

Bill No. CS for SB 484, 1st Eng.

Barcode 500870

CHAMBER ACTION

Senate

House

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Senator Fasano moved the following amendment:

**Senate Amendment (with title amendment)**

On page 2, line 29,

insert:

Section 1. 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 associations with knowledge of such subject matters. The

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

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1 standards of the code relative to nursing homes.

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3 (Redesignate subsequent sections.)

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

7 And the title is amended as follows:

8 On page 1, line 2, following the semicolon

9

10 insert:

11 amending s. 400.23, F.S.; prescribing

12 conditions applicable to requests by nursing

13 home residents or their representatives for bed

14 placement that is not in compliance with

15 building codes;

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