

1 A bill to be entitled
 2 An act relating to protection of elders; amending s.
 3 400.022, F.S.; permitting residents of nursing homes to
 4 have video surveillance devices installed in their rooms;
 5 amending s. 429.41, F.S.; requiring the Department of
 6 Elderly Affairs, in consultation with the Agency for
 7 Health Care Administration, the Department of Children and
 8 Family Services, and the Department of Health, to adopt
 9 rules, policies, and procedures that include standards
 10 regarding standardized transfer forms for certain medical
 11 records; amending s. 429.52, F.S.; requiring the
 12 Department of Elderly Affairs to offer certain assisted
 13 living facility staff competency tests in additional
 14 languages; providing an effective date.

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

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 18 Section 1. Paragraph (w) is added to subsection (1) of
 19 section 400.022, Florida Statutes, to read:

20 400.022 Residents' rights.--

21 (1) All licensees of nursing home facilities shall adopt
 22 and make public a statement of the rights and responsibilities
 23 of the residents of such facilities and shall treat such
 24 residents in accordance with the provisions of that statement.

25 The statement shall assure each resident the following:

26 (w) The right to have a video surveillance device
 27 installed in his or her room.

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28 Section 2. Paragraph (h) of subsection (1) of section
29 429.41, Florida Statutes, is amended to read:

30 429.41 Rules establishing standards.--

31 (1) It is the intent of the Legislature that rules
32 published and enforced pursuant to this section shall include
33 criteria by which a reasonable and consistent quality of
34 resident care and quality of life may be ensured and the results
35 of such resident care may be demonstrated. Such rules shall also
36 ensure a safe and sanitary environment that is residential and
37 noninstitutional in design or nature. It is further intended
38 that reasonable efforts be made to accommodate the needs and
39 preferences of residents to enhance the quality of life in a
40 facility. The agency, in consultation with the department, may
41 adopt rules to administer the requirements of part II of chapter
42 408. In order to provide safe and sanitary facilities and the
43 highest quality of resident care accommodating the needs and
44 preferences of residents, the department, in consultation with
45 the agency, the Department of Children and Family Services, and
46 the Department of Health, shall adopt rules, policies, and
47 procedures to administer this part, which must include
48 reasonable and fair minimum standards in relation to:

49 (h) The care and maintenance of residents, which must
50 include, but is not limited to:

- 51 1. The supervision of residents;
- 52 2. The provision of personal services;
- 53 3. The provision of, or arrangement for, social and
54 leisure activities;

55 4. The arrangement for appointments and transportation to
 56 appropriate medical, dental, nursing, or mental health services,
 57 as needed by residents;

58 5. The management of medication;

59 6. The nutritional needs of residents;

60 7. Resident records, including standardized transfer forms
 61 containing vital medical information concerning the resident
 62 that is available to emergency responders 24 hours per day; and

63 8. Internal risk management and quality assurance.

64 Section 3. Subsection (2) of section 429.52, Florida
 65 Statutes, is amended to read:

66 429.52 Staff training and educational programs; core
 67 educational requirement.--

68 (2) The department shall establish a competency test and a
 69 minimum required score to indicate successful completion of the
 70 training and educational requirements. The competency test must
 71 be developed by the department in conjunction with the agency
 72 and providers and must be offered in English, Spanish, and
 73 Creole. The required training and education must cover at least
 74 the following topics:

75 (a) State law and rules relating to assisted living
 76 facilities.

77 (b) Resident rights and identifying and reporting abuse,
 78 neglect, and exploitation.

79 (c) Special needs of elderly persons, persons with mental
 80 illness, and persons with developmental disabilities and how to
 81 meet those needs.

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82 (d) Nutrition and food service, including acceptable
83 sanitation practices for preparing, storing, and serving food.

84 (e) Medication management, recordkeeping, and proper
85 techniques for assisting residents with self-administered
86 medication.

87 (f) Firesafety requirements, including fire evacuation
88 drill procedures and other emergency procedures.

89 (g) Care of persons with Alzheimer's disease and related
90 disorders.

91 Section 4. This act shall take effect July 1, 2009.