

Bill No. SB 2572

Barcode 580034

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Fasano) recommended the following amendment:

Senate Amendment (with title amendment)

On page 8, between lines 27 and 28,

insert:

Section 3. Paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.--

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) The location of the facility and housing conditions that will ensure the health, safety, and comfort of residents, including an adequate call system. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and

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1 associations with knowledge of such subject matters. The
2 agency shall update or revise such criteria as the need
3 arises. The agency may require alterations to a building if it
4 determines that an existing condition constitutes a distinct
5 hazard to life, health, or safety. In performing any
6 inspections of facilities authorized by this part, the agency
7 may enforce the special-occupancy provisions of the Florida
8 Building Code and the Florida Fire Prevention Code which apply
9 to nursing homes. Residents or their representatives shall be
10 able to request a change in the placement of the bed in their
11 room, provided that at admission they are presented with a
12 room that meets requirements of the Florida Building Code. The
13 location of a bed may be changed if the requested placement
14 does not infringe on the resident's roommate or interfere with
15 the resident's care or safety as determined by the care
16 planning team in accordance with facility policies and
17 procedures. In addition, the bed placement may not be used as
18 a restraint. Each facility shall maintain a log of resident
19 rooms with beds that are not in strict compliance with the
20 Florida Building Code in order for such log to be used by
21 surveyors and nurse monitors during inspections and visits.
22 Any resident or resident representative who requests that a
23 bed be moved shall sign a statement indicating that they
24 understand the room will not be in compliance with the Florida
25 Building Code, but they would prefer to exercise their right
26 to self-determination. The statement must be retained as part
27 of the resident's care plan. Any facility that offers this
28 option shall notify the agency of this practice by submitting
29 a letter signed by the nursing home administrator of record
30 and a copy of the facility's policies and procedures. The
31 agency is directed to provide assistance to the Florida

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1 Building Commission in updating the construction standards of
2 the code relative to nursing homes.

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4 (Redesignate subsequent sections.)

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

8 And the title is amended as follows:

9 On page 2, line 4, after the semicolon,

10
11 insert:

12 amending s. 400.23, F.S.; providing that a
13 nursing home facility may offer residents the
14 option to request relocation of beds under
15 certain circumstances; providing an exception
16 to the Florida Building Code;

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