

By Senator Saunders

37-219B-03

1 A bill to be entitled
 2 An act relating to retirement communities;
 3 amending s. 400.235, F.S., relating to the Gold
 4 Seal Program; amending standards for evidence
 5 of financial soundness and stability of certain
 6 nursing home facilities; amending s. 400.141,
 7 F.S.; amending prerequisites that certain
 8 nursing homes must fulfill to qualify for
 9 sharing programming and staff with other
 10 entities that are part of a retirement
 11 community; amending ss. 651.081, 651.085, F.S.;
 12 providing for the establishment of a residents'
 13 organization; providing for the purposes of
 14 such an organization; requiring notice of a
 15 meeting or ballot election to select a
 16 designated representative to represent a
 17 residents' organization before the governing
 18 body of a continuing care provider; providing
 19 an effective date.

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

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 23 Section 1. Paragraph (b) of subsection (5) of section
 24 400.235, Florida Statutes, is amended to read:

25 400.235 Nursing home quality and licensure status;
 26 Gold Seal Program.--

27 (5) Facilities must meet the following additional
 28 criteria for recognition as a Gold Seal Program facility:

29 (b) Evidence financial soundness and stability
 30 according to standards adopted by the agency in administrative
 31 rule. A nursing home that is part of the same corporate entity

1 as a continuing care facility licensed under chapter 651 which
2 meets the minimum liquid reserve requirements specified in s.
3 651.035 and is accredited by a recognized accrediting
4 organization under s. 651.028 and rules of the Department of
5 Insurance satisfies this requirement.

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7 A facility assigned a conditional licensure status may not
8 qualify for consideration for the Gold Seal Program until
9 after it has operated for 30 months with no class I or class
10 II deficiencies and has completed a regularly scheduled
11 relicensure survey.

12 Section 2. Subsection (7) of section 400.141, Florida
13 Statutes, is amended to read:

14 400.141 Administration and management of nursing home
15 facilities.--Every licensed facility shall comply with all
16 applicable standards and rules of the agency and shall:

17 (7)(a) Be allowed to share programming and staff,if
18 the facility:

19 1. Currently has a standard licensure status and, for
20 the past 12 months, has not had a conditional license that was
21 caused either partly or wholly by a staffing deficiency
22 directly related to care;or

23 2. Is a Gold Seal facility, exceeds minimum staffing
24 standards, and is part of a continuing care facility licensed
25 under chapter 651 or a retirement community that offers other
26 services pursuant to part III, part IV, or part V on a single
27 campus, ~~be allowed to share programming and staff.~~

28 (b) At the time of licensure inspection relicensure, a
29 continuing care facility or retirement community that uses
30 this option must demonstrate through staffing records that
31 minimum staffing requirements for the facility were exceeded.

1 Certified nursing assistant hours in excess of 2.6 hours per
2 resident per day during calendar year 2003, and in excess of
3 2.9 hours per resident per day after January 1, 2004, may be
4 used to provide services elsewhere on campus, as long as the
5 facility maintains at least 0.4 hours of certified nursing
6 assistant direct care per resident between the hours of 11
7 p.m. and 7 a.m. and is not cited for a staffing deficiency
8 directly related to care. Licensed nursing staff hours in
9 excess of 1 hour per resident per day may be used to provide
10 services elsewhere on campus, as long as the facility
11 maintains at least 0.2 hours of licensed nursing care per
12 resident hour between 11 p.m. and 7 a.m. and is not cited for
13 a staffing deficiency directly related to care. If a facility
14 is cited for a staffing deficiency directly related to care,
15 it may not share programming or staff as provided under this
16 subsection until the deficiency is corrected. However, if the
17 facility receives a conditional license that is caused either
18 partly or wholly by a deficiency in care resulting from an
19 insufficient number of staff, the facility may not share
20 programming or staff as provided under this subsection until a
21 year after the date the conditional license status ends.

22 Section 3. Section 651.081, Florida Statutes, is
23 amended to read:

24 651.081 Continuing care facilities residents'
25 organizations.--

26 (1) Residents living in a facility holding a valid
27 certificate of authority under this chapter have the right of
28 self-organization, the right to be represented by an
29 individual of their own choosing, and the right to engage in
30 concerted activities for the purpose of keeping informed on
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1 the operation of the facility which is caring for them or for
2 the purpose of other mutual aid or protection.

3 (2) A residents' organization created for the purpose
4 of representing residents on matters set forth in s. 651.085
5 may be established through an election in which the residents,
6 as defined in this chapter, vote by ballot, either physically
7 or by proxy. If the election is to be held during a meeting, a
8 notice of the organizational meeting must be provided to all
9 residents of the community at least 10 business days before
10 the meeting. Notice may be given through internal mailboxes,
11 communitywide newsletters, bulletin boards, in-house
12 television stations, and other similar means of communication.
13 An election for creating a residents' organization is valid if
14 at least 40 percent of the total resident population
15 participates in the election and a majority of the
16 participants vote affirmatively for the organization. The
17 initial residents' organization created under this section is
18 valid for at least 12 months. If the facility has a residents'
19 association, residents' council, or similarly organized body
20 with bylaws and elected officials in effect on July 1, 2003, a
21 new election for that body need not take place until the time
22 for the next regular election which is specified in the
23 organization's bylaws.

24 Section 4. Subsection (2) of section 651.085, Florida
25 Statutes, is amended to read:

26 651.085 Quarterly meetings between residents and the
27 governing body of the provider; resident representation before
28 the governing body of the provider.--

29 (2) A residents' organization formed pursuant to s.
30 651.081, members of which are elected by the residents, may
31 designate a resident to represent them before the governing

1 body of the provider or organize a meeting or ballot election
2 ~~of the majority~~ of the residents of the facility to determine
3 whether to elect a resident to represent them before the
4 governing body of the provider. If a no residents'
5 organization as described in s. 651.081 does not exist ~~exists~~,
6 any resident may organize a meeting or ballot election ~~of the~~
7 ~~majority~~ of the residents of the facility to determine whether
8 to elect a resident to represent them before the governing
9 body and, if applicable, elect the representative. The
10 residents' organization, or the resident that organizes
11 convenes a meeting or ballot election ~~of residents~~ to ~~make the~~
12 ~~determination or~~ elect a representative, shall give all
13 residents of the facility notice at least 10 business days
14 before the meeting or election ~~7 days' notice in a conspicuous~~
15 ~~place at the facility.~~ Notice may be given through internal
16 mailboxes, communitywide newsletters, bulletin boards,
17 in-house television stations, and other similar means of
18 communication. An election of the representative is valid if
19 at least 40 percent of the total resident population
20 participates in the election and a majority of the
21 participants vote affirmatively for the representative. The
22 initial designated representative elected under this section
23 shall be elected to serve for a period of at least 12 months.

24 Section 5. This act shall take effect upon becoming a
25 law.

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SENATE SUMMARY

Sets forth qualifications that satisfy the criterion for evidence of financial soundness and security which is a prerequisite to a nursing home's designation as a Gold Seal Program facility. Amends prerequisites that certain nursing homes must satisfy to qualify for sharing programming and staff with other entities that are part of a retirement community. Provides for the establishment of a residents' organization. Provides for the purposes of such an organization. Requires notice of a meeting or ballot election to select a designated representative to represent a residents' organization before the governing body of a continuing care provider.