) Plan and conduct individualized child development  
12 and play programs; and  
13           (b) Serve as a resource for SPPEAC center staff and  
14 parents of children served.  
15           (3) An occupational therapist who is licensed under  
16 chapter 468, Florida Statutes, is registered with the American  
17 Occupational Therapy Association, and has at least 1 year of  
18 experience in evaluating and planning treatment for children  
19 with neuromuscular and developmental needs. The occupational  
20 therapist shall:  
21           (a) Evaluate a child following referral by a physician  
22 or advanced registered nurse practitioner to determine  
23 neuromuscular status, developmental level, perceptual motor  
24 functioning, need for adaptive equipment or appliances,  
25 abilities for self-care, and the plan of care;  
26           (b) Design and implement a therapeutic program to meet  
27 the needs of each individual child;  
28           (c) Maintain records documenting a child's therapy  
29 program and progress; and  
30           (d) Serve as a resource for SPPEAC center staff.  
31

1           (4) A physical therapist who is licensed under chapter  
2 468, Florida Statutes, is a graduate of a program approved by  
3 the American Physical Therapy Association, and has at least 1  
4 year of experience in evaluating and designing therapeutic  
5 programs for children with developmental disabilities. The  
6 physical therapist shall:

7           (a) Evaluate a child referred by a physician or  
8 advanced registered nurse practitioner to determine the  
9 child's neuromuscular status, including the child's  
10 developmental level, gait, posture, and necessary adaptive  
11 equipment;

12           (b) Design and implement a therapeutic program to meet  
13 the needs of each individual child;

14           (c) Maintain records documenting a child's therapy  
15 program and progress, as approved by the attending physician  
16 or advanced registered nurse practitioner; and

17           (d) Serve as a resource for SPPEAC center staff and  
18 parents of children served.

19           (5) A speech pathologist who is certified by the  
20 American Speech, Hearing, and Language Association and has at  
21 least 1 year of experience in evaluating and treating children  
22 at risk for, or experiencing problems with, communications  
23 skills. The speech pathologist shall:

24           (a) Perform evaluations, including evaluation of a  
25 child's prespeech, feeding, respiration, language, speech,  
26 communication, and play, using formal and informal tests and  
27 observations;

28           (b) Design and implement individualized therapeutic  
29 programs for each child, including recommendations for  
30 communication devices;

31

- 1           (c) Maintain records documenting the child's therapy  
2 programs and progress; and
- 3           (d) Serve as a resource for SPPEAC center staff and  
4 parents of children served.
- 5           (6) A respiratory therapist who shall:
- 6           (a) Evaluate a child following referral by a physician  
7 or advanced registered nurse practitioner, including an  
8 evaluation of the child's respiratory condition;
- 9           (b) Perform diagnostic monitoring;
- 10           (c) Deliver aerosolized medications, bronchial hygiene  
11 therapy, chest physiotherapy, pulmonary lung-expansion  
12 therapy, and oxygen therapy;
- 13           (d) Monitor ventilator-dependent children;
- 14           (e) Maintain records documenting a child's therapy  
15 programs and progress; and
- 16           (f) Serve as a resource for SPPEAC center staff and  
17 parents of children served.
- 18           (7) A social worker who is licensed under chapter 490,  
19 Florida Statutes, or chapter 491, Florida Statutes; holds a  
20 master's degree in social work; and has at least 1 year of  
21 experience in assessing, counseling, and planning  
22 interventions for children and their families or guardians.
- 23 The social worker shall:
- 24           (a) Conduct family psychosocial assessments, as  
25 requested by the medical or nursing director;
- 26           (b) Provide counseling, including emotional support  
27 and grief resolution, as requested by the medical or nursing  
28 director or family;
- 29           (c) Perform family advocacy and coordinate SPPEAC  
30 services with community resources;
- 31



1           (d) Maintain records documenting social-work  
2 intervention;

3           (e) Conduct home visits and home evaluations, as  
4 requested by the medical director or nursing director; and

5           (f) Serve as a resource for SPPEAC center staff and  
6 parents of children served.

7           (8) A licensed psychologist who has a doctoral degree  
8 in child-development counseling, psychology, or a related  
9 field and at least 1 year of experience in evaluating and  
10 managing children. The licensed psychologist must be available  
11 to the center as a consultant.

12           (9) A dietitian who is registered with the American  
13 Dietetic Association. The dietitian must be available to the  
14 center as a consultant.

15           Section 12. Educational services.--Each SPPEAC center  
16 shall develop a cooperative program with the local school  
17 system to provide a planned educational program, appropriate  
18 to meet the needs of the individual child, or to provide a  
19 board-certified instructor and planned educational program,  
20 appropriate to meet the needs of the individual child.

21           Section 13. In-service training for all caregivers.--

22           (1) Each SPPEAC center shall develop a comprehensive  
23 training program that is available to all caregivers and  
24 includes:

25           (a) In-service training for all family members; and

26           (b) Quarterly staff-development programs, appropriate  
27 to the category of personnel for which the programs are  
28 conducted, for the purpose of maintaining quality patient  
29 care.

30           (2) All staff-development programs must be documented.

31

1           (3) Each new employee must participate in orientation  
2 to acquaint the employee with the philosophy, organization,  
3 program, practices, and goals of the SPPEAC center.

4           (4) At the time of the child's placement in the SPPEAC  
5 center, the center shall provide a comprehensive orientation  
6 to acquaint all family members with the philosophy and  
7 services of the center.

8           Section 14. Medical records.--A medical record shall  
9 be maintained for each child. The medical records must  
10 contain:

11           (1) All details of the referral, admission,  
12 correspondence, and papers concerning the child. Entries in  
13 the medical record must be in ink and signed by authorized  
14 personnel and include:

15           (a) Orders of the physician or advanced registered  
16 nurse practitioner;

17           (b) Flow chart of medications and treatments  
18 administered;

19           (c) Concise, accurate information and initialed case  
20 notes reflecting progress toward plan-of-care goals and the  
21 child's progress or reasons for lack of progress;

22           (d) Documentation of nutritional management and  
23 special diets, as appropriate; and

24           (e) Documentation of physical, occupational, speech,  
25 and other special therapies.

26           (2) An individualized plan of care developed within 10  
27 working days after admission and revised to include  
28 recommended changes in the therapeutic plans. The disposition  
29 to be followed in the event of emergency situations must be  
30 specified in the plan of care.

31

1           (3) The medical history, including allergies and  
2 special precautions.

3           (4) The immunization record.

4           (5) The quarterly review of the plan of care, which is  
5 performed in consultation with other professionals involved in  
6 the child's care.

7           (6) A discharge order written by the primary physician  
8 or advanced registered nurse practitioner. The discharge order  
9 must be documented and entered in the child's record. A  
10 discharge summary that includes the reason for discharge must  
11 also be included.

12           Section 15. Quality assurance committee.--All SPPEAC  
13 centers must have a quality assurance program and conduct  
14 quarterly reviews of the SPPEAC center's medical records for  
15 at least half of the children served by the SPPEAC center at  
16 the time of the review.

17           (1) The quality assurance review shall be conducted by  
18 two members of the quality assurance committee. The  
19 responsibilities for conducting quality assurance review shall  
20 rotate among the members of the quality assurance committee  
21 members at least annually. Within 15 working days after its  
22 review, the quality assurance committee shall furnish copies  
23 of its report to the medical and nursing directors of the  
24 SPPEAC center.

25           (2)(a) Each quarterly quality assurance review must  
26 include:

- 27           1. A review of the goals in each child's plan of care;  
28           2. A review of the steps, process, and success in  
29 achieving the goals; and

30  
31

1           3. Identification of goals not being achieved as  
2 expected, reasons for lack of achievement, and plans to  
3 promote achievement of goals.

4           (b) Evidence that the plan of care has been revised to  
5 accommodate the findings of a quality assurance report shall  
6 be forwarded to the quality assurance committee within 10  
7 working days after receipt of the report by the quality  
8 assurance committee.

9           (c) Implementation of the revisions to the plan of  
10 care must be documented on the child's medical record.

11           (3) The quality assurance committee shall also  
12 ascertain the presence of the following documents in each  
13 child's medical record:

14           (a) A properly executed consent form;

15           (b) A medical history for the child, including  
16 notations from visits to health care providers; and

17           (c) Immunization records, documentation of allergies,  
18 and special precautions.

19           Section 16. Dietary services.--A registered dietitian  
20 shall be available for consultation regarding the nutritional  
21 needs and special diets of individual children. If food is  
22 prepared on-site, the center is subject to routine inspections  
23 by the Department of Health and must conform to food service  
24 standards for child care facilities adopted by the Department  
25 of Health.

26           Section 17. Physical environment.--The SPPEAC center's  
27 physical location and building must comply with at least the  
28 following minimum requirements:

29           (1) Each facility licensed as a SPPEAC center must be  
30 able to accommodate at least three medically fragile or  
31 technologically dependent children.

- 1           (2) Specifications for a SPPEAC center include:  
2           (a) Compliance with part V of chapter 553, Florida  
3 Statutes, for accessibility of public buildings for  
4 handicapped persons; and  
5           (b) Adequate parking for staff and families to comply  
6 with applicable local zoning requirements.  
7           (3) Requirements for building space allocation  
8 include:  
9           (a) An isolation room with anteroom, a private  
10 bathroom with shower or raised tub, and an individual air  
11 conditioning and heating unit.  
12           (b) A dining area large enough to accommodate at least  
13 two-thirds of facility population at one time.  
14           (c) A kitchen area that includes standard kitchen  
15 equipment of stove, oven, refrigerator, dishwasher, and double  
16 sink with disposal.  
17           (d) An indoor play area, including accommodations for  
18 mobile and nonmobile children.  
19           (e) An outdoor play area, fenced and free of safety  
20 hazards, with appropriate playground equipment and toys.  
21           (f) Sleep rooms that comply with the following  
22 requirements:  
23           1. One appropriate bed or crib assigned per child;  
24           2. A maximum of three children assigned to each sleep  
25 room;  
26           3. A minimum of 28 square feet per child;  
27           4. Hanging closet space with drawers;  
28           5. Direct access to a bathroom with shower or standard  
29 tub;  
30           6. A changing area with sink; and  
31

1           7. Adequate seating with a minimum of one chair per  
2 child.

3           (g) A laundry room with washer and dryer or daily  
4 linen service.

5           (h) A business office.

6           (i) A children's bathroom in the common area which has  
7 one toilet, one basin, and one standard bathtub or shower.

8           (j) An adult bathroom that has one toilet and one  
9 basin.

10          (k) A staff lounge that includes:

11           1. A bathroom, with one toilet, one basin, and one  
12 shower stall with private changing area per 15 staff members;

13           2. Couches or seating to accommodate a minimum of  
14 one-fourth of the staff at any time; and

15           3. Secure lockers for personal items.

16          (l) A nurses station and medication area that includes  
17 a locked cabinet and emergency kit.

18          (m) An education room, including one area designated  
19 for children 0-2 years of age.

20          (n) A gymnasium area for therapies, with a minimum of  
21 one private speech room.

22          Section 18. Furniture and linens.--Each SPPEAC center  
23 must provide an appropriate mix of cribs, beds, highchairs,  
24 infant seats, and changing tables to meet the needs of the  
25 children being served. All provided items must be maintained  
26 in a safe and sanitary condition. A minimum of one bed or crib  
27 per child is required, which may not be occupied by more than  
28 one child at a time. Linens must be changed and mattresses  
29 sanitized before use by another child.

30          Section 19. Equipment.--Each SPPEAC center shall  
31 provide safety, medical, and emergency equipment as described

1 in this section. All equipment must be maintained in a safe,  
2 usable, and sanitary condition.

3 (1) The following items of safety equipment must be  
4 available on the premises:

5 (a) Extinguishers, alarms, and smoke detectors, as  
6 required by the Life Safety Code, NFPA-101, 1985 edition;

7 (b) Circuit interrupters;

8 (c) Flush door openers;

9 (d) Child-proof safety latches on closets and  
10 cabinets;

11 (e) Straps on all highchairs, swings, and infant  
12 seats;

13 (f) Locks on specific storage cabinets;

14 (g) Bumper pads on infant cribs; and

15 (h) Covers for electric outlets.

16 (2) The following items of medical equipment must be  
17 available on the premises:

18 (a) Suction machines - one per child requiring daily  
19 suctioning, plus one suction machine for emergency use;

20 (b) Mist tents - one per child with respiratory  
21 diagnosis as prescribed;

22 (c) Lockable narcotics cabinet;

23 (d) Mechanical percussors and hand percussors as  
24 prescribed;

25 (e) Oxygen in two portable tanks, or piped in with  
26 appropriate tubing, pediatric manual resuscitation, and masks  
27 for faces and tracheostomies;

28 (f) Ventilator with provision for mixing gases to  
29 provide prescribed oxygen concentration as specifically  
30 prescribed or to be used as a back-up unit when a  
31 ventilator-dependent child is in the center;

- 1           (g) Thermometers, excluding glass thermometers;  
2           (h) Sphygmomanometers, stethoscopes, osteoscopes, and  
3 ophthalmoscopes;  
4           (i) Apnea-monitoring supplies, including belts and  
5 leads to apply to monitors brought from home; and  
6           (j) Supplies of disposable equipment as needed.  
7           (3) The following items of emergency equipment and  
8 supplies must be available on the premises:  
9           (a) An emergency power-generator system, with adequate  
10 generating power to maintain medical equipment in the center  
11 in case of power failure.  
12           (b) Basic emergency equipment, including:  
13           1. Airways, in a range of appropriate pediatric sizes;  
14           2. Suction catheters, in a range of appropriate  
15 pediatric sizes;  
16           3. Pediatric manual resuscitator, self-inflating, with  
17 premie, infant, and pediatric masks;  
18           4. Infant oxygen masks;  
19           5. Child oxygen masks;  
20           6. Oxygen regulator with mist bottle and heating  
21 element;  
22           7. Flashlight with extra batteries in each room;  
23           8. Stethoscope;  
24           9. Feeding tubes in a range of appropriate pediatric  
25 sizes;  
26           10. Disposable plastic syringes and needles in a range  
27 of appropriate pediatric sizes;  
28           11. Intravenous catheter, angio-catheter, and scalp  
29 vein needles in a range of appropriate pediatric sizes;  
30           12. Tourniquets; armboards in premie, infant, and  
31 child sizes; and adhesive tape of various sizes;



- 1           13. Two-way stopcocks;  
2           14. One electrical-outlet adapter for three-prong  
3 outlets; and  
4           15. Antiseptic preps and alcohol preps.  
5           (c) Basic drugs and solutions, including:  
6           1. Epinephrine ampules, two each of 1:1,000 and  
7 1:10,000;  
8           2. Dextrose in 25-percent solution and 50-percent  
9 solution;  
10          3. Ipecac, one 30cc bottle;  
11          4. Sterile water, two vials;  
12          5. Normal saline, two vials;  
13          6. Dextrose 5 percent in water, one 500cc bag; and  
14          7. Dextrose 5 percent in Lactated Ringer's, two 500cc  
15 bags;  
16          (d) If tank oxygen is used, two portable cylinders of  
17 oxygen, properly secured.  
18          (e) A suction machine with sterile suction catheters  
19 in pediatric sizes.  
20          (4) Emergency equipment must be checked daily for  
21 expiration, contamination, or damage, and a log must be  
22 maintained and signed every day by the nurse responsible for  
23 verifying the examining of emergency equipment;  
24          Section 20. Infection control.--  
25          (1) Each SPPEAC center must have an isolation room  
26 with one large glass area for observing the child.  
27          (2) Isolation procedures must be used to prevent  
28 cross-infections.  
29          (3) All cribs and beds must be labeled with the  
30 individual child's name. Linens may be removed from cribs only  
31 for laundering purposes.

1           (4) Bed linens must be changed at least once every  
2 other day.

3           (5) Antimicrobial soap and disposable paper towels  
4 must be provided at each sink.

5           (6) Children suspected of having a communicable  
6 disease that may be transmitted through casual contact, as  
7 determined by the facility's medical director, must be  
8 isolated and the parents notified of the condition. Isolation  
9 must be continued until a physician or advanced registered  
10 nurse practitioner determines communicability has passed.

11           (7) SPPEAC center staff members suspected of having a  
12 communicable disease may not return to the SPPEAC center until  
13 the signs and symptoms that relate to the communicable disease  
14 are no longer present, as evidenced by a written statement  
15 from a physician or advanced registered nurse practitioner.

16           Section 21. Transportation services.--If  
17 transportation is provided by a SPPEAC center and prescribed  
18 by the primary physician or advanced registered nurse  
19 practitioner, a procedure delineating personnel and equipment  
20 to accompany the child must be included in the procedure  
21 manual of the SPPEAC center.

22           Section 22. Emergency procedures.--

23           (1) Each SPPEAC center shall conform to the minimum  
24 standards for child care facilities adopted by the State Fire  
25 Marshal and shall be inspected annually by a certified fire  
26 inspector. The center must maintain a copy of the current  
27 annual fire inspection report at the center.

28           (2) The center must have a working telephone that is  
29 not locked and that is not a pay telephone.

30           (3) Emergency telephone numbers must be posted on or  
31 in the immediate vicinity of all telephones.

