

By Representatives Lerner, Sobel, Ritter, Rich, Joyner,
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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 providing for fees; providing requirements for
13 applicants for licensure; providing
14 requirements for a licensee in administering
15 and managing a SPPEAC center; requiring that
16 each center have an advisory board; providing
17 for membership on the advisory board; providing
18 requirements for the admission of a child to a
19 SPPEAC center; requiring each center to
20 maintain policies for child care; requiring
21 that a board-certified pediatrician serve as
22 the medical director of a center; providing
23 requirements for the nursing services provided
24 at a SPPEAC center; providing requirements for
25 the qualifications and experience of nursing
26 personnel; specifying the minimum
27 staff-to-child ratio for a center; providing
28 requirements for ancillary professional staff;
29 requiring that a SPPEAC center provide certain
30 educational services for children admitted to
31 the center; requiring inservice training for

1 center staff and family members of children
2 admitted to the center; requiring that the
3 center maintain certain medical records;
4 requiring that a center have a committee to
5 conduct reviews for quality assurance;
6 providing requirements for dietary services
7 provided at a center; providing requirements
8 for the physical environment of a SPPEAC
9 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.

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

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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, onsite 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 educational 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," and "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 pro forma 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.

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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 rules 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, which records
24 must be kept in a place, form, and system ordinarily employed
25 in 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:
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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;
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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 of experience in caring
27 for 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 to 28 children - three registered
27 nurses, three licensed practical nurses, and three others.

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

31 (1) A child development specialist who shall:

1 (a) Serve as a resource for SPPEAC center staff and
2 parents of children served; and

3 (b) Evaluate the developmental status of children
4 using standardized and nonstandardized procedures.

5 (2) A child life specialist who has a baccalaureate
6 degree in child life, early childhood education, or a related
7 field, and at least 1 year of experience in planning and
8 implementing developmental stimulation programs for children.
9 The child life specialist shall:

10 (a) Plan and conduct individualized child development
11 and play programs; and

12 (b) Serve as a resource for SPPEAC center staff and
13 parents of children served.

14 (3) An occupational therapist who is licensed under
15 chapter 468, Florida Statutes, is registered with the American
16 Occupational Therapy Association, and has at least 1 year of
17 experience in evaluating and planning treatment for children
18 with neuromuscular and developmental needs. The occupational
19 therapist shall:

20 (a) Evaluate a child following referral by a physician
21 or advanced registered nurse practitioner to determine
22 neuromuscular status, developmental level, perceptual motor
23 functioning, need for adaptive equipment or appliances,
24 abilities for self-care, and the plan of care;

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

27 (c) Maintain records documenting a child's therapy
28 program and progress; and

29 (d) Serve as a resource for SPPEAC center staff.

30 (4) A physical therapist who is licensed under chapter
31 468, Florida Statutes, is a graduate of a program approved by

1 the American Physical Therapy Association, and has at least 1
2 year of experience in evaluating and designing therapeutic
3 programs for children with developmental disabilities. The
4 physical therapist shall:
5 (a) Evaluate a child referred by a physician or
6 advanced registered nurse practitioner to determine the
7 child's neuromuscular status, including the child's
8 developmental level, gait, posture, and necessary adaptive
9 equipment;
10 (b) Design and implement a therapeutic program to meet
11 the needs of each individual child;
12 (c) Maintain records documenting a child's therapy
13 program and progress, as approved by the attending physician
14 or advanced registered nurse practitioner; and
15 (d) Serve as a resource for SPPEAC center staff and
16 parents of children served.
17 (5) A speech pathologist who is certified by the
18 American Speech, Hearing, and Language Association and has at
19 least 1 year of experience in evaluating and treating children
20 at risk for, or experiencing problems with, communications
21 skills. The speech pathologist shall:
22 (a) Perform evaluations, including evaluation of a
23 child's prespeech, feeding, respiration, language, speech,
24 communication, and play, using formal and informal tests and
25 observations;
26 (b) Design and implement individualized therapeutic
27 programs for each child, including recommendations for
28 communication devices;
29 (c) Maintain records documenting the child's therapy
30 programs and progress; and
31

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

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

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

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

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

17 Section 13. Inservice training for all caregivers.--

18 (1) Each SPPEAC center shall develop a comprehensive
19 training program that is available to all caregivers and
20 includes:

21 (a) Inservice training for all family members; and

22 (b) Quarterly staff-development programs, appropriate
23 to the category of personnel for which the programs are
24 conducted, for the purpose of maintaining quality patient
25 care.

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

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

30 (4) At the time of the child's placement in the SPPEAC
31 center, the center shall provide a comprehensive orientation

1 to acquaint all family members with the philosophy and
2 services of the center.

3 Section 14. Medical records.--A medical record shall
4 be maintained for each child. The medical records must
5 contain:

6 (1) All details of the referral, admission,
7 correspondence, and papers concerning the child. Entries in
8 the medical record must be in ink and signed by authorized
9 personnel and include:

10 (a) Orders of the physician or advanced registered
11 nurse practitioner;

12 (b) Flow chart of medications and treatments
13 administered;

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

17 (d) Documentation of nutritional management and
18 special diets, as appropriate; and

19 (e) Documentation of physical, occupational, speech,
20 and other special therapies.

21 (2) An individualized plan of care developed within 10
22 working days after admission and revised to include
23 recommended changes in the therapeutic plans. The disposition
24 to be followed in the event of emergency situations must be
25 specified in the plan of care.

26 (3) The medical history, including allergies and
27 special precautions.

28 (4) The immunization record.

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

1 (6) A discharge order written by the primary physician
2 or advanced registered nurse practitioner. The discharge order
3 must be documented and entered in the child's record. A
4 discharge summary that includes the reason for discharge must
5 also be included.

6 Section 15. Quality assurance committee.--All SPPEAC
7 centers must have a quality assurance program and conduct
8 quarterly reviews of the SPPEAC center's medical records for
9 at least half of the children served by the SPPEAC center at
10 the time of the review.

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

19 (2)(a) Each quarterly quality assurance review must
20 include:

21 1. A review of the goals in each child's plan of care;

22 2. A review of the steps, process, and success in
23 achieving the goals; and

24 3. Identification of goals not being achieved as
25 expected, reasons for lack of achievement, and plans to
26 promote achievement of goals.

27 (b) Evidence that the plan of care has been revised to
28 accommodate the findings of a quality assurance report shall
29 be forwarded to the quality assurance committee within 10
30 working days after receipt of the report by the quality
31 assurance committee.

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

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

6 (a) A properly executed consent form;

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

9 (c) Immunization records, documentation of allergies,
10 and special precautions.

11 Section 16. Dietary services.--A registered dietitian
12 shall be available for consultation regarding the nutritional
13 needs and special diets of individual children. If food is
14 prepared on site, the center is subject to routine inspections
15 by the Department of Health and must conform to food service
16 standards for child care facilities adopted by the Department
17 of Health.

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

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

24 (2) Specifications for a SPPEAC center include:

25 (a) Compliance with part V of chapter 553, Florida
26 Statutes, for accessibility of public buildings for
27 handicapped persons; and

28 (b) Adequate parking for staff and families to comply
29 with applicable local zoning requirements.

30 (3) Requirements for building space allocation
31 include:

- 1 (a) An isolation room with anteroom, a private
2 bathroom with shower or raised tub, and an individual
3 air-conditioning and heating unit.
- 4 (b) A dining area large enough to accommodate at least
5 two-thirds of facility population at one time.
- 6 (c) A kitchen area that includes standard kitchen
7 equipment of stove, oven, refrigerator, dishwasher, and double
8 sink with disposal.
- 9 (d) An indoor play area, including accommodations for
10 mobile and nonmobile children.
- 11 (e) An outdoor play area, fenced and free of safety
12 hazards, with appropriate playground equipment and toys.
- 13 (f) Sleep rooms that comply with the following
14 requirements:
- 15 1. One appropriate bed or crib assigned per child;
16 2. A maximum of three children assigned to each sleep
17 room;
- 18 3. A minimum of 28 square feet per child;
19 4. Hanging closet space with drawers;
20 5. Direct access to a bathroom with shower or standard
21 tub;
- 22 6. A changing area with sink; and
23 7. Adequate seating with a minimum of one chair per
24 child.
- 25 (g) A laundry room with washer and dryer or daily
26 linen service.
- 27 (h) A business office.
- 28 (i) A children's bathroom in the common area which has
29 one toilet, one basin, and one standard bathtub or shower.
- 30 (j) An adult bathroom that has one toilet and one
31 basin.

- 1 (k) A staff lounge that includes:
2 1. A bathroom, with one toilet, one basin, and one
3 shower stall with private changing area per 15 staff members;
4 2. Couches or seating to accommodate a minimum of
5 one-fourth of the staff at any time; and
6 3. Secure lockers for personal items.
7 (l) A nurses station and medication area that includes
8 a locked cabinet and emergency kit.

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

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

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

21 Section 19. Equipment.--Each SPPEAC center shall
22 provide safety, medical, and emergency equipment as described
23 in this section. All equipment must be maintained in a safe,
24 usable, and sanitary condition.

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

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

29 (b) Circuit interrupters;

30 (c) Flush door openers;

31

- 1 (d) Child-proof safety latches on closets and
2 cabinets;
- 3 (e) Straps on all highchairs, swings, and infant
4 seats;
- 5 (f) Locks on specific storage cabinets;
6 (g) Bumper pads on infant cribs; and
7 (h) Covers for electric outlets.
- 8 (2) The following items of medical equipment must be
9 available on the premises:
- 10 (a) Suction machines - one per child requiring daily
11 suctioning, plus one suction machine for emergency use;
- 12 (b) Mist tents - one per child with respiratory
13 diagnosis as prescribed;
- 14 (c) Lockable narcotics cabinet;
- 15 (d) Mechanical percussors and hand percussors as
16 prescribed;
- 17 (e) Oxygen in two portable tanks, or piped in with
18 appropriate tubing, pediatric manual resuscitation, and masks
19 for faces and tracheostomies;
- 20 (f) Ventilator with provision for mixing gases to
21 provide prescribed oxygen concentration as specifically
22 prescribed or to be used as a backup unit when a
23 ventilator-dependent child is in the center;
- 24 (g) Thermometers, excluding glass thermometers;
- 25 (h) Sphygmomanometers, stethoscopes, osteoscopes, and
26 ophthalmoscopes;
- 27 (i) Apnea-monitoring supplies, including belts and
28 leads to apply to monitors brought from home; and
- 29 (j) Supplies of disposable equipment as needed.
- 30 (3) The following items of emergency equipment and
31 supplies must be available on the premises:

- 1 (a) An emergency power-generator system, with adequate
2 generating power to maintain medical equipment in the center
3 in case of power failure.
- 4 (b) Basic emergency equipment, including:
- 5 1. Airways, in a range of appropriate pediatric sizes;
6 2. Suction catheters, in a range of appropriate
7 pediatric sizes;
- 8 3. Pediatric manual resuscitator, self-inflating, with
9 premature infant, infant, and pediatric masks;
- 10 4. Infant oxygen masks;
11 5. Child oxygen masks;
12 6. Oxygen regulator with mist bottle and heating
13 element;
- 14 7. Flashlight with extra batteries in each room;
15 8. Stethoscope;
16 9. Feeding tubes in a range of appropriate pediatric
17 sizes;
- 18 10. Disposable plastic syringes and needles in a range
19 of appropriate pediatric sizes;
- 20 11. Intravenous catheter, angiocatheter, and scalp
21 vein needles in a range of appropriate pediatric sizes;
- 22 12. Tourniquets; armboards in premature infant,
23 infant, and child sizes; and adhesive tape of various sizes;
- 24 13. Two-way stopcocks;
25 14. One electrical-outlet adapter for three-prong
26 outlets; and
- 27 15. Antiseptic preps and alcohol preps.
- 28 (c) Basic drugs and solutions, including:
- 29 1. Epinephrine ampules, two each of 1:1,000 and
30 1:10,000;
31

- 1 2. Dextrose in 25-percent solution and 50-percent
2 solution;
3 3. Ipecac, one 30cc bottle;
4 4. Sterile water, two vials;
5 5. Normal saline, two vials;
6 6. Dextrose 5 percent in water, one 500cc bag; and
7 7. Dextrose 5 percent in Lactated Ringer's, two 500cc
8 bags;
9 (d) If tank oxygen is used, two portable cylinders of
10 oxygen, properly secured.
11 (e) A suction machine with sterile suction catheters
12 in pediatric sizes.
13 (4) Emergency equipment must be checked daily for
14 expiration, contamination, or damage, and a log must be
15 maintained and signed every day by the nurse responsible for
16 verifying the examining of emergency equipment.
17 Section 20. Infection control.--
18 (1) Each SPPEAC center must have an isolation room
19 with one large glass area for observing the child.
20 (2) Isolation procedures must be used to prevent
21 cross-infections.
22 (3) All cribs and beds must be labeled with the
23 individual child's name. Linens may be removed from cribs only
24 for laundering purposes.
25 (4) Bed linens must be changed at least once every
26 other day.
27 (5) Antimicrobial soap and disposable paper towels
28 must be provided at each sink.
29 (6) Children suspected of having a communicable
30 disease that may be transmitted through casual contact, as
31 determined by the facility's medical director, must be

1 isolated and the parents notified of the condition. Isolation
2 must be continued until a physician or advanced registered
3 nurse practitioner determines communicability has passed.

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

9 Section 21. Transportation services.--If
10 transportation is provided by a SPPEAC center and prescribed
11 by the primary physician or advanced registered nurse
12 practitioner, a procedure delineating personnel and equipment
13 to accompany the child must be included in the procedure
14 manual of the SPPEAC center.

15 Section 22. Emergency procedures.--

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

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

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

25 (4) Each center must have an emergency power source
26 with sufficient generating power to continue the function of
27 medical equipment in the event of a power failure. The
28 emergency generator must be tested every 30 days and
29 satisfactory mechanical operation must be documented on a log
30 designed for that purpose.

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1 (5) Emergency transportation of a child must be
2 performed by a licensed emergency medical services provider,
3 with a SPPEAC center staff member accompanying the child.

4 Section 23. This act shall take effect October 1,
5 2002.

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8 LEGISLATIVE SUMMARY

9
10 Requires the Agency for Health Care Administration to
11 license subacute pediatric prescribed extended
12 alternative care centers that provide care for medically
13 fragile or technologically dependent children. Specifies
14 requirements for obtaining and maintaining such a
15 license. Provides requirements for the professional staff
16 employed by a SPPEAC center. Provides requirements for
17 qualify assurance for a center. Specifies minimum
18 equipment and supplies that must be maintained by a
19 center. (See bill for details.)

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