



422602

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2010	.	
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The Committee on Health Regulation (Gaetz) recommended the following:

1           **Senate Amendment to Amendment (751242) (with title**  
2 **amendment)**

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4           Between lines 3244 and 3245  
5 insert:

6           Section 95. Subsection (15) of section 400.0255, Florida  
7 Statutes, is amended to read

8           400.0255 Resident transfer or discharge; requirements and  
9 procedures; hearings.—

10           (15) (a) The department's Office of Appeals Hearings shall  
11 conduct hearings under this section. The office shall notify the  
12 facility of a resident's request for a hearing.



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13 (b) The department shall, by rule, establish procedures to  
14 be used for fair hearings requested by residents. These  
15 procedures shall be equivalent to the procedures used for fair  
16 hearings for other Medicaid cases appearing in s. 409.285 and  
17 applicable rules, chapter 10-2, part VI, Florida Administrative  
18 Code. The burden of proof must be clear and convincing evidence.  
19 A hearing decision must be rendered within 90 days after receipt  
20 of the request for hearing.

21 (c) If the hearing decision is favorable to the resident  
22 who has been transferred or discharged, the resident must be  
23 readmitted to the facility's first available bed.

24 (d) The decision of the hearing officer shall be final. Any  
25 aggrieved party may appeal the decision to the district court of  
26 appeal in the appellate district where the facility is located.  
27 Review procedures shall be conducted in accordance with the  
28 Florida Rules of Appellate Procedure.

29 Section 96. Section 400.915, Florida Statutes, is amended  
30 to read:

31 400.915 Construction and renovation; requirements.—The  
32 requirements for the construction or renovation of a PPEC center  
33 shall comply with:

34 (1) The provisions of chapter 553, which pertain to  
35 building construction standards, including plumbing, electrical  
36 code, glass, manufactured buildings, accessibility for the  
37 physically disabled;

38 (2) The provisions of s. 633.022 and applicable rules  
39 pertaining to physical minimum standards for nonresidential  
40 child care physical facilities in rule 10M-12.003, Florida  
41 Administrative Code, Child Care Standards; and



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42           (3) The standards or rules adopted pursuant to this part  
43 and part II of chapter 408.

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

47 And the title is amended as follows:

48           Delete line 3526

49 and insert:

50           a reference; amending s. 400.0255, F.S.; correcting an  
51 obsolete cross-reference to administrative rules; amending s.  
52 400.915, F.S.; correcting an obsolete cross-reference to  
53 administrative rules; providing an effective date.

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