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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/19/2010	.	
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The Committee on Health and Human Services Appropriations  
(Negron) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 515 and 516  
insert:

Section 9. Paragraph (o) of subsection (1) of section  
400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home  
facilities.—

(1) Every licensed facility shall comply with all  
applicable standards and rules of the agency and shall:

(o)1. Submit semiannually to the agency, or more frequently



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13 if requested by the agency, information regarding facility  
14 staff-to-resident ratios, staff turnover, and staff stability,  
15 including information regarding certified nursing assistants,  
16 licensed nurses, the director of nursing, and the facility  
17 administrator. For purposes of this reporting:

18 a. Staff-to-resident ratios must be reported in the  
19 categories specified in s. 400.23(3)(a) and applicable rules.  
20 The ratio must be reported as an average for the most recent  
21 calendar quarter.

22 b. Staff turnover must be reported for the most recent 12-  
23 month period ending on the last workday of the most recent  
24 calendar quarter prior to the date the information is submitted.  
25 The turnover rate must be computed quarterly, with the annual  
26 rate being the cumulative sum of the quarterly rates. The  
27 turnover rate is the total number of terminations or separations  
28 experienced during the quarter, excluding any employee  
29 terminated during a probationary period of 3 months or less,  
30 divided by the total number of staff employed at the end of the  
31 period for which the rate is computed, and expressed as a  
32 percentage.

33 c. The formula for determining staff stability is the total  
34 number of employees that have been employed for more than 12  
35 months, divided by the total number of employees employed at the  
36 end of the most recent calendar quarter, and expressed as a  
37 percentage.

38 d. A nursing facility that has failed to comply with state  
39 minimum-staffing requirements for 2 consecutive days is  
40 prohibited from accepting new admissions until the facility has  
41 achieved the minimum-staffing requirements for a period of 6



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42 consecutive days. For the purposes of this sub-subparagraph, any  
43 person who was a resident of the facility and was absent from  
44 the facility for the purpose of receiving medical care at a  
45 separate location or was on a leave of absence is not considered  
46 a new admission. Failure to impose such an admissions moratorium  
47 constitutes a class II deficiency.

48 e. A nursing facility which does not have a conditional  
49 license may be cited for failure to comply with the standards in  
50 s. 400.23(3)(a)1.b. and c. ~~s. 400.23(3)(a)1.a.~~ only if it has  
51 failed to meet those standards on 2 consecutive days or if it  
52 has failed to meet at least 97 percent of those standards on any  
53 one day.

54 f. A facility which has a conditional license must be in  
55 compliance with the standards in s. 400.23(3)(a) at all times.

56 2. This paragraph does not limit the agency's ability to  
57 impose a deficiency or take other actions if a facility does not  
58 have enough staff to meet the residents' needs.

59 Section 2. Paragraph (a) of subsection (3) of section  
60 400.23, Florida Statutes, is amended to read:

61 400.23 Rules; evaluation and deficiencies; licensure  
62 status.—

63 (3)(a)1. The agency shall adopt rules providing minimum  
64 staffing requirements for nursing homes. These requirements  
65 shall include, for each nursing home facility:

66 a. A minimum weekly average of certified nursing assistant  
67 and licensed nursing staffing combined of 3.9 hours of direct  
68 care per resident per day. As used in this sub-subparagraph, a  
69 week is defined as Sunday through Saturday.

70 b. A minimum certified nursing assistant staffing of 2.7



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71 hours of direct care per resident per day. A facility may not  
72 staff below one certified nursing assistant per 20 residents.

73 c. A minimum licensed nursing staffing of 1.0 hour of  
74 direct care per resident per day. A facility may not staff below  
75 one licensed nurse per 40 residents.

76 ~~a. A minimum certified nursing assistant staffing of 2.6~~  
77 ~~hours of direct care per resident per day beginning January 1,~~  
78 ~~2003, and increasing to 2.7 hours of direct care per resident~~  
79 ~~per day beginning January 1, 2007. Beginning January 1, 2002, no~~  
80 ~~facility shall staff below one certified nursing assistant per~~  
81 ~~20 residents, and a minimum licensed nursing staffing of 1.0~~  
82 ~~hour of direct care per resident per day but never below one~~  
83 ~~licensed nurse per 40 residents.~~

84 ~~b. Beginning January 1, 2007, a minimum weekly average~~  
85 ~~certified nursing assistant staffing of 2.9 hours of direct care~~  
86 ~~per resident per day. For the purpose of this sub-subparagraph,~~  
87 ~~a week is defined as Sunday through Saturday.~~

88 2. Nursing assistants employed under s. 400.211(2) may be  
89 included in computing the staffing ratio for certified nursing  
90 assistants only if their job responsibilities include only  
91 nursing-assistant-related duties.

92 3. Each nursing home must document compliance with staffing  
93 standards as required under this paragraph and post daily the  
94 names of staff on duty for the benefit of facility residents and  
95 the public.

96 4. The agency shall recognize the use of licensed nurses  
97 for compliance with minimum staffing requirements for certified  
98 nursing assistants, provided that the facility otherwise meets  
99 the minimum staffing requirements for licensed nurses and that



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100 the licensed nurses are performing the duties of a certified  
101 nursing assistant. Unless otherwise approved by the agency,  
102 licensed nurses counted toward the minimum staffing requirements  
103 for certified nursing assistants must exclusively perform the  
104 duties of a certified nursing assistant for the entire shift and  
105 not also be counted toward the minimum staffing requirements for  
106 licensed nurses. If the agency approved a facility's request to  
107 use a licensed nurse to perform both licensed nursing and  
108 certified nursing assistant duties, the facility must allocate  
109 the amount of staff time specifically spent on certified nursing  
110 assistant duties for the purpose of documenting compliance with  
111 minimum staffing requirements for certified and licensed nursing  
112 staff. In no event may the hours of a licensed nurse with dual  
113 job responsibilities be counted twice.

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

117 And the title is amended as follows:

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119 Delete line 34

120 and insert:

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122 program; amending s. 400.141, F.S.; conforming a  
123 cross-reference to changes made by the act; amending  
124 s. 400.23, F.S.; providing for flexibility in how to  
125 meet the minimum staffing requirements for nursing  
126 home facilities; providing an effective date.