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588-02542B-12

Proposed Committee Substitute by the Committee on Health
Regulation

1 A bill to be entitled
2 An act relating to assisted living facilities;
3 amending s. 394.4574, F.S.; revising the duties of the
4 case manager for, and the community living support
5 plan of, a mental health resident of an assisted
6 living facility; amending s. 400.0078, F.S.; requiring
7 residents of long-term care facilities to be informed
8 about the confidentiality of the subject matter and
9 identity of the complainant of a complaint received by
10 the State Long-Term Care Ombudsman Program; amending
11 s. 415.1034, F.S.; adding certain employees or agents
12 of a state or local agency to the list of persons who
13 must report the known or suspected abuse of a
14 vulnerable adult to the abuse hotline; amending s.
15 429.02, F.S.; providing definitions for "board" and
16 "mental health professional"; amending s. 429.07,
17 F.S.; conforming a cross-reference; increasing the
18 biennial license fee required for a facility that has
19 certain violations within the 2 years preceding
20 license renewal; amending s. 429.075, F.S.; revising
21 the criteria preventing a licensed facility from
22 receiving a limited mental health license; providing
23 training requirements for administrators and staff
24 members of facilities that hold a limited mental
25 health license; requiring that a mental health
26 professional be part of the team inspecting a facility
27 that holds a limited mental health license; requiring



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28 quarterly monitoring of the facility; providing for an
29 exception from quarterly monitoring; amending s.
30 429.14, F.S.; requiring the revocation of a facility
31 license for certain violations that result in the
32 death of a resident; amending s. 429.176, F.S.;
33 requiring the licensure of facility administrators;
34 providing administrator education and examination
35 requirements; providing training requirements for
36 facility managers during the temporary absence of an
37 administrator; amending s. 429.178, F.S.; revising
38 training requirements for staff who provide care for
39 persons with Alzheimer's disease and related
40 disorders; amending s. 429.19, F.S.; conforming
41 provisions to changes made by the act; authorizing the
42 Agency for Health Care Administration to impose an
43 increased fine for certain violations that result in
44 the death of a resident; amending s. 429.23, F.S.;
45 requiring a facility to establish a risk management
46 and quality assurance program; amending s. 429.256,
47 F.S.; conforming a cross-reference; amending s.
48 429.28, F.S.; requiring residents of facilities to be
49 informed about the confidentiality of the subject
50 matter and identity of the resident and complainant of
51 a complaint made to the State Long-Term Care Ombudsman
52 Program; requiring the agency to conduct followup
53 inspections of facilities that have a history of
54 certain violations; providing that a facility that
55 terminates an individual's residency will be fined if
56 good cause is not shown in court; amending s. 429.34,



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57 F.S.; providing that the agency is designated as the
58 central agency for receiving and tracking facility
59 complaints; requiring the agency to have lead
60 surveyors who specialize in assessing facilities;
61 amending s. 429.41, F.S.; requiring the agency to
62 observe the elopement drills of a randomly selected
63 group of facilities; authorizing the agency to require
64 additional staffing for facilities that hold a
65 specialty license; requiring the agency to conduct an
66 abbreviated biennial licensure inspection; amending s.
67 429.49, F.S.; increasing the criminal penalty for
68 altering facility records; creating s. 429.515, F.S.;
69 requiring new facility employees to attend a
70 preservice orientation; providing requirements for
71 such orientation; amending s. 429.52, F.S.; revising
72 training and continuing education requirements for
73 facility staff other than administrators; providing
74 for the use of interactive online tutorials; creating
75 s. 429.521, F.S.; providing specialty training
76 requirements for certain staff of facilities that hold
77 an extended congregate care, limited nursing, and
78 limited mental health license; providing for
79 examinations; authorizing the Board of Assisted Living
80 Facility Administration to adopt rules; creating s.
81 429.522, F.S.; requiring training providers to be
82 certified by the board and provide trainer oversight;
83 providing trainer requirements; requiring the board to
84 maintain an electronic database of certified providers
85 and persons who complete training if funding is



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86 available; creating s. 429.523, F.S.; providing for
87 board approval of training and testing centers;
88 providing approval criteria; amending s. 429.54, F.S.;
89 requiring specified state agencies to have an
90 electronic system of communication pertaining to the
91 regulation of facilities; requiring facilities to
92 submit certain facility and resident information
93 electronically to the agency twice yearly; providing
94 for the maintenance and use of such information;
95 providing for expiration of this requirement; creating
96 s. 429.55, F.S.; directing the agency to establish an
97 online, user-friendly facility rating system that may
98 be accessed by the public; providing a directive to
99 the Division of Statutory Revision; amending s.
100 498.1635, F.S.; revising the purpose of part II of ch.
101 669, F.S., to include assisted living administrators;
102 amending s. 468.1645, F.S.; requiring assisted living
103 facilities to be operated under the management of a
104 licensed administrator; amending s. 468.1655, F.S.;
105 revising definitions to conform to changes made by the
106 act; amending s. 468.1665, F.S.; revising the
107 membership of the Board of Nursing Home and Assisted
108 Living Facility Administrators; amending s. 468.1685,
109 F.S.; revising the duties of the board to include the
110 development of assisted living facility administrator
111 training and examination, administrator continuing
112 education curriculum, a limited mental health
113 curriculum and examination, a staff training
114 curriculum, an interactive online tutorial for



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115 facility staff, a continuing education curriculum for
116 facility staff, and other training requirements as
117 necessary; requiring the board to certify assisted
118 living training providers and approve testing and
119 training centers; amending s. 468.1695, F.S.;
120 providing requirements for assisted living facility
121 administrator examination; amending s. 468.1705, F.S.,
122 relating to licensure by endorsement to conform to
123 changes made by the act; amending s. 468.1725, F.S.;
124 revising provisions relating to the inactive status of
125 an administrator's license; amending s. 468.1735,
126 F.S., relating to provisional licensing; conforming
127 provisions to changes made by the act; amending s.
128 468.1745, F.S.; providing requirements for who must be
129 licensed as an assisted living facility administrator;
130 amending s. 468.1755, F.S.; conforming provisions to
131 changes made by the act; providing grounds for
132 disciplinary action for assisted living facility
133 administrators; amending s. 468.1756, F.S.; conforming
134 provisions to changes made by the act; requiring the
135 agency to create a task force to determine whether
136 state agencies have overlapping regulatory
137 jurisdiction over facilities and to submit findings
138 and recommendations to the Governor and Legislature by
139 a certain date; providing for termination; requiring
140 the Office of the State Long-Term Care Ombudsman to
141 create a task force to review the agency's facility
142 inspection forms and to submit its recommendations to
143 the agency by a certain date; providing for



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144 termination; providing an effective date.

145
146 Be It Enacted by the Legislature of the State of Florida:

147
148 Section 1. Paragraph (e) of subsection (2) of section
149 394.4574, Florida Statutes, is amended, and paragraph (f) is
150 added to that subsection, to read:

151 394.4574 Department responsibilities for a mental health
152 resident who resides in an assisted living facility that holds a
153 limited mental health license.—

154 (2) The department must ensure that:

155 (e) The mental health services provider assigns a case
156 manager to each mental health resident who lives in an assisted
157 living facility with a limited mental health license. The case
158 manager is responsible for coordinating the development ~~of~~ and
159 implementation of the community living support plan defined in
160 s. 429.02. The plan must be updated as needed, but at least
161 annually, to ensure that the ongoing needs of the resident are
162 addressed. Each case manager shall keep a record of the date and
163 time of any face-to-face interaction with the mental health
164 resident and make the record available to the department for
165 inspection. The record must be retained for 2 years after the
166 date of the last interaction.

167 (f) There is adequate and consistent monitoring and
168 enforcement of community living support plans and cooperative
169 agreements by the department.

170 Section 2. Subsection (2) of section 400.0078, Florida
171 Statutes, is amended to read:

172 400.0078 Citizen access to State Long-Term Care Ombudsman



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173 Program services.-

174 (2) ~~Every resident or representative of a resident shall~~
175 ~~receive,~~ Upon admission to a long-term care facility, each
176 resident or representative of a resident must receive
177 information regarding the purpose of the State Long-Term Care
178 Ombudsman Program, the statewide toll-free telephone number for
179 receiving complaints, the confidentiality of the subject matter
180 of a complaint and the complainant's name and identity, and
181 other relevant information regarding how to contact the program.
182 Residents or their representatives must be furnished additional
183 copies of this information upon request.

184 Section 3. Paragraph (a) of subsection (1) of section
185 415.1034, Florida Statutes, is amended to read:

186 415.1034 Mandatory reporting of abuse, neglect, or
187 exploitation of vulnerable adults; mandatory reports of death.-

188 (1) MANDATORY REPORTING.-

189 (a) Any person, including, but not limited to, ~~any~~:

190 1. A physician, osteopathic physician, medical examiner,
191 chiropractic physician, nurse, paramedic, emergency medical
192 technician, or hospital personnel engaged in the admission,
193 examination, care, or treatment of vulnerable adults;

194 2. A health professional or mental health professional
195 other than one listed in subparagraph 1.;

196 3. A practitioner who relies solely on spiritual means for
197 healing;

198 4. Nursing home staff; assisted living facility staff;
199 adult day care center staff; adult family-care home staff;
200 social worker; or other professional adult care, residential, or
201 institutional staff;



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202 5. A state, county, or municipal criminal justice employee
203 or law enforcement officer;

204 6. An employee of the Department of Business and
205 Professional Regulation conducting inspections of public lodging
206 establishments under s. 509.032;

207 7. A Florida advocacy council member or long-term care
208 ombudsman council member; ~~or~~

209 8. A bank, savings and loan, or credit union officer,
210 trustee, or employee; or

211 9. An employee or agent of a state or local agency who has
212 regulatory responsibilities over, or who provides services to,
213 persons residing in a state-licensed facility,

214
215 who knows, or has reasonable cause to suspect, that a vulnerable
216 adult has been or is being abused, neglected, or exploited must
217 ~~shall~~ immediately report such knowledge or suspicion to the
218 central abuse hotline.

219 Section 4. Subsections (5) and (11) of section 429.02,
220 Florida Statutes, are amended, present subsections (6) through
221 (14) of that section are redesignated as subsections (7) through
222 (15), respectively, present subsections (15) through (26) of
223 that section are redesignated as subsections (17) through (28),
224 respectively, and new subsections (6) and (16) are added to that
225 section, to read:

226 429.02 Definitions.—When used in this part, the term:

227 (5) "Assisted living facility" or "facility" means any
228 building or buildings, section or distinct part of a building,
229 private home, boarding home, home for the aged, or other
230 residential facility, whether operated for profit or not, which



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231 undertakes through its ownership or management to provide
232 housing, meals, and one or more personal services for a period
233 exceeding 24 hours to one or more adults who are not relatives
234 of the owner or administrator.

235 (6) "Board" means the Board of Nursing Home and Assisted
236 Living Facility Administrators established under s. 468.1665.

237 (12)~~(11)~~ "Extended congregate care" means acts beyond those
238 authorized in subsection (18) which ~~(16)~~ that may be performed
239 pursuant to part I of chapter 464 by persons licensed thereunder
240 while carrying out their professional duties, and other
241 supportive services which may be specified by rule. The purpose
242 of such services is to enable residents to age in place in a
243 residential environment despite mental or physical limitations
244 that might otherwise disqualify them from residency in a
245 facility licensed under this part.

246 (16) "Mental health professional" means an individual
247 licensed under chapter 458, chapter 459, chapter 464, chapter
248 490, or chapter 491 who provides mental health services as
249 defined in s. 394.67, or an individual who has a 4-year
250 baccalaureate degree with a concentration in mental health from
251 an accredited college or university and at least 5 years of
252 experience providing services that improve an individual's
253 mental health or that treat mental illness.

254 Section 5. Section 429.07, Florida Statutes, is amended to
255 read:

256 429.07 Facility license required; fee.—

257 (1) The requirements of part II of chapter 408 apply to the
258 provision of services that require licensure pursuant to this
259 part and part II of chapter 408 and to entities licensed by or



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260 applying for such licensure from the agency pursuant to this
261 part. A license issued by the agency is required in order to
262 operate an assisted living facility in this state.

263 (2) Separate licenses are ~~shall be~~ required for facilities
264 maintained in separate premises, even though operated under the
265 same management. A separate license is ~~shall~~ not ~~be~~ required for
266 separate buildings on the same grounds.

267 (3) In addition to the requirements of s. 408.806, each
268 license granted by the agency must state the type of care for
269 which the license is granted. Licenses shall be issued for one
270 or more of the following categories of care: standard, extended
271 congregate care, limited nursing services, or limited mental
272 health.

273 (a) A standard license shall be issued to facilities
274 providing one or more of the personal services identified in s.
275 429.02. Such facilities may also employ or contract with a
276 person licensed under part I of chapter 464 to administer
277 medications and perform other tasks as specified in s. 429.255.

278 (b) An extended congregate care license shall be issued to
279 facilities providing, directly or through contract, services
280 beyond those authorized in paragraph (a), including services
281 performed by persons licensed under part I of chapter 464 and
282 supportive services, as defined by rule, to persons who would
283 otherwise be disqualified from continued residence in a facility
284 licensed under this part.

285 1. In order for extended congregate care services to be
286 provided, the agency must first determine that all requirements
287 established in law and rule are met and must specifically
288 designate, on the facility's license, that such services may be



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289 provided and whether the designation applies to all or part of
290 the facility. Such designation may be made at the time of
291 initial licensure or relicensure, or upon request in writing by
292 a licensee under this part and part II of chapter 408. The
293 notification of approval or the denial of the request shall be
294 made in accordance with part II of chapter 408. Existing
295 facilities qualifying to provide extended congregate care
296 services must have maintained a standard license and may not
297 have been subject to administrative sanctions during the
298 previous 2 years, or since initial licensure if the facility has
299 been licensed for less than 2 years, for any of the following
300 reasons:

- 301 a. A class I or class II violation;
- 302 b. Three or more repeat or recurring class III violations
303 of identical or similar resident care standards from which a
304 pattern of noncompliance is found by the agency;
- 305 c. Three or more class III violations that were not
306 corrected in accordance with the corrective action plan approved
307 by the agency;
- 308 d. Violation of resident care standards which results in
309 requiring the facility to employ the services of a consultant
310 pharmacist or consultant dietitian;
- 311 e. Denial, suspension, or revocation of a license for
312 another facility licensed under this part in which the applicant
313 for an extended congregate care license had ~~has~~ at least 25
314 percent ownership interest; or
- 315 f. Imposition of a moratorium pursuant to this part or part
316 II of chapter 408 or initiation of injunctive proceedings.

317 2. A facility that is licensed to provide extended



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318 congregate care services must ~~shall~~ maintain a written progress
319 report on each person who receives services which describes the
320 type, amount, duration, scope, and outcome of services that are
321 rendered and the general status of the resident's health. A
322 registered nurse, or appropriate designee, representing the
323 agency shall visit the facility at least quarterly to monitor
324 residents who are receiving extended congregate care services
325 and to determine if the facility is in compliance with this
326 part, part II of chapter 408, and relevant rules. One of the
327 visits may be in conjunction with the regular survey. The
328 monitoring visits may be provided through contractual
329 arrangements with appropriate community agencies. A registered
330 nurse shall serve as part of the team that inspects the
331 facility. The agency may waive one of the required yearly
332 monitoring visits for a facility that has been licensed for at
333 least 24 months to provide extended congregate care services,
334 if, during the inspection, the registered nurse determines that
335 extended congregate care services are being provided
336 appropriately, and if the facility has no class I or class II
337 violations and no uncorrected class III violations. The agency
338 must first consult with the long-term care ombudsman council for
339 the area in which the facility is located to determine if any
340 complaints have been made and substantiated about the quality of
341 services or care. The agency may not waive one of the required
342 yearly monitoring visits if complaints have been made and
343 substantiated.

344 3. A facility that is licensed to provide extended
345 congregate care services must:

346 a. Demonstrate the capability to meet unanticipated



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347 resident service needs.

348 b. Offer a physical environment that promotes a homelike
349 setting, provides for resident privacy, promotes resident
350 independence, and allows sufficient congregate space as defined
351 by rule.

352 c. Have sufficient staff available, taking into account the
353 physical plant and firesafety features of the building, to
354 assist with the evacuation of residents in an emergency.

355 d. Adopt and follow policies and procedures that maximize
356 resident independence, dignity, choice, and decisionmaking in
357 order to permit residents to age in place, so that moves due to
358 changes in functional status are minimized or avoided.

359 e. Allow residents or, if applicable, a resident's
360 representative, designee, surrogate, guardian, or attorney in
361 fact to make a variety of personal choices, participate in
362 developing service plans, and share responsibility in
363 decisionmaking.

364 f. Implement the concept of managed risk.

365 g. Provide, directly or through contract, the services of a
366 person licensed under part I of chapter 464.

367 h. In addition to the training mandated in s. 429.52 and
368 the specialized training provided in s. 429.521, provide
369 specialized training as defined by rule for facility staff.

370 4. A facility that is licensed to provide extended
371 congregate care services is exempt from the criteria for
372 continued residency set forth in rules adopted under s. 429.41.
373 A licensed facility must adopt its own requirements within
374 guidelines for continued residency set forth by rule. However,
375 the facility may not serve residents who require 24-hour nursing



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376 supervision. A licensed facility that provides extended
377 congregate care services must also provide each resident with a
378 written copy of facility policies governing admission and
379 retention.

380 5. The primary purpose of extended congregate care services
381 is to allow residents, as they become more impaired, the option
382 of remaining in a familiar setting from which they would
383 otherwise be disqualified for continued residency. A facility
384 licensed to provide extended congregate care services may also
385 admit an individual who exceeds the admission criteria for a
386 facility with a standard license, if the individual is
387 determined appropriate for admission to the extended congregate
388 care facility.

389 6. Before the admission of an individual to a facility
390 licensed to provide extended congregate care services, the
391 individual must undergo a medical examination as provided in s.
392 429.26(4) and the facility must develop a preliminary service
393 plan for the individual.

394 7. ~~If when~~ a facility can no longer provide or arrange for
395 services in accordance with the resident's service plan and
396 needs and the facility's policy, the facility must ~~shall~~ make
397 arrangements for relocating the person in accordance with s.
398 429.28(1)(k).

399 8. Failure to provide extended congregate care services may
400 result in denial of extended congregate care license renewal.

401 (c) A limited nursing services license shall be issued to a
402 facility that provides services beyond those authorized in
403 paragraph (a) and as specified in this paragraph.

404 1. In order for limited nursing services to be provided in



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405 a facility licensed under this part, the agency must first
406 determine that all requirements established in law and rule are
407 met and must specifically designate, on the facility's license,
408 that such services may be provided. Such designation may be made
409 at the time of initial licensure or relicensure, or upon request
410 in writing by a licensee under this part and part II of chapter
411 408. Notification of approval or denial of such request shall be
412 made in accordance with part II of chapter 408. Existing
413 facilities qualifying to provide limited nursing services shall
414 have maintained a standard license and may not have been subject
415 to administrative sanctions that affect the health, safety, and
416 welfare of residents for the previous 2 years or since initial
417 licensure if the facility has been licensed for less than 2
418 years.

419 2. Facilities that are licensed to provide limited nursing
420 services shall maintain a written progress report on each person
421 who receives such nursing services, which report describes the
422 type, amount, duration, scope, and outcome of services that are
423 rendered and the general status of the resident's health. A
424 registered nurse representing the agency shall visit such
425 facilities at least twice a year to monitor residents who are
426 receiving limited nursing services and to determine if the
427 facility is in compliance with applicable provisions of this
428 part, part II of chapter 408, and related rules. The monitoring
429 visits may be provided through contractual arrangements with
430 appropriate community agencies. A registered nurse shall also
431 serve as part of the team that inspects such facility.

432 3. A person who receives limited nursing services under
433 this part must meet the admission criteria established by the



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434 agency for assisted living facilities. When a resident no longer
435 meets the admission criteria for a facility licensed under this
436 part, arrangements for relocating the person shall be made in
437 accordance with s. 429.28(1)(k), unless the facility is licensed
438 to provide extended congregate care services.

439 (4) In accordance with s. 408.805, an applicant or licensee
440 shall pay a fee for each license application submitted under
441 this part, part II of chapter 408, and applicable rules. The
442 amount of the fee shall be established by rule.

443 (a) The biennial license fee required of a facility is \$300
444 per license, plus ~~with~~ an additional fee of \$50 per resident
445 based on the total licensed resident capacity of the facility,
446 except that an ~~no~~ additional fee may not ~~will~~ be assessed for
447 beds designated for recipients of optional state supplementation
448 payments provided under ~~for in~~ s. 409.212. The total fee may not
449 exceed \$10,000. However, the biennial license fee for a licensed
450 facility that has one or more class I or class II violations
451 within the 2 years before licensure renewal is \$500 per license
452 plus a fee of \$55 per resident. The increased fee amounts are in
453 addition to any adjusted fee amounts imposed pursuant to s.
454 408.805. The total fee for such facilities may not exceed
455 \$20,000. The increased fees shall be imposed for one licensure
456 cycle, unless the facility has a class I or class II violation
457 during the next biennial inspection.

458 (b) In addition to the total fee assessed under paragraph
459 (a), the agency shall require facilities that are licensed to
460 provide extended congregate care services under this part to pay
461 an additional fee per licensed facility. The amount of the
462 biennial fee shall be \$400 per license, with an additional fee



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463 of \$10 per resident based on the total licensed resident
464 capacity of the facility.

465 (c) In addition to the total fee assessed under paragraph
466 (a), the agency shall require facilities that are licensed to
467 provide limited nursing services under this part to pay an
468 additional fee per licensed facility. The amount of the biennial
469 fee shall be \$250 per license, with an additional fee of \$10 per
470 resident based on the total licensed resident capacity of the
471 facility.

472 (5) Counties or municipalities applying for licenses under
473 this part are exempt from the payment of license fees.

474 Section 6. Section 429.075, Florida Statutes, is amended to
475 read:

476 429.075 Limited mental health license.—An assisted living
477 facility that serves ~~three or more~~ mental health residents must
478 obtain a limited mental health license.

479 (1) To obtain a limited mental health license, a facility
480 must hold a standard license as an assisted living facility and
481 must not have been subject to administrative sanctions during
482 the previous 2 years, or since initial licensure if the facility
483 has been licensed for less than 2 years, for any of the
484 following reasons:

485 (a) Two or more class I or class II violations;

486 (b) Three or more repeat or recurring class III violations
487 of identical or similar resident care standards from which a
488 pattern of noncompliance is found by the agency;

489 (c) Three or more class III violations that were not
490 corrected in accordance with the facility's corrective action
491 plan approved by the agency;



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492 (d) A violation of resident care standards which resulted
493 in requiring the facility to employ the consultant services of a
494 licensed pharmacist or a registered or licensed dietitian under
495 s. 429.42;

496 (e) Denial, suspension, or revocation of a license for
497 another facility licensed under this part in which the license
498 applicant had at least a 25 percent ownership interest; or

499 (f) Imposition of a moratorium pursuant to this part or
500 part II of chapter 408 or initiation of injunctive proceedings
501 ~~any current uncorrected deficiencies or violations, and must~~
502 ~~ensure that, within 6 months after receiving a limited mental~~
503 ~~health license, the facility administrator and the staff of the~~
504 ~~facility who are in direct contact with mental health residents~~
505 ~~must complete training of no less than 6 hours related to their~~
506 ~~duties. Such designation~~

507 (2) Licensure to provide services to mental health
508 residents may be made at the time of initial licensure or
509 relicensure or upon request in writing by a licensee under this
510 part and part II of chapter 408. Notification of agency approval
511 or denial of such request must ~~shall~~ be made in accordance with
512 this part, part II of chapter 408, and applicable rules. ~~This~~
513 ~~training will be provided by or approved by the Department of~~
514 ~~Children and Family Services.~~

515 (3)~~(2)~~ Facilities licensed to provide services to mental
516 health residents shall provide appropriate supervision and
517 staffing to provide for the health, safety, and welfare of such
518 residents.

519 (a) In addition to the general training or educational
520 requirements under this part or part II of chapter 468, as



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521 applicable, each administrator and staff member who provides
522 regular or direct care to the residents of a facility licensed
523 to provide services to mental health residents must meet the
524 specialized limited mental health training requirements set
525 forth in s. 429.521.

526 (b) Effective July 1, 2012, an administrator of a facility
527 that has a limited mental health license, in addition to the
528 education requirements under part II of chapter 468, must have
529 also completed at least 6 semester credit hours of college-level
530 coursework relating to mental health.

531 (4)(3) A facility that holds ~~has~~ a limited mental health
532 license must:

533 (a) Have a copy of each mental health resident's community
534 living support plan and the cooperative agreement with the
535 mental health care services provider. The support plan and the
536 agreement may be combined.

537 (b) Have documentation that is provided by the Department
538 of Children and Family Services that each mental health resident
539 has been assessed and determined to be able to live in the
540 community in an assisted living facility with a limited mental
541 health license.

542 (c) Make the community living support plan available for
543 inspection by the resident, the resident's legal guardian, the
544 resident's health care surrogate, and other individuals who have
545 a lawful basis for reviewing this document.

546 (d) Assist the mental health resident in carrying out the
547 activities identified in the individual's community living
548 support plan.

549 (5)(4) A facility that holds ~~with~~ a limited mental health



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550 license may enter into a cooperative agreement with a private
551 mental health provider. For purposes of the limited mental
552 health license, the private mental health provider may act as
553 the case manager.

554 (6) A mental health professional shall serve as part of the
555 team that inspects a facility that holds a limited mental health
556 license, and may conduct the inspection without other agency
557 representatives. A mental health professional representing the
558 agency shall visit the facility at least quarterly to monitor
559 residents who are receiving limited mental health services and
560 to determine if the facility is in compliance with this part,
561 part II of chapter 408, and relevant rules, and may send a
562 report to the agency reporting his or her findings. One of those
563 visits may be in conjunction with the agency's regular survey.
564 The monitoring visits may be provided through a contractual
565 arrangement with an appropriate community agency. The agency may
566 waive one of the quarterly monitoring visits of a facility that
567 has had a mental health license for at least 2 years if, during
568 an inspection, the mental health professional determines that
569 mental health services are being provided appropriately and the
570 facility has had no class I or class II violation and no
571 uncorrected class III violation in the past 2 years. Before
572 waiving a monitoring visit, the agency must first consult with a
573 representative of the local long-term care ombudsman council for
574 the area in which the facility is located to determine if any
575 complaint has been made and the outcome of the complaint. The
576 agency may not waive one of the required monitoring visits if an
577 ombudsman referral was made to the agency which resulted in a
578 citation for a licensure violation.



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579 Section 7. Subsection (4) of section 429.14, Florida
580 Statutes, is amended to read:

581 429.14 Administrative penalties.—

582 (4) The agency shall deny or revoke the license of an
583 assisted living facility that:

584 (a) Has two or more class I or class II violations that are
585 similar or identical to violations identified by the agency
586 during a survey, inspection, monitoring visit, or complaint
587 investigation occurring within the previous 2 years; or—

588 (b) Committed a class I violation that caused the death of
589 a resident or an intentional or negligent act that, based on a
590 court's findings, caused the death of a resident.

591 Section 8. Section 429.176, Florida Statutes, is amended to
592 read:

593 429.176 ~~Notice of change of Administrator license;~~
594 educational requirements; change of administrator; managers.—

595 (1) To be an administrator of an assisted living facility,
596 an applicant must meet the requirements under part I of chapter
597 468.

598 (2) A licensed administrator must complete a minimum of 18
599 hours of continuing education every 2 years and pass a short
600 examination that corresponds to each continuing education course
601 with a minimum score of 80 in order to demonstrate receipt and
602 comprehension of the training. The examination may be offered
603 online and any fees associated with the online service must be
604 borne by the participant. The license of a facility whose
605 administrator had not maintained these continuing education
606 requirements shall enter inactive status.

607 (3) The administrator of a facility that holds a limited



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608 mental health license must have met the educational requirements
609 of s. 429.521(3).

610 (4) If, during the period for which a standard license is
611 issued, the facility owner changes administrators, the owner
612 must notify the agency of the change within 10 days and provide
613 documentation that the administrator is licensed or has been
614 granted a provisional license within 90 days that the new
615 administrator has completed the applicable core educational
616 requirements under s. 429.52.

617 (5) A manager of a facility who assumes responsibility for
618 the operation of the facility during the temporary absence of an
619 administrator must meet the core training requirements under s.
620 468.1685(9) (a) within 30 days after being employed as, or
621 becoming, a facility manager.

622 Section 9. Paragraphs (a) and (b) of subsection (2) of
623 section 429.178, Florida Statutes, are amended to read:

624 429.178 Special care for persons with Alzheimer's disease
625 or other related disorders.-

626 (2) (a) Staff members, including administrators, An
627 individual who are is employed by a facility that provides
628 special care for residents with Alzheimer's disease or other
629 related disorders, and who provide has regular or direct care to
630 contact with such residents, must complete up to 4 hours of
631 initial dementia-specific training developed or approved by the
632 department. The training must shall be completed within 3 months
633 after beginning employment and shall satisfy the core training
634 requirements of s. 429.52(2)(g).

635 (b) A direct caregiver who is employed by a facility that
636 provides special care for residents with Alzheimer's disease or



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637 other related disorders, and who provides direct care to such
638 residents, must complete the required initial training and 4
639 additional hours of training developed or approved by the
640 department. The training must ~~shall~~ be completed within 6 months
641 ~~9 months~~ after beginning employment and ~~shall satisfy the core~~
642 ~~training requirements of s. 429.52(2)(g).~~

643 Section 10. Subsections (1) and (2) of section 429.19,
644 Florida Statutes, are amended to read:

645 429.19 Violations; imposition of administrative fines;
646 grounds.—

647 (1) In addition to the requirements of part II of chapter
648 408 and s. 429.28(6), the agency shall impose an administrative
649 fine in the manner provided under ~~in~~ chapter 120 for the
650 violation of any provision of this part, part II of chapter 408,
651 and applicable rules by an assisted living facility;; for the
652 actions of any person subject to level 2 background screening
653 under s. 408.809;; for the actions of any facility employee;; or
654 for an intentional or negligent act seriously affecting the
655 health, safety, or welfare of a resident of the facility.

656 (2) Each violation of this part and adopted rules shall be
657 classified according to the nature of the violation and the
658 gravity of its probable effect on facility residents as provided
659 in s. 408.813.

660 (a) The agency shall indicate the classification on the
661 written notice of the violation as follows:

662 1. ~~(a)~~ For class "I" violations, ~~are defined in s. 408.813.~~
663 the agency shall impose an administrative fine ~~for a cited class~~
664 ~~I violation~~ in an amount not less than \$5,000 and not exceeding
665 \$10,000 for each violation.



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666 2.(b) For class "II" violations, ~~are defined in s. 408.813.~~
667 the agency shall impose an administrative fine ~~for a cited class~~
668 ~~II violation~~ in an amount not less than \$1,000 and not exceeding
669 \$5,000 for each violation.

670 3.(c) For class "III" violations, ~~are defined in s.~~
671 ~~408.813.~~ the agency shall impose an administrative fine ~~for a~~
672 ~~cited class III violation~~ in an amount not less than \$500 and
673 not exceeding \$1,000 for each violation even if the violation is
674 corrected before the citation is issued.

675 4.(d) For class "IV" violations, ~~are defined in s. 408.813.~~
676 the agency shall impose an administrative fine ~~for a cited class~~
677 ~~IV violation~~ in an amount not less than \$100 and not exceeding
678 \$200 for each violation.

679 (b) The agency shall impose the maximum penalty for the
680 class of violation which results in the death of a resident. If
681 the facility is cited for a second or subsequent violation that
682 is in the same class as a prior violation that the facility has
683 been cited for at, or since, the last inspection, the agency
684 shall double the fine for the second or subsequent violation
685 even if the fine exceeds the maximum amount authorized.
686 Notwithstanding s. 408.813(c), if a facility is cited for ten or
687 more class III violations during an inspection or survey, the
688 agency shall impose a fine for each violation.

689 Section 11. Subsection (1) of section 429.23, Florida
690 Statutes, is amended to read:

691 429.23 Internal risk management and quality assurance
692 program; adverse incidents and reporting requirements.—

693 (1) As part of its administrative functions, an assisted
694 living ~~Every~~ facility licensed under this part shall ~~may, as~~



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695 ~~part of its administrative functions, voluntarily~~ establish a
696 risk management and quality assurance program, the purpose of
697 which is to assess resident care practices, facility incident
698 reports, deficiencies cited by the agency, adverse incident
699 reports, and resident grievances and develop plans of action to
700 correct and respond quickly to identify quality differences.

701 Section 12. Paragraph (b) of subsection (1) of section
702 429.256, Florida Statutes, is amended to read:

703 429.256 Assistance with self-administration of medication.—

704 (1) For the purposes of this section, the term:

705 (b) "Unlicensed person" means an individual not currently
706 licensed to practice nursing or medicine who is employed by or
707 under contract to an assisted living facility and who has
708 received training with respect to assisting with the self-
709 administration of medication in an assisted living facility, as
710 provided under s. 429.521, before ~~429.52~~ prior to providing such
711 assistance as described in this section.

712 Section 13. Subsection (2), paragraph (d) of subsection
713 (3), and subsection (6) of section 429.28, Florida Statutes, are
714 amended to read:

715 429.28 Resident bill of rights.—

716 (2) The administrator of a facility shall ensure that a
717 written notice of the rights, obligations, and prohibitions set
718 forth in this part is posted in a prominent place in each
719 facility and read or explained to residents who cannot read. The
720 ~~This~~ notice must ~~shall~~ include the name, address, and telephone
721 numbers of the local ombudsman council and central abuse hotline
722 and, if ~~when~~ applicable, the Advocacy Center for Persons with
723 Disabilities, Inc., and the Florida local advocacy council,



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724 where complaints may be lodged. The notice must state that the
725 subject matter of a complaint made to the Office of State Long-
726 Term Care Ombudsman or a local long-term care ombudsman council
727 and the names and identities of the residents involved in the
728 complaint and the complainants are confidential pursuant to s.
729 400.0077. The facility must ensure a resident's access to a
730 telephone to call the local ombudsman council, central abuse
731 hotline, Advocacy Center for Persons with Disabilities, Inc.,
732 and the Florida local advocacy council.

733 (3)

734 (d) The agency shall conduct periodic followup inspections
735 to monitor the compliance of facilities having a history of
736 class I violations that threaten the health, safety, or security
737 of residents, and may conduct periodic followup inspections as
738 necessary to monitor the compliance of facilities having with a
739 history of ~~any class I,~~ class II, or class III violations that
740 threaten the health, safety, or security of residents.

741 (6) ~~A Any~~ facility that which terminates the residency of
742 an individual who participated in activities specified in
743 subsection (5) must shall show good cause in a court of
744 competent jurisdiction. If good cause is not shown, the agency
745 shall impose a fine of \$2,500 in addition to any other penalty
746 assessed against the facility.

747 Section 14. Section 429.34, Florida Statutes, is amended to
748 read:

749 429.34 Right of entry and inspection.—

750 (1) In addition to the requirements of s. 408.811, a any
751 ~~duly~~ designated officer or employee of the department, the
752 Department of Children and Family Services, the Medicaid Fraud



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753 Control Unit of the Office of the Attorney General, the state or
754 local fire marshal, or a member of the state or local long-term
755 care ombudsman council shall have the right to enter unannounced
756 upon and into the premises of any facility licensed pursuant to
757 this part in order to determine the state of compliance with the
758 provisions of this part, part II of chapter 408, and applicable
759 rules. Data collected by the state or local long-term care
760 ombudsman councils or the state or local advocacy councils may
761 be used by the agency in investigations involving violations of
762 regulatory standards.

763 (2) The agency is designated the central agency for
764 receiving and tracking complaints to ensure that allegations
765 regarding facilities are timely responded to and that licensure
766 enforcement action is initiated if warranted. Any other state
767 agency regulating, or providing services to residents of,
768 assisted living facilities must report any allegations or
769 complaints that have been substantiated or are likely to have
770 occurred to the agency as soon as reasonably possible.

771 (3) The agency shall have lead surveyors in each field
772 office who specialize in assessing assisted living facilities.
773 The lead surveyors shall provide initial and ongoing training to
774 surveyors who will be inspecting and monitoring facilities. The
775 lead surveyors shall ensure that consistent inspection and
776 monitoring assessments are conducted.

777 (4) The agency shall have one statewide lead surveyor who
778 specializes in assisted living facility inspections. The lead
779 surveyor shall coordinate communication between lead surveyors
780 of assisted living facilities throughout the state and ensure
781 statewide consistency in applying facility inspection laws and



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782 rules.

783 Section 15. Paragraph (1) of subsection (1) and subsections
784 (2) and (5) of section 429.41, Florida Statutes, are amended to
785 read:

786 429.41 Rules establishing standards.—

787 (1) It is the intent of the Legislature that rules
788 published and enforced pursuant to this section shall include
789 criteria by which a reasonable and consistent quality of
790 resident care and quality of life may be ensured and the results
791 of such resident care may be demonstrated. Such rules shall also
792 ensure a safe and sanitary environment that is residential and
793 noninstitutional in design or nature. It is further intended
794 that reasonable efforts be made to accommodate the needs and
795 preferences of residents to enhance the quality of life in a
796 facility. The agency, in consultation with the department, may
797 adopt rules to administer the requirements of part II of chapter
798 408. In order to provide safe and sanitary facilities and the
799 highest quality of resident care accommodating the needs and
800 preferences of residents, the department, in consultation with
801 the agency, the Department of Children and Family Services, and
802 the Department of Health, shall adopt rules, policies, and
803 procedures to administer this part, which must include
804 reasonable and fair minimum standards in relation to:

805 (1) The establishment of specific policies and procedures
806 on resident elopement. Facilities shall conduct a minimum of two
807 resident elopement drills each year. All administrators and
808 direct care staff shall participate in the drills. Facilities
809 shall document the drills. Each calendar year, the agency shall
810 observe the elopement drills of 10 percent of the licensed



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811 facilities in the state. The facilities must be randomly
812 selected by the agency and the elopement drills must coincide
813 with an inspection or survey conducted by the agency. If an
814 agency employee observes an elopement drill that does not meet
815 standards established by rule, the agency shall provide notice
816 of the deficiencies to the facility within 15 calendar days
817 after the drill. The facility shall submit a corrective action
818 plan to the agency within 30 calendar days after receiving such
819 notice.

820 (2) In adopting any rules pursuant to this part, the
821 department, in conjunction with the agency, shall make distinct
822 standards for facilities based upon facility size; the types of
823 care provided; the physical and mental capabilities and needs of
824 residents; the type, frequency, and amount of services and care
825 offered; and the staffing characteristics of the facility. Rules
826 developed pursuant to this section may ~~shall~~ not restrict the
827 use of shared staffing and shared programming in facilities that
828 are part of retirement communities that provide multiple levels
829 of care and otherwise meet the requirements of law and rule. The
830 department may require additional staffing for facilities that
831 have specialty licenses, but the additional staffing must
832 correlate with the number of residents receiving special care
833 and the type of special care required. Except for uniform
834 firesafety standards, the department shall adopt by rule
835 separate and distinct standards for facilities with 16 or fewer
836 beds and for facilities with 17 or more beds. The standards for
837 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a
838 noninstitutional residential environment if, ~~provided that~~ the
839 structure is no more than two stories in height and all persons



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840 who cannot exit the facility unassisted in an emergency reside
841 on the first floor. The department, in conjunction with the
842 agency, may make other distinctions among types of facilities as
843 necessary to enforce the provisions of this part. If ~~Where~~
844 appropriate, the agency shall offer alternate solutions for
845 complying with established standards, based on distinctions made
846 by the department and the agency relative to the physical
847 characteristics of facilities and the types of care offered
848 therein.

849 (5) In order to allocate resources efficiently, the agency
850 shall conduct ~~may use~~ an abbreviated biennial standard licensure
851 inspection that consists of a review of key quality-of-care
852 standards in lieu of a full inspection in a facility that has a
853 good record of past performance. However, a full inspection must
854 be conducted in a facility that has a history of class I or
855 class II violations, uncorrected class III violations, confirmed
856 ombudsman council complaints, or confirmed licensure complaints,
857 within the previous licensure period immediately preceding the
858 inspection or if a potentially serious problem is identified
859 during the abbreviated inspection. The agency, in consultation
860 with the department, shall develop the key quality-of-care
861 standards with input from the State Long-Term Care Ombudsman
862 Council and representatives of provider groups for incorporation
863 into its rules.

864 Section 16. Subsection (1) of section 429.49, Florida
865 Statutes, is amended to read:

866 429.49 Resident records; penalties for alteration.—

867 (1) Any person who fraudulently alters, defaces, or
868 falsifies any medical or other record of an assisted living



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869 facility, or causes or procures any such offense to be
870 committed, commits a misdemeanor of the first ~~second~~ degree,
871 punishable as provided in s. 775.082 or s. 775.083.

872 Section 17. Section 429.515, Florida Statutes, is created
873 to read:

874 429.515 Preservice orientation.-

875 (1) Effective July 1, 2012, a new employee, including an
876 administrator, of an assisted living facility must attend a
877 preservice orientation provided by the facility which covers
878 topics that will enable the employee to relate and respond to
879 the residents of that facility. The orientation must be at least
880 2 hours in duration, be available in English and Spanish, and,
881 at a minimum, cover the following topics:

882 (a) Care of persons who have Alzheimer's disease or other
883 related disorders.

884 (b) Deescalation techniques.

885 (c) Aggression control.

886 (d) Elopement prevention.

887 (e) Behavior management.

888 (2) Upon completion of the preservice orientation, the
889 employee must sign an affidavit, under penalty of perjury,
890 stating that the employee completed the orientation. The
891 administrator of the facility must maintain the signed affidavit
892 in the employee's work file.

893 Section 18. Section 429.52, Florida Statutes, is amended to
894 read:

895 (Substantial rewording of section. See

896 s. 429.52, F.S., for present text.)

897 429.52 Staff member training; tutorial; continuing



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898 education.-

899 (1) Staff members, other than administrators, providing
900 regular or direct care to residents must complete a staff
901 training curriculum developed by the board. The training must be
902 completed within 30 days after employment and is in addition to
903 the preservice orientation required under s. 429.515. Any cost
904 or fee associated with the training shall be borne by the
905 participant or the participant's employer.

906 (2) Staff members, other than administrators, providing
907 regular or direct care to residents must complete an interactive
908 online tutorial developed by the board that demonstrates an
909 understanding of the training received under subsection (1). The
910 board shall provide a certificate to each staff member who
911 completes the tutorial. The certificate must be maintained in
912 the employee's work file.

913 (3) Staff members, other than administrators, providing
914 regular or direct care to residents must participate in a
915 minimum of 8 hours of continuing education every 2 years as
916 developed by the board. The continuing education may be offered
917 through online courses and any fee associated with the online
918 service shall be borne by the participant or the participant's
919 employer.

920 Section 19. Section 429.521, Florida Statutes, is created
921 to read:

922 429.521 Specialty training and education; examinations.-

923 (1) Administrators and staff members who provide regular or
924 direct care to residents of a facility that holds an extended
925 congregate care license must complete a minimum of 6 hours of
926 board-approved extended congregate care training within 30 days



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927 after beginning employment.

928 (2) If a facility holds a limited nursing services license:

929 (a) The administrator must complete a minimum of 4 hours of
930 board-approved courses that train and educate administrators on
931 the special needs and care of those requiring limited nursing
932 services.

933 (b) Staff members providing regular and direct care to
934 residents receiving limited nursing services must complete a
935 minimum of 2 hours of courses that train and educate staff on
936 the special needs and care of those requiring limited nursing
937 services. The training must be completed within 30 days after
938 employment.

939 (3) Staff members who provide regular or direct care to
940 mental health residents and administrators who are employed by a
941 facility that holds a limited mental health license must
942 complete a minimum of 8 hours of board-approved mental health
943 training within 30 days after beginning employment. Within 30
944 days after completing such training, a staff member must
945 complete an online interactive tutorial related to the training
946 and receive a certificate of completion in order to demonstrate
947 an understanding of the training received. An administrator must
948 pass an examination related to the administrator's training with
949 a minimum score of 80. The participant or the participant's
950 employer shall pay any fee associated with taking the tutorial
951 or examination.

952 (a) A staff member who does not complete the tutorial or an
953 administrator who fails the examination may not provide regular
954 or direct care to mental health residents until he or she
955 successfully completes the tutorial or passes the examination.



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956 (b) An administrator who does not pass the examination
957 within 6 months after completing the mental health training may
958 not be an administrator of a facility that holds a limited
959 mental health license until the administrator achieves a passing
960 score.

961 (4) Staff, including administrators, who prepare or serve
962 food must receive a minimum of 1 hour of inservice training in
963 safe food handling practices within 30 days after beginning
964 employment.

965 (5) Staff members, including administrators, must receive
966 at least 1 hour of inservice training on the facility's resident
967 elopement response policies and procedures within 30 days after
968 beginning employment.

969 (a) A copy of the facility's resident elopement response
970 policies and procedures must be provided to staff members and
971 the administrator.

972 (b) Staff members and the administrator must demonstrate
973 understanding and competency in the implementation of the
974 elopement response policies and procedures.

975 (6) Staff members, including the administrator, involved
976 with the management of medications and the assistance with self-
977 administration of medications under s. 429.256 must complete a
978 minimum of 4 additional hours of training provided by a
979 registered nurse, licensed pharmacist, or department staff
980 member. The board shall establish by rule the minimum
981 requirements of this training, including continuing education
982 requirements.

983 (7) Other facility staff members shall participate in
984 training relevant to their job duties as specified by board



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985 rule.

986 Section 20. Section 429.522, Florida Statutes, is created
987 to read:

988 429.522 Assisted living training providers; certification.-

989 (1) Effective January 1, 2013, an individual seeking to
990 provide assisted living training in this state must be certified
991 by the board. The applicant must provide the board with proof of
992 completion of the minimum core training requirements, successful
993 passage of the assisted living facility administrator licensure
994 examination, and proof of compliance with any continuing
995 education requirements.

996 (2) A person seeking to be certified as a trainer must
997 also:

998 (a) Provide proof of completion of a 4-year baccalaureate
999 degree from an accredited college or university and have worked
1000 in a management position in an assisted living facility for 3
1001 years after obtaining certification in core training courses;

1002 (b) Have worked in a management position in an assisted
1003 living facility for 5 years after obtaining certification in the
1004 core training courses and have 1 year of teaching experience as
1005 an educator or staff trainer for persons who work in an assisted
1006 living facility or another long-term care setting;

1007 (c) Have been previously employed as a trainer of core
1008 training courses for the department;

1009 (d) Have at least 5 years of employment with the agency as
1010 a surveyor of assisted living facilities;

1011 (e) Have at least 5 years of employment in a professional
1012 position in the agency's assisted living unit;

1013 (f) Have at least 5 years of employment as an educator or



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1014 staff trainer for persons working in an assisted living facility
1015 or another long-term care setting;

1016 (g) Have at least 5 years of employment as a trainer of
1017 core assisted living facility courses not directly associated
1018 with the department;

1019 (h) Have a 4-year baccalaureate degree from an accredited
1020 college or university in the areas of health care, gerontology,
1021 social work, education, or human services and at least 4 years
1022 of experience as an educator or staff trainer for persons
1023 working in an assisted living facility or another long-term care
1024 setting after receiving certification in core courses; or

1025 (i) Meet other qualification criteria as defined by rule of
1026 the board.

1027 (3) The board shall provide oversight of the assisted
1028 living training providers. The board shall adopt rules to
1029 establish requirements for trainer certification, disciplinary
1030 action that may be taken against a trainer, and a trainer
1031 decertification process.

1032 (4) If funding is available, by January 1, 2013, the board
1033 shall develop and maintain an electronic database, accessible to
1034 the public, which lists all persons holding certification as an
1035 assisted living trainer, including any history of violations.
1036 Assisted living trainers shall keep a record of individuals who
1037 complete training and shall submit the record to the board
1038 within 24 hours after the completion of a course in order for
1039 the board to include the information in the database.

1040 Section 21. Section 429.523, Florida Statutes, is created
1041 to read:

1042 429.523 Training and testing centers.-In addition to



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1043 certified assisted living trainers under s. 429.522, training
1044 and testing centers approved by the board may conduct assisted
1045 living training or examinations under this part.

1046 (1) The board shall consider the following when reviewing a
1047 center applicant:

1048 (a) Whether the center will provide sufficient space for
1049 training.

1050 (b) The location of the center and whether another center
1051 already provides assisted living training or testing in the
1052 approximate area.

1053 (c) The fee to be charged by the center for providing such
1054 services.

1055 (d) Whether the center has sufficient staff who meet the
1056 qualifications for assisted living training providers under s.
1057 429.522.

1058 (e) Any other consideration that the board deems necessary
1059 to approve a center.

1060 (2) The board shall provide a certificate of approval to an
1061 applicant that meets with the board's approval. The training and
1062 testing center shall keep the certificate on file as long as it
1063 provides assisted living training or examination services.

1064 (3) The board or the agency may inspect a center to
1065 determine whether the training or testing center meets law and
1066 rule requirements and may decertify a training and testing
1067 center that does not continue to meet such requirements.

1068 (4) An assisted living trainer employed by the training or
1069 testing center must perform the recordkeeping and reporting
1070 required under s. 429.522(4).

1071 Section 22. Section 429.54, Florida Statutes, is amended to



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1072 read:

1073 429.54 Collection of information; local subsidy;
1074 interagency communication; facility reporting.—

1075 (1) To enable the department to collect the information
1076 requested by the Legislature regarding the actual cost of
1077 providing room, board, and personal care in assisted living
1078 facilities, the department may ~~is authorized to~~ conduct field
1079 visits and audits of facilities as ~~may be~~ necessary. The owners
1080 of randomly sampled facilities shall submit such reports,
1081 audits, and accountings of cost as the department may require by
1082 rule; however, ~~provided that~~ such reports, audits, and
1083 accountings may not be more than ~~shall be~~ the minimum necessary
1084 to implement the provisions of this subsection ~~section~~. Any
1085 facility selected to participate in the study shall cooperate
1086 with the department by providing cost of operation information
1087 to interviewers.

1088 (2) Local governments or organizations may contribute to
1089 the cost of care of local facility residents by further
1090 subsidizing the rate of state-authorized payment to such
1091 facilities. Implementation of local subsidy shall require
1092 departmental approval and may ~~shall~~ not result in reductions in
1093 the state supplement.

1094 (3) Subject to the availability of funds, the agency, the
1095 Department of Elderly Affairs, the Department of Children and
1096 Family Services, and the Agency for Persons with Disabilities
1097 shall develop or modify electronic systems of communication
1098 among state-supported automated systems to ensure that relevant
1099 information pertaining to the regulation of assisted living
1100 facilities and facility staff is timely and effectively



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1101 communicated among agencies in order to facilitate the
1102 protection of residents.

1103 (4) All assisted living facilities shall submit twice a
1104 year electronic reports to the agency.

1105 (a) The reports must include the following information and
1106 must be submitted in accordance with a reporting cycle
1107 established by the agency by rule:

1108 1. The number of beds in the facility;

1109 2. The number of beds being occupied;

1110 3. The number of residents who are younger than 65 years of
1111 age, from 65 to 74 years of age, from 75 to 84 years of age, and
1112 85 years of age or older;

1113 4. The number of residents who are mental health residents,
1114 who are receiving extended congregate care, who are receiving
1115 limited nursing services, and who are receiving hospice care;

1116 5. If there is a facility waiting list, the number of
1117 individuals on the waiting list and the type of services or care
1118 that they require, if known;

1119 6. The number of residents receiving optional state
1120 supplementation; and

1121 7. The number of residents who are Medicaid recipients and
1122 the type of waiver used to fund each such resident's care.

1123 (b) The agency must maintain electronically the information
1124 it receives and, at a minimum, use such information to track
1125 trends in resident populations and needs.

1126 (c) This subsection expires July 1, 2017.

1127 Section 23. Section 429.55, Florida Statutes, is created to
1128 read:

1129 429.55 Assisted living facility rating system.-



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1130 (1) The agency, in consultation with the department, the
1131 Department of Children and Family Services, and the Office of
1132 State Long-Term Care Ombudsman, shall develop and adopt by rule
1133 a user-friendly assisted living facility rating system.

1134 (2) The rating system must be publicly available on the
1135 Internet in order to assist consumers in evaluating assisted
1136 living facilities and the services provided by such facilities.

1137 (3) The rating system must be based on resident
1138 satisfaction, the number and class of deficiencies for which the
1139 facility has been cited, agency inspection reports, the
1140 inspection reports of any other regulatory agency, assessments
1141 conducted by the ombudsman program pursuant to part of chapter
1142 400, and other criteria as determined by the agency.

1143 (4) The Internet home page for the rating system must
1144 include a link that allows consumers to complete a voluntary
1145 survey that provides feedback on whether the rating system is
1146 helpful and suggestions for improvement.

1147 (5) The agency may adopt rules as necessary to administer
1148 this section.

1149 Section 24. The Division of Statutory Revision is requested
1150 to rename part II of chapter 468, Florida Statutes, consisting
1151 of ss. 468.1635-468.1756, Florida Statutes, as "Nursing Home and
1152 Assisted Living Facility Administration."

1153 Section 25. Section 468.1635, Florida Statutes, is amended
1154 to read:

1155 468.1635 Purpose.—The sole legislative purpose for enacting
1156 this part ~~chapter~~ is to ensure that every nursing home
1157 administrator and assisted living facility administrator
1158 practicing in this state meets minimum requirements for safe



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1159 practice. It is ~~the~~ legislative intent that nursing home
1160 administrators and assisted living facility administrators who
1161 fall below minimum competency or who otherwise present a danger
1162 to the public ~~shall~~ be prohibited from practicing in this state.

1163 Section 26. Section 468.1645, Florida Statutes, is amended
1164 to read:

1165 468.1645 Administrator license required.-

1166 (1) A ~~No~~ nursing home ~~in the state~~ may not operate in this
1167 state unless it is under the management of a nursing home
1168 administrator, and, effective July 1, 2013, an assisted living
1169 facility may not operate in this state unless it is under the
1170 management of an assisted living facility administrator, who
1171 holds a currently valid license, provisional license, or
1172 temporary license.

1173 (2) Nothing in this part or in the rules adopted hereunder
1174 ~~shall~~ require an administrator of any facility or institution
1175 operated by and for persons who rely exclusively upon treatment
1176 by spiritual means through prayer, in accordance with the creed
1177 or tenets of any organized church or religious denomination, to
1178 be licensed as a nursing home or assisted living facility
1179 administrator if the administrator is employed only to
1180 administer in such facilities or institutions for the care and
1181 treatment of the sick.

1182 Section 27. Section 468.1655, Florida Statutes, is
1183 reordered and amended to read:

1184 468.1655 Definitions.-As used in this part:

1185 (1) "Assisted living facility" means a facility licensed
1186 under part I of chapter 429.

1187 (2) "Assisted living facility administrator" means a person



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1188 who is licensed to engage in the practice of assisted living
1189 facility administration in this state under the authority of
1190 this part.

1191 (3)-(1) "Board" means the Board of Nursing Home and Assisted
1192 Living Facility Administrators.

1193 (4)-(2) "Department" means the Department of Health.

1194 (6)-(3) "Nursing home administrator" means a person who is
1195 licensed to engage in the practice of nursing home
1196 administration in this state under the authority of this part.

1197 (7) "Practice of assisted living facility administration"
1198 means any service requiring assisted living facility
1199 administration education, training, or experience and the
1200 application of such to the planning, organizing, staffing,
1201 directing, and controlling of the total management of an
1202 assisted living facility. A person is practicing or offering to
1203 practice assisted living facility administration if such person:

1204 (a) Practices any of the above services.

1205 (b) Holds himself or herself out as able to perform, or
1206 does perform, any form of assisted living facility
1207 administration by written or verbal claim, sign, advertisement,
1208 letterhead, or card; or in any other way represents himself or
1209 herself to be, or implies that he or she is, an assisted living
1210 facility administrator.

1211 (8)-(4) "Practice of nursing home administration" means any
1212 service requiring nursing home administration education,
1213 training, or experience and the application of such to the
1214 planning, organizing, staffing, directing, and controlling of
1215 the total management of a nursing home. A person is practicing
1216 or offering shall be construed to practice or to offer to



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1217 practice nursing home administration if such person ~~who~~:

1218 (a) Practices any of the above services.

1219 (b) Holds himself or herself out as able to perform, or
1220 does perform, any form of nursing home administration by written
1221 or verbal claim, sign, advertisement, letterhead, or card; or in
1222 any other way represents himself or herself to be, or implies
1223 that he or she is, a nursing home administrator.

1224 (5) "Nursing home" means an institution or facility
1225 licensed as such under part II of chapter 400.

1226 Section 28. Section 468.1665, Florida Statutes, is amended
1227 to read:

1228 468.1665 Board of Nursing Home and Assisted Living
1229 Facility Administrators; membership; appointment; terms.-

1230 (1) The Board of Nursing Home and Assisted Living Facility
1231 Administrators is created within the department and shall
1232 consist of eleven ~~seven~~ members, to be appointed by the Governor
1233 and confirmed by the Senate to a term of 4 years or for a term
1234 to complete an unexpired vacancy.

1235 (2) Three members of the board must be licensed nursing
1236 home administrators. Three members of the board must be licensed
1237 assisted living facility administrators. Two members of the
1238 board must be health care practitioners. Three ~~The remaining two~~
1239 members of the board must be laypersons who are not, and have
1240 never been, nursing home or assisted living facility
1241 administrators or members of any health care profession or
1242 occupation, and at least one of these laypersons must be a
1243 resident of an assisted living facility. At least one member of
1244 the board must be 60 years of age or older.

1245 (3) A person may not be appointed as a member of the board



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1246 if a conflict of interest exists, except that a nursing home
1247 administrator or an assisted living facility administrator who
1248 is appointed to the board may retain a financial interest in the
1249 institution or facility he or she administers at the time of
1250 appointment ~~Only board members who are nursing home~~
1251 ~~administrators may have a direct financial interest in any~~
1252 ~~nursing home.~~

1253 (4) All provisions of chapter 456 relating to activities of
1254 regulatory boards shall apply.

1255 Section 29. Section 468.1685, Florida Statutes, is amended
1256 to read:

1257 468.1685 Powers and duties of board and department.—It is
1258 the function and duty of the board, together with the
1259 department, to:

1260 (1) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to
1261 implement the provisions of this part conferring duties upon the
1262 board.

1263 (2) Develop, impose, and enforce specific standards within
1264 the scope of the general qualifications established by this part
1265 which must be met by individuals in order to receive licenses as
1266 nursing home or assisted living facility administrators. These
1267 standards shall be designed to ensure that nursing home and
1268 assisted living facility administrators are individuals of good
1269 character and otherwise suitable and, by training or experience
1270 in the field of health care facility ~~institutional~~
1271 administration, qualified to serve as nursing home or assisted
1272 living facility administrators.

1273 (3) Develop by appropriate techniques, including
1274 examinations and investigations, a method for determining



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1275 whether an individual meets such standards.

1276 (4) Issue licenses to qualified individuals meeting the
1277 standards of the board and revoke or suspend licenses previously
1278 issued by the board ~~if when~~ the individual holding such license
1279 is determined to have failed to ~~conform~~ substantially conform to
1280 the requirements of such standards.

1281 (5) Establish by rule and carry out procedures, ~~by rule,~~
1282 designed to ensure that licensed nursing home or assisted living
1283 facility administrators ~~will~~ comply with the standards adopted
1284 by the board.

1285 (6) Receive, investigate, and take appropriate action with
1286 respect to any charge or complaint filed with the department ~~to~~
1287 ~~the effect~~ that a licensed nursing home or assisted living
1288 facility administrator has failed to comply with the
1289 requirements or standards adopted by the board.

1290 (7) Conduct a continuing study and investigation of nursing
1291 homes and assisted living facilities and the administrators of
1292 nursing homes and assisted living facilities in order to improve
1293 the standards imposed for the licensing of such administrators
1294 and the procedures and methods for enforcing such standards with
1295 respect to licensed administrators ~~of nursing homes who have~~
1296 ~~been licensed as such.~~

1297 (8) Set up procedures by rule for advising and acting
1298 together with the department ~~Department of Health~~ and other
1299 boards of other health professions in matters affecting
1300 procedures and methods for effectively enforcing the purpose of
1301 this part and the administration of chapters 400 and 429.

1302 (9) In consultation with the Agency for Health Care
1303 Administration, the Department of Elderly Affairs, and the



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1304 Department of Children and Family Services, develop the
1305 following which must be completed by an applicant for licensure
1306 as an assisted living facility administrator:

1307 (a) Assisted living facility administrator core training
1308 that includes at least 40 hours of training, is offered in
1309 English and Spanish, is reviewed at least annually by the board,
1310 and updated as needed to reflect changes in the law, rules, and
1311 best practices. The curriculum, at a minimum, must cover the
1312 following topics:

1313 1. State law and rules relating to assisted living
1314 facilities.

1315 2. Resident rights and the identification and reporting of
1316 abuse, neglect, and exploitation.

1317 3. The special needs of elderly persons, persons who have
1318 mental illness, and persons who have developmental disabilities
1319 and how to meet those needs.

1320 4. Nutrition and food service, including acceptable
1321 sanitation practices for preparing, storing, and serving food.

1322 5. Medication management, recordkeeping, and proper
1323 techniques for assisting residents who self-administer
1324 medication.

1325 6. Firesafety requirements, including procedures for fire
1326 evacuation drills and other emergency procedures.

1327 7. The care of persons who have Alzheimer's disease and
1328 related disorders.

1329 8. Elopement prevention.

1330 9. Aggression and behavior management, de-escalation
1331 techniques, and proper protocols and procedures relating to the
1332 Baker Act as provided in part I of chapter 394.



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- 1333 10. Do-not-resuscitate orders.
- 1334 11. Infection control.
- 1335 12. Admission and continued residency.
- 1336 13. Phases of care and interacting with residents.
- 1337 14. Best practices in the industry.
- 1338 15. Business operations, including, but not limited to,
1339 human resources, financial management, and supervision of staff.
- 1340 (b) An assisted living facility administrator licensure
1341 examination that tests the applicant's knowledge and training of
1342 the core training topics listed in paragraph (a). The
1343 examination must be offered in English and Spanish, reviewed at
1344 least annually by the board, and updated as needed to reflect
1345 changes in the law, rules, and best practices. A minimum score
1346 of 80 is required to demonstrate successful completion of the
1347 training requirements.
- 1348 (10) In consultation with the Agency for Health Care
1349 Administration, the Department of Elderly Affairs, and the
1350 Department of Children and Family Services, develop a continuing
1351 education curriculum, for licensed assisted living facility
1352 administrators. Administrators who are employed by extended
1353 congregate care, limited nursing services, or limited mental
1354 health licensees must complete additional credit hours as
1355 determined by the board. The board shall also develop a short
1356 examination that corresponds with each continuing education
1357 course and must be offered in English and Spanish. The board
1358 must review the continuing education curriculum and each
1359 examination at least annually, and update the curriculum and
1360 examinations as needed to reflect changes in the law, rules, and
1361 best practices. Continuing education must include topics similar



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1362 to those of the core training in paragraph (9), and may include
1363 additional subject matter that enhances the knowledge, skills,
1364 and abilities of assisted living facility administrators, as
1365 adopted by rule.

1366 (11) In consultation with a panel of at least three mental
1367 health professionals, develop a limited mental health curriculum
1368 and examination, which must be completed by an assisted living
1369 facility administrator within 30 days after being employed by a
1370 limited mental health licensee. The examination must be offered
1371 in English and Spanish and must be available online. The board
1372 shall review the examination at least annually and update as
1373 needed.

1374 (12) In consultation with stakeholders, develop the
1375 standardized staff training curriculum required under s. 429.52
1376 for assisted living facility staff members, other than an
1377 administrator, who provide regular or direct care to residents.
1378 The curriculum must be reviewed at least annually by the board,
1379 and updated as needed to reflect changes in the law, rules, and
1380 best practices. The curriculum must include at least 20 hours of
1381 inservice training, with at least 1 hour of training per topic,
1382 covering at least the following topics:

1383 (a) Reporting major incidents.

1384 (b) Reporting adverse incidents.

1385 (c) Facility emergency procedures, including chain-of-
1386 command and staff member roles relating to emergency evacuation.

1387 (d) Resident rights in an assisted living facility.

1388 (e) Recognizing and reporting resident abuse, neglect, and
1389 exploitation.

1390 (f) Resident behavior and needs.



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1391 (g) Providing assistance with the activities of daily
1392 living.

1393 (h) Infection control.

1394 (i) Aggression and behavior management and deescalation
1395 techniques.

1396 (13) In consultation with the Agency for Health Care
1397 Administration, the Department of Elderly Affairs, the
1398 Department of Children and Family Services, and stakeholders,
1399 develop the interactive online tutorial required under s. 429.52
1400 which must be completed by assisted living facility staff
1401 members who provide regular or direct care to assisted living
1402 facility residents. The tutorial must be based on the training
1403 required under subsection (12). The board must offer the
1404 tutorial in English and Spanish and update the tutorial as
1405 needed, but at least annually.

1406 (14) In consultation with the Agency for Health Care
1407 Administration, the Department of Elderly Affairs, and the
1408 Department of Children and Family Services, develop the
1409 continuing education curriculum required under s. 429.52 for
1410 staff members of an assisted living facility who provide regular
1411 or direct care to assisted living facility residents. The board
1412 shall require additional credit hours for assisted living
1413 facility staff who are employed by extended congregate care,
1414 limited nursing services, or limited mental health licensees.
1415 The board must review the continuing education curriculum at
1416 least annually and update the curriculum as needed. Continuing
1417 education must include topics similar to those listed in
1418 subsection (12), and may include additional subject matter that
1419 enhances the knowledge, skills, and abilities of assisted living



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1420 facility staff, as adopted by rule.

1421 (15) In consultation with a panel of at least three mental
1422 health professionals, develop the limited mental health
1423 curriculum and online interactive tutorial required under s.
1424 429.521(3) which must be completed by assisted living facility
1425 staff, other than the administrator, who provide regular and
1426 direct care to mental health residents. The board must ensure
1427 that the tutorial is offered in English and Spanish, and must be
1428 updated as needed, but at least annually.

1429 (16) Require and provide, or cause to be provided, the
1430 training or education of staff members of an assisted living
1431 facility beyond that which is required under this part if the
1432 board or department determines that there are problems in a
1433 facility which could be reduced through specific staff training
1434 or education.

1435 (17) Certify assisted living training providers who meet
1436 the qualifications under s. 429.522.

1437 (18) Approve testing and training centers pursuant to s.
1438 429.523.

1439 Section 30. Subsection (2) of section 468.1695, Florida
1440 Statutes, is amended and subsections (5) through (9) are added
1441 to that section, to read:

1442 468.1695 Licensure by examination.—

1443 (2) The department shall examine each applicant for a
1444 nursing home administrator license who the board certifies has
1445 completed the application form and remitted an examination fee
1446 set by the board not to exceed \$250 and who:

1447 (a)1. Holds a baccalaureate degree from an accredited
1448 college or university and majored in health care administration



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1449 or has credit for at least 60 semester hours in subjects, as
1450 prescribed by rule of the board, which prepare the applicant for
1451 total management of a nursing home; and

1452 2. Has fulfilled the requirements of a college-affiliated
1453 or university-affiliated internship in nursing home
1454 administration or of a 1,000-hour nursing home administrator-in-
1455 training program prescribed by the board; or

1456 (b)1. Holds a baccalaureate degree from an accredited
1457 college or university; and

1458 2.a. Has fulfilled the requirements of a 2,000-hour nursing
1459 home administrator-in-training program prescribed by the board;
1460 or

1461 b. Has 1 year of management experience allowing for the
1462 application of executive duties and skills, including the
1463 staffing, budgeting, and directing of resident care, dietary,
1464 and bookkeeping departments within a skilled nursing facility,
1465 hospital, hospice, assisted living facility with a minimum of 60
1466 licensed beds, or geriatric residential treatment program and,
1467 if such experience is not in a skilled nursing facility, has
1468 fulfilled the requirements of a 1,000-hour nursing home
1469 administrator-in-training program prescribed by the board.

1470 (5) Any person desiring to be licensed as an assisted
1471 living facility administrator must apply to the department to
1472 take the licensure examination. The examination shall be given
1473 at least two times a year and consists of, but is not limited
1474 to, questions on the following subjects:

1475 (a) State law and rules relating to assisted living
1476 facilities.

1477 (b) Resident rights and the identification and reporting of



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- 1478 abuse, neglect, and exploitation.
- 1479 (c) The special needs of elderly persons, persons who have
- 1480 mental illness, and persons who have developmental disabilities
- 1481 and how to meet those needs.
- 1482 (d) Nutrition and food service, including acceptable
- 1483 sanitation practices for preparing, storing, and serving food.
- 1484 (e) Medication management, recordkeeping, and proper
- 1485 techniques for assisting residents who self-administer
- 1486 medication.
- 1487 (f) Firesafety requirements, including procedures for fire
- 1488 evacuation drills and other emergency procedures.
- 1489 (g) The care of persons who have Alzheimer's disease and
- 1490 related disorders.
- 1491 (h) Elopement prevention.
- 1492 (i) Aggression and behavior management, de-escalation
- 1493 techniques, and proper protocols and procedures relating to the
- 1494 Baker Act as provided in part I of chapter 394.
- 1495 (j) Do-not-resuscitate orders.
- 1496 (k) Infection control.
- 1497 (l) Admission and continued residency.
- 1498 (m) Phases of care and interacting with residents.
- 1499 (n) Best practices in the industry.
- 1500 (o) Business operations, including, but not limited to,
- 1501 human resources, financial management, and supervision of staff.
- 1502 (6) The department shall examine each applicant for an
- 1503 assisted living facility administrator license who the board
- 1504 certifies has completed the application form and remitted an
- 1505 examination fee set by the board not to exceed \$250 and who:
- 1506 (a) Is at least 21 years old;



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1507 (b) Holds a 4-year baccalaureate degree from an accredited
1508 college or university that includes some coursework in health
1509 care, gerontology, or geriatrics; a 4-year baccalaureate degree
1510 from an accredited college or university and at least 2 years of
1511 experience in direct care in an assisted living facility or
1512 nursing home; or a 2-year associate degree that includes
1513 coursework in health care, gerontology, or geriatrics and at
1514 least 2 years of experience in direct care in an assisted living
1515 facility or nursing home;

1516 (c) Has completed a least 40 hours of core training;

1517 (d) Has passed the licensure examination in subsection (5)
1518 with a minimum score of 80;

1519 (e) Has completed background screening pursuant to s.
1520 429.174; and

1521 (f) Otherwise meets the requirements of this part and part
1522 I of chapter 429.

1523 (7) An assisted living facility administrator who is
1524 continuously employed as a facility administrator, or a nursing
1525 home administrator who is continuously employed as a nursing
1526 home administrator, for at least the 2 years before July 1,
1527 2012, is eligible for licensure as an assisted living facility
1528 administrator without meeting the educational requirements of
1529 this section or taking the licensure examination if:

1530 (a) The core training under this part has been completed.

1531 (b) All continuing education requirements have been
1532 completed.

1533 (c) The applicant was not the administrator of a facility
1534 or nursing home that was cited for a class I or class II
1535 violation within the 2 years before July 1, 2012.



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1536 (8) Other licensed professionals may be exempted from some
1537 or all of the training requirements of this section to be
1538 eligible for licensure as an assisted living facility
1539 administrator, as determined by the board by rule.

1540 (9) If an applicant for assisted living facility
1541 administration licensure fails the licensure examination, the
1542 applicant must wait at least 10 days before retaking it. If an
1543 applicant fails the licensure examination three times, the
1544 applicant must retake the initial core training before retaking
1545 the examination.

1546 Section 31. Subsection (1) of section 468.1705, Florida
1547 Statutes, is amended to read:

1548 468.1705 Licensure by endorsement; temporary license.—

1549 (1) The department shall issue a nursing home administrator
1550 license by endorsement to an ~~any~~ applicant who, upon applying to
1551 the department and remitting a fee set by the board not to
1552 exceed \$500, demonstrates to the board that he or she:

1553 (a) Meets one of the following requirements:

1554 1. Holds a valid active license to practice nursing home
1555 administration in another state of the United States if
1556 ~~provided that~~ the current requirements for licensure in that
1557 state are substantially equivalent to, or more stringent than,
1558 current requirements in this state; or

1559 2. Meets the qualifications for licensure in s. 468.1695;
1560 and

1561 (b)1. Has successfully completed a national examination
1562 which is substantially equivalent to, or more stringent than,
1563 the examination given by the department;

1564 2. Has passed an examination on the laws and rules of this



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1565 state governing the administration of nursing homes; and

1566 3. Has worked as a fully licensed nursing home
1567 administrator for 2 years within the 5-year period immediately
1568 preceding the application by endorsement.

1569 Section 32. Section 468.1725, Florida Statutes, is amended
1570 to read:

1571 468.1725 Inactive status.—An administrator's license may
1572 become inactive if an administrator applies for inactive
1573 licensure status, does not pay licensure renewal fees on time,
1574 or does not complete continuing education courses within the
1575 requisite time.

1576 (1) If a license becomes inactive because:

1577 (a) The administrator applied for and was granted inactive
1578 licensure status, he or she must pay a reactivation fee in order
1579 to reactive the license.

1580 (b) The administrator failed to timely pay licensure
1581 renewal fees, the he or she must pay the biennial renewal fee, a
1582 delinquency fee, and a reactivation fee.

1583 (c) The administrator did not timely complete continuing
1584 education requirements.

1585 ~~(1)~~ Unless otherwise prescribed in law, the board shall
1586 prescribe by rule continuing education requirements as a
1587 condition of reactivating a license. The continuing education
1588 requirements for reactivating a license may not exceed 20
1589 classroom hours for each year the license was inactive, in
1590 addition to completing ~~completion of~~ the number of hours
1591 required for renewal on the date the license became inactive.
1592 The board may not reactivate the license until he or she
1593 completes the continuing education requirements and pays a



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1594 delinquency and reactivation fee

1595 (2) The board shall adopt rules relating to application
1596 procedures for inactive status, for the renewal of inactive
1597 licenses, and for the reactivation of licenses. The board shall
1598 prescribe by rule an application fee for inactive status, a
1599 ~~renewal fee for inactive status,~~ a delinquency fee, and a fee
1600 for the reactivation of a license. ~~None of~~ These fees may not
1601 exceed the biennial renewal fee established by the board for an
1602 active license.

1603 ~~(3) The department may not reactivate a license unless the~~
1604 ~~inactive or delinquent licensee has paid any applicable biennial~~
1605 ~~renewal or delinquency fee, or both, and a reactivation fee.~~

1606 Section 33. Section 468.1735, Florida Statutes, is amended
1607 to read:

1608 468.1735 Provisional license.—The board may establish by
1609 rule requirements for issuance of a provisional license. A
1610 provisional license shall be issued only to fill a position of
1611 nursing home administrator that unexpectedly becomes vacant due
1612 to illness, sudden death of the administrator, or abandonment of
1613 position and shall be issued for one single period as provided
1614 by rule not to exceed 6 months. The department shall not issue a
1615 provisional license to any applicant who is under investigation
1616 in this state or another jurisdiction for an offense which would
1617 constitute a violation of s. 468.1745, ~~or~~ s. 468.1755, or s.
1618 429.55(4) (a), as applicable. Upon completion of the
1619 investigation relating to a nursing home administrator, the
1620 provisions of s. 468.1755 shall apply. The provisional license
1621 may be issued to a person who does not meet all of the licensing
1622 requirements established by this part, but the board shall by



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1623 rule establish minimal requirements to ensure protection of the
1624 public health, safety, and welfare. The provisional license
1625 shall be issued to the person who is designated as the
1626 responsible person next in command in the event of the
1627 administrator's departure. The board may set an application fee
1628 not to exceed \$500 for a provisional license.

1629 Section 34. Section 468.1745, Florida Statutes, is amended
1630 to read:

1631 468.1745 Prohibitions; penalties.—

1632 (1) A ~~No~~ person may not shall:

1633 (a) Practice nursing home administration unless the person
1634 holds an active license to practice nursing home administration.

1635 (b) Use the name or title "nursing home administrator" if
1636 ~~when~~ the person has not been licensed pursuant to this part act.

1637 (c) Present as his or her own the license of another.

1638 (d) Give false or forged evidence to the board or a member
1639 thereof for the purpose of obtaining a license.

1640 (e) Use or attempt to use a nursing home administrator's
1641 license that ~~which~~ has been suspended or revoked.

1642 (f) Knowingly employ unlicensed persons in the practice of
1643 nursing home administration.

1644 (g) Knowingly conceal information relative to violations of
1645 this part.

1646 (2) A person may not:

1647 (a) Practice assisted living facility administration unless
1648 the person holds an active license to practice assisted living
1649 facility administration.

1650 (b) Use the name or title "assisted living facility
1651 administrator" if the person has not been licensed pursuant to



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1652 this part.

1653 (c) Present as his or her own the license of another.

1654 (d) Give false or forged evidence to the board or a member
1655 thereof for the purpose of obtaining a license.

1656 (e) Use or attempt to use an assisted living facility
1657 administrator's license that has been suspended or revoked.

1658 (f) Knowingly employ unlicensed persons in the practice of
1659 assisted living facility administration.

1660 (g) Knowingly conceal information relative to violations of
1661 this part.

1662 (3)~~(2)~~ Any person who violates the provisions of this
1663 section is guilty of a misdemeanor of the second degree,
1664 punishable as provided in s. 775.082 or s. 775.083.

1665 Section 35. Section 468.1755, Florida Statutes, is amended
1666 to read:

1667 468.1755 Disciplinary proceedings.—

1668 (1) The following acts constitute grounds for denial of a
1669 nursing home administrator license or disciplinary action, as
1670 specified in s. 456.072(2):

1671 (a) Violation of any provision of s. 456.072(1) or s.
1672 468.1745(1).

1673 (b) Attempting to procure a license to practice nursing
1674 home administration by bribery, by fraudulent misrepresentation,
1675 or through an error of the department or the board.

1676 (c) Having a license to practice nursing home
1677 administration revoked, suspended, or otherwise acted against,
1678 including the denial of licensure, by the licensing authority of
1679 another state, territory, or country.

1680 (d) Being convicted or found guilty, regardless of



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1681 adjudication, of a crime in any jurisdiction which relates to
1682 the practice of nursing home administration or the ability to
1683 practice nursing home administration. Any plea of nolo
1684 contendere shall be considered a conviction for purposes of this
1685 part.

1686 (e) Making or filing a report or record which the licensee
1687 knows to be false, intentionally failing to file a report or
1688 record required by state or federal law, willfully impeding or
1689 obstructing such filing, or inducing another person to impede or
1690 obstruct such filing. Such reports or records shall include only
1691 those which are signed in the capacity of a licensed nursing
1692 home administrator.

1693 (f) Authorizing the discharge or transfer of a resident for
1694 a reason other than those provided in ss. 400.022 and 400.0255.

1695 (g) Advertising goods or services in a manner which is
1696 fraudulent, false, deceptive, or misleading in form or content.

1697 (h) Fraud or deceit, negligence, incompetence, or
1698 misconduct in the practice of nursing home administration.

1699 (i) Violation of a lawful order of the board or department
1700 previously entered in a disciplinary hearing or failing to
1701 comply with a lawfully issued subpoena of the board or
1702 department.

1703 (j) Practicing with a revoked, suspended, inactive, or
1704 delinquent license.

1705 (k) Repeatedly acting in a manner inconsistent with the
1706 health, safety, or welfare of the patients of the facility in
1707 which he or she is the administrator.

1708 (l) Being unable to practice nursing home administration
1709 with reasonable skill and safety to patients by reason of



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1710 illness, drunkenness, use of drugs, narcotics, chemicals, or any
1711 other material or substance or as a result of any mental or
1712 physical condition. In enforcing this paragraph, upon a finding
1713 of the State Surgeon General or his or her designee that
1714 probable cause exists to believe that the licensee is unable to
1715 serve as a nursing home administrator due to the reasons stated
1716 in this paragraph, the department shall have the authority to
1717 issue an order to compel the licensee to submit to a mental or
1718 physical examination by a physician designated by the
1719 department. If the licensee refuses to comply with such order,
1720 the department's order directing such examination may be
1721 enforced by filing a petition for enforcement in the circuit
1722 court where the licensee resides or serves as a nursing home
1723 administrator. The licensee against whom the petition is filed
1724 shall not be named or identified by initials in any public court
1725 records or documents, and the proceedings shall be closed to the
1726 public. The department shall be entitled to the summary
1727 procedure provided in s. 51.011. A licensee affected under this
1728 paragraph shall have the opportunity, at reasonable intervals,
1729 to demonstrate that he or she can resume the competent practice
1730 of nursing home administration with reasonable skill and safety
1731 to patients.

1732 (m) Willfully or repeatedly violating any of the provisions
1733 of the law, code, or rules of the licensing or supervising
1734 authority or agency of the state or political subdivision
1735 thereof having jurisdiction of the operation and licensing of
1736 nursing homes.

1737 (n) Paying, giving, causing to be paid or given, or
1738 offering to pay or to give to any person a commission or other



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1739 valuable consideration for the solicitation or procurement,
1740 either directly or indirectly, of nursing home usage.

1741 (o) Willfully permitting unauthorized disclosure of
1742 information relating to a patient or his or her records.

1743 (p) Discriminating with respect to patients, employees, or
1744 staff on account of race, religion, color, sex, or national
1745 origin.

1746 (q) Failing to implement an ongoing quality assurance
1747 program directed by an interdisciplinary team that meets at
1748 least every other month.

1749 (r) Violating any provision of this chapter or chapter 456,
1750 or any rules adopted pursuant thereto.

1751 (2) The board may enter an order denying nursing home
1752 administrator licensure or imposing any of the penalties in s.
1753 456.072(2) against any applicant for licensure or licensee who
1754 is found guilty of violating any provision of subsection (1) of
1755 this section or who is found guilty of violating any provision
1756 of s. 456.072(1).

1757 (3) The board may enter an order denying licensure or
1758 license renewal and may suspend or revoke the license of an
1759 assisted living facility administrator who is under
1760 investigation for, or who has committed, in this state or
1761 another jurisdiction, any of the following:

1762 (a) Attempting to procure a license to practice assisted
1763 living facility administration by bribery, fraudulent
1764 misrepresentation, or through an error of the agency or the
1765 board.

1766 (b) Having an license to practice assisted living facility
1767 administration revoked, suspended, or otherwise acted against,



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1768 including the denial of licensure by the licensing authority of
1769 another state, territory, or country.

1770 (c) Being convicted or found guilty of, or entered a plea
1771 of nolo contendere, regardless of adjudication, to a crime in any
1772 jurisdiction which relates to the practice of assisted living
1773 facility administration.

1774 (d) Making or filing a report or record that the licensee
1775 knows to be false, intentionally failing to file a report or
1776 record required by state or federal law, willfully impeding or
1777 obstructing such filing, or inducing another person to impede or
1778 obstruct such filing. Such reports or records include only those
1779 that are signed in the capacity of a licensed assisted living
1780 facility administrator.

1781 (e) Advertising goods or services in a manner that is
1782 fraudulent, false, deceptive, or misleading in form or content.

1783 (f) Committing fraud or deceit or exhibiting negligence,
1784 incompetence, or misconduct in the practice of assisted living
1785 facility administration.

1786 (g) Violating a lawful order of the board or agency
1787 previously entered in a disciplinary hearing or failing to
1788 comply with a lawfully issued subpoena of the board or agency.

1789 (h) Repeatedly acting in a manner that is inconsistent with
1790 the health, safety, or welfare of the residents of the assisted
1791 living facility in which he or she is the administrator.

1792 (i) Being unable to practice assisted living facility
1793 administration with reasonable skill and safety to residents by
1794 reason of illness, drunkenness, use of drugs, narcotics,
1795 chemicals, or any other material or substance or as a result of
1796 any mental or physical condition. To enforce this subparagraph,



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1797 upon a finding of the Secretary of Health Care Administration or
1798 his or her designee that probable cause exists to believe that
1799 the licensee is unable to serve as an assisted living facility
1800 administrator due to the reasons stated in this subparagraph,
1801 the agency may issue an order to compel the licensee to submit
1802 to a mental or physical examination by a physician designated by
1803 the agency. If the licensee refuses to comply with such order,
1804 the order may be enforced by filing a petition for enforcement
1805 in the circuit court where the licensee resides or serves as a
1806 facility administrator. The licensee against whom the petition
1807 is filed may not be named or identified by initials in any
1808 public court records or documents and the proceedings shall be
1809 closed to the public. The agency is entitled to the summary
1810 procedure pursuant to s. 51.011. At reasonable intervals, the
1811 licensee affected must be provided an opportunity to demonstrate
1812 that he or she can resume the competent practice of assisted
1813 living facility administration with reasonable skill and safety
1814 to residents.

1815 (j) Paying, giving, causing to be paid or given, or
1816 offering to pay or to give to any person a commission or other
1817 valuable consideration for the solicitation or procurement,
1818 directly or indirectly, of assisted living facility usage.

1819 (k) Willfully permitting unauthorized disclosure of
1820 information relating to a resident or his or her records.

1821 (l) Discriminating with respect to residents, employees, or
1822 staff members on account of race, religion, sex, or national
1823 origin.

1824 (m) Violating any provision of this part, part II of
1825 chapter 408, or rules adopted pursuant to this part.



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1826 (4) The board shall revoke the license of an assisted
1827 living facility administrator who knowingly participates in
1828 intentional misconduct, or engages in conduct that constitutes
1829 gross negligence, and contributes to the death of a resident.

1830 ~~(5)~~~~(3)~~ The department shall reissue the license of a
1831 disciplined licensee upon certification by the board that the
1832 disciplined licensee has complied with all of the terms and
1833 conditions set forth in the final order.

1834 Section 36. Section 468.1756, Florida Statutes, is amended
1835 to read:

1836 468.1756 Statute of limitations.—An administrative
1837 complaint may only be filed pursuant to s. 456.073 for an act
1838 listed in s. 468.1755~~(1)(e)~~~~(e)~~ within 4 years after ~~from~~ the
1839 time of the incident giving rise to the complaint, or within 4
1840 years after ~~from~~ the time the incident is discovered or should
1841 have been discovered.

1842 Section 37. Assisted living facility streamlining task
1843 force.—

1844 (1) The Agency for Health Care Administration shall create
1845 a task force consisting of at least one representative from the
1846 agency, the Department of Elderly Affairs, the Department of
1847 Children and Family Services, the Department of Health, and the
1848 Office of State Long-Term Care Ombudsman.

1849 (2) The purpose of the task force is to determine whether
1850 agencies currently have overlapping regulatory responsibilities
1851 over assisted living facilities and whether increased efficiency
1852 and effectiveness may be realized by transferring,
1853 consolidating, eliminating, or modifying such oversight between
1854 agencies.



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1855 (3) The task force shall meet at least three times and
1856 submit a report to the Governor, the President of the Senate,
1857 and the Speaker of the House of Representatives by January 1,
1858 2013, which includes the task force's findings and
1859 recommendations pertaining to streamlining agency oversight and
1860 improving the effectiveness of regulatory functions.

1861 (4) The task force is terminated effective March 1, 2013.

1862 Section 38. By January 1, 2013, the Agency for Health Care
1863 Administration shall submit copies of all of its inspection
1864 forms used to inspect assisted living facilities to the Office
1865 of State Long-Term Care Ombudsman. The office shall create and
1866 act as the chair of a task force of up to 11 members, consisting
1867 of an ombudsman, one representative of a nonprofit assisted
1868 living facility, one representative of a for-profit assisted
1869 living facility, at least one resident or family member of a
1870 resident, other stakeholders, and one representative of the
1871 agency, the Department of Elderly Affairs, the Department of
1872 Children and Family Services, and the Department of Health, to
1873 review the inspection forms. The task force shall provide
1874 recommendations, if any, to modify the forms in order to ensure
1875 that inspections adequately assess whether the assisted living
1876 facilities are in compliance with the law, meet the needs of
1877 residents, and ensure resident safety. The task force must
1878 provide its recommendations, including explanations of its
1879 recommendations, to the agency within 90 days after receiving
1880 the inspection forms. The task force is terminated July 1, 2013.

1881 Section 39. This act shall take effect July 1, 2012.