

By the Committee on Health Regulation

588-02413-12

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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 identify 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
28 quarterly monitoring of the facility; providing for an
29 exception from quarterly monitoring; amending s.

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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. 429.17, F.S.;
33 providing that a facility that has been cited for
34 certain violations may not be issued a conditional
35 license; amending s. 429.176, F.S.; requiring the
36 licensure of facility administrators; providing
37 administrator education, training, and examination
38 requirements; providing exceptions; providing for
39 inactive and provisional licenses; amending s.
40 429.178, F.S.; revising training requirements for
41 staff who provide care for persons with Alzheimer's
42 disease and related disorders; amending s. 429.19,
43 F.S.; conforming provisions to changes made by the
44 act; authorizing the Agency for Health Care
45 Administration to impose an increased fine for certain
46 violations that result in the death of a resident;
47 amending s. 429.23, F.S.; requiring a facility to
48 establish a risk management and quality assurance
49 program; amending s. 429.256, F.S.; conforming a
50 cross-reference; amending s. 429.28, F.S.; requiring
51 residents of facilities to be informed about the
52 confidentiality of the subject matter and identify of
53 the resident and complainant of a complaint made to
54 the State Long-Term Care Ombudsman Program; requiring
55 the agency to conduct followup inspections of
56 facilities that have a history of certain violations;
57 providing that facility that terminates an
58 individual's residency will be fined if good cause is

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59 not shown in court; amending s. 429.34, F.S.;

60 providing that the agency is designated as the central

61 agency for receiving and tracking facility complaints;

62 requiring the agency to have lead surveyors who

63 specialize in assessing facilities; amending s.

64 429.41, F.S.; requiring the agency to anonymously

65 observe the elopement drills of a randomly selected

66 group of facilities; authorizing the agency to require

67 additional staffing for facilities that hold a

68 specialty license; requiring the agency to conduct an

69 abbreviated biennial licensure inspection; amending s.

70 429.49, F.S.; increasing the criminal penalty for

71 altering facility records; creating s. 429.515, F.S.;

72 requiring new facility employees to attend a

73 preservice orientation; providing requirements for

74 such orientation; amending s. 429.52, F.S.; revising

75 training and continuing education requirements for

76 facility staff other than administrators; providing

77 for the use of interactive online tutorials; creating

78 s. 429.521, F.S.; providing training requirements for

79 certain staff of facilities that hold an extended

80 congregate care, limited nursing, and limited mental

81 health license; providing for examinations;

82 authorizing the Board of Assisted Living Facility

83 Administration to adopt rules; creating s. 429.522,

84 F.S.; requiring training providers to be certified by

85 the board and provide trainer oversight; providing

86 trainer requirements; requiring the board to maintain

87 an electronic database of certified providers and

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88 persons who complete training if funding is available;
89 creating s. 429.523, F.S.; providing for board
90 approval of training and testing centers; providing
91 approval criteria; amending s. 429.54, F.S.; requiring
92 specified state agencies to have an electronic system
93 of communication pertaining to the regulation of
94 facilities; requiring facilities to submit certain
95 facility and resident information electronically to
96 the agency twice yearly; providing for the maintenance
97 and use of such information; providing for expiration
98 of this requirement; creating s. 429.55, F.S.;

99 establishing the Board of Assisted Living Facility
100 Administration in the agency; providing for
101 membership; providing board duties including duties
102 relating to administrator licensing and administrator
103 and facility staff training; providing board oversight
104 over administrators, including grounds for
105 disciplinary action; authorizing the board to adopt
106 certain rules; creating s. 429.56, F.S.; directing the
107 agency to establish an online, user-friendly facility
108 rating system that may be accessed by the public;
109 requiring the agency to create a task force to
110 determine whether state agencies have overlapping
111 regulatory jurisdiction over facilities and to submit
112 findings and recommendations to the Governor and
113 Legislature by a certain date; providing for
114 termination of the task force; requiring the Office of
115 the State Long-Term Care Ombudsman to create a task
116 force to review the agency's facility inspection forms

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117 and to submit its recommendations to the agency by a
118 certain date; providing for termination of the task
119 force; providing an effective date.

120

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

122

123 Section 1. Paragraph (e) of subsection (2) of section
124 394.4574, Florida Statutes, is amended, and paragraph (f) is
125 added to that subsection, to read:

126 394.4574 Department responsibilities for a mental health
127 resident who resides in an assisted living facility that holds a
128 limited mental health license.—

129 (2) The department must ensure that:

130 (e) The mental health services provider assigns a case
131 manager to each mental health resident who lives in an assisted
132 living facility with a limited mental health license. The case
133 manager is responsible for coordinating the development of and
134 implementation of the community living support plan defined in
135 s. 429.02. The plan must be updated as needed, but at least
136 annually, to ensure that the ongoing needs of the resident are
137 being addressed. Case managers must keep a record of the date
138 and time of any face-to-face interaction with the mental health
139 resident and make the record available to the department for
140 inspection. The record must be retained for 2 years after the
141 date of the last interaction.

142 (f) There is adequate and consistent monitoring and
143 enforcement of community living support plans and cooperative
144 agreements by the department.

145 Section 2. Subsection (2) of section 400.0078, Florida

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146 Statutes, is amended to read:

147 400.0078 Citizen access to State Long-Term Care Ombudsman
148 Program services.—

149 (2) ~~Every resident or representative of a resident shall~~
150 ~~receive,~~ Upon admission to a long-term care facility, each
151 resident or representative of a resident must receive
152 information regarding the purpose of the State Long-Term Care
153 Ombudsman Program, the statewide toll-free telephone number for
154 receiving complaints, the confidentiality of the subject matter
155 of a complaint and the complainant's name and identity, and
156 other relevant information regarding how to contact the program.
157 Residents or their representatives must be furnished additional
158 copies of this information upon request.

159 Section 3. Paragraph (a) of subsection (1) of section
160 415.1034, Florida Statutes, is amended to read:

161 415.1034 Mandatory reporting of abuse, neglect, or
162 exploitation of vulnerable adults; mandatory reports of death.—

163 (1) MANDATORY REPORTING.—

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

165 1. A physician, osteopathic physician, medical examiner,
166 chiropractic physician, nurse, paramedic, emergency medical
167 technician, or hospital personnel engaged in the admission,
168 examination, care, or treatment of vulnerable adults;

169 2. A health professional or mental health professional
170 other than one listed in subparagraph 1.;

171 3. A practitioner who relies solely on spiritual means for
172 healing;

173 4. Nursing home staff; assisted living facility staff;
174 adult day care center staff; adult family-care home staff;

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175 social worker; or other professional adult care, residential, or
176 institutional staff;

177 5. A state, county, or municipal criminal justice employee
178 or law enforcement officer;

179 6. An employee of the Department of Business and
180 Professional Regulation conducting inspections of public lodging
181 establishments under s. 509.032;

182 7. A Florida advocacy council member or long-term care
183 ombudsman council member; ~~or~~

184 8. A bank, savings and loan, or credit union officer,
185 trustee, or employee; or

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

189
190 who knows, or has reasonable cause to suspect, that a vulnerable
191 adult has been or is being abused, neglected, or exploited must
192 ~~shall~~ immediately report such knowledge or suspicion to the
193 central abuse hotline.

194 Section 4. Subsections (5) and (11) of section 429.02,
195 Florida Statutes, are amended, present subsections (6) through
196 (14) of that section are redesignated as subsections (7) through
197 (15), respectively, present subsections (15) through (26) of
198 that section are redesignated as subsections (17) through (28),
199 respectively, and new subsections (6) and (16) are added to that
200 section, to read:

201 429.02 Definitions.—When used in this part, the term:

202 (5) "Assisted living facility" or "facility" means any
203 building or buildings, section or distinct part of a building,

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204 private home, boarding home, home for the aged, or other
205 residential facility, whether operated for profit or not, which
206 undertakes through its ownership or management to provide
207 housing, meals, and one or more personal services for a period
208 exceeding 24 hours to one or more adults who are not relatives
209 of the owner or administrator.

210 (6) "Board" means the Board of Assisted Living Facility
211 Administration established under s. 429.55.

212 (12) ~~(11)~~ "Extended congregate care" means acts beyond those
213 authorized in subsection (18) which ~~(16)~~ that may be performed
214 pursuant to part I of chapter 464 by persons licensed thereunder
215 while carrying out their professional duties, and other
216 supportive services which may be specified by rule. The purpose
217 of such services is to enable residents to age in place in a
218 residential environment despite mental or physical limitations
219 that might otherwise disqualify them from residency in a
220 facility licensed under this part.

221 (16) "Mental health professional" means a person licensed
222 under chapter 458, chapter 459, chapter 464, chapter 490, or
223 chapter 491 who provides mental health services as defined in s.
224 394.67, or an individual who has at least 5 years of experience
225 providing services that improve an individual's mental health or
226 that treat mental illness.

227 Section 5. Section 429.07, Florida Statutes, is amended to
228 read:

229 429.07 Facility license required; fee.—

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

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

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

240 (3) In addition to the requirements of s. 408.806, each
241 license granted by the agency must state the type of care for
242 which the license is granted. Licenses shall be issued for one
243 or more of the following categories of care: standard, extended
244 congregate care, limited nursing services, or limited mental
245 health.

246 (a) A standard license shall be issued to facilities
247 providing one or more of the personal services identified in s.
248 429.02. Such facilities may also employ or contract with a
249 person licensed under part I of chapter 464 to administer
250 medications and perform other tasks as specified in s. 429.255.

251 (b) An extended congregate care license shall be issued to
252 facilities providing, directly or through contract, services
253 beyond those authorized in paragraph (a), including services
254 performed by persons licensed under part I of chapter 464 and
255 supportive services, as defined by rule, to persons who would
256 otherwise be disqualified from continued residence in a facility
257 licensed under this part.

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

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262 provided and whether the designation applies to all or part of
263 the facility. Such designation may be made at the time of
264 initial licensure or relicensure, or upon request in writing by
265 a licensee under this part and part II of chapter 408. The
266 notification of approval or the denial of the request shall be
267 made in accordance with part II of chapter 408. Existing
268 facilities qualifying to provide extended congregate care
269 services must have maintained a standard license and may not
270 have been subject to administrative sanctions during the
271 previous 2 years, or since initial licensure if the facility has
272 been licensed for less than 2 years, for any of the following
273 reasons:

- 274 a. A class I or class II violation;
- 275 b. Three or more repeat or recurring class III violations
276 of identical or similar resident care standards from which a
277 pattern of noncompliance is found by the agency;
- 278 c. Three or more class III violations that were not
279 corrected in accordance with the corrective action plan approved
280 by the agency;
- 281 d. Violation of resident care standards which results in
282 requiring the facility to employ the services of a consultant
283 pharmacist or consultant dietitian;
- 284 e. Denial, suspension, or revocation of a license for
285 another facility licensed under this part in which the applicant
286 for an extended congregate care license has at least 25 percent
287 ownership interest; or
- 288 f. Imposition of a moratorium pursuant to this part or part
289 II of chapter 408 or initiation of injunctive proceedings.
- 290 2. A facility that is licensed to provide extended

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291 congregate care services must ~~shall~~ maintain a written progress
292 report on each person who receives services which describes the
293 type, amount, duration, scope, and outcome of services that are
294 rendered and the general status of the resident's health. A
295 registered nurse, or appropriate designee, representing the
296 agency shall visit the facility at least quarterly to monitor
297 residents who are receiving extended congregate care services
298 and to determine if the facility is in compliance with this
299 part, part II of chapter 408, and relevant rules. One of the
300 visits may be in conjunction with the regular survey. The
301 monitoring visits may be provided through contractual
302 arrangements with appropriate community agencies. A registered
303 nurse shall serve as part of the team that inspects the
304 facility. The agency may waive one of the required yearly
305 monitoring visits for a facility that has been licensed for at
306 least 24 months to provide extended congregate care services,
307 if, during the inspection, the registered nurse determines that
308 extended congregate care services are being provided
309 appropriately, and if the facility has no class I or class II
310 violations and no uncorrected class III violations. The agency
311 must first consult with the long-term care ombudsman council for
312 the area in which the facility is located to determine if any
313 complaints have been made and substantiated about the quality of
314 services or care. The agency may not waive one of the required
315 yearly monitoring visits if complaints have been made and
316 substantiated.

317 3. A facility that is licensed to provide extended
318 congregate care services must:

319 a. Demonstrate the capability to meet unanticipated

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320 resident service needs.

321 b. Offer a physical environment that promotes a homelike
322 setting, provides for resident privacy, promotes resident
323 independence, and allows sufficient congregate space as defined
324 by rule.

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

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

332 e. Allow residents or, if applicable, a resident's
333 representative, designee, surrogate, guardian, or attorney in
334 fact to make a variety of personal choices, participate in
335 developing service plans, and share responsibility in
336 decisionmaking.

337 f. Implement the concept of managed risk.

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

340 h. In addition to the training mandated under s. 429.55 ~~in~~
341 ~~s. 429.52~~, provide specialized training as defined by rule for
342 facility staff.

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

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349 supervision. A licensed facility that provides extended
350 congregate care services must also provide each resident with a
351 written copy of facility policies governing admission and
352 retention.

353 5. The primary purpose of extended congregate care services
354 is to allow residents, as they become more impaired, the option
355 of remaining in a familiar setting from which they would
356 otherwise be disqualified for continued residency. A facility
357 licensed to provide extended congregate care services may also
358 admit an individual who exceeds the admission criteria for a
359 facility with a standard license, ~~if~~ if the individual is
360 determined appropriate for admission to the extended congregate
361 care facility.

362 6. Before the admission of an individual to a facility
363 licensed to provide extended congregate care services, the
364 individual must undergo a medical examination as provided in s.
365 429.26(4) and the facility must develop a preliminary service
366 plan for the individual.

367 7. If ~~When~~ a facility can no longer provide or arrange for
368 services in accordance with the resident's service plan and
369 needs and the facility's policy, the facility must ~~shall~~ make
370 arrangements for relocating the person in accordance with s.
371 429.28(1)(k).

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

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

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

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378 a facility licensed under this part, the agency must first
379 determine that all requirements established in law and rule are
380 met and must specifically designate, on the facility's license,
381 that such services may be provided. Such designation may be made
382 at the time of initial licensure or relicensure, or upon request
383 in writing by a licensee under this part and part II of chapter
384 408. Notification of approval or denial of such request shall be
385 made in accordance with part II of chapter 408. Existing
386 facilities qualifying to provide limited nursing services shall
387 have maintained a standard license and may not have been subject
388 to administrative sanctions that affect the health, safety, and
389 welfare of residents for the previous 2 years or since initial
390 licensure if the facility has been licensed for less than 2
391 years.

392 2. Facilities that are licensed to provide limited nursing
393 services shall maintain a written progress report on each person
394 who receives such nursing services, which report describes the
395 type, amount, duration, scope, and outcome of services that are
396 rendered and the general status of the resident's health. A
397 registered nurse representing the agency shall visit such
398 facilities at least twice a year to monitor residents who are
399 receiving limited nursing services and to determine if the
400 facility is in compliance with applicable provisions of this
401 part, part II of chapter 408, and related rules. The monitoring
402 visits may be provided through contractual arrangements with
403 appropriate community agencies. A registered nurse shall also
404 serve as part of the team that inspects such facility.

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

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

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

416 (a) The biennial license fee required of a facility is \$300
417 per license, plus ~~with~~ an additional fee of \$50 per resident
418 based on the total licensed resident capacity of the facility,
419 except that an ~~no~~ additional fee may not ~~will~~ be assessed for
420 beds designated for recipients of optional state supplementation
421 payments provided under ~~for in~~ s. 409.212. The total fee may not
422 exceed \$10,000. However, the biennial license fee for a licensed
423 facility that has one or more class I or class II violations
424 within the 2 years before licensure renewal is \$500 per license,
425 plus an additional fee of \$55 per resident based on the total
426 licensed resident capacity of the facility. The total fee for
427 such facilities may not exceed \$15,000.

428 (b) In addition to the total fee assessed under paragraph
429 (a), the agency shall require facilities that are licensed to
430 provide extended congregate care services under this part to pay
431 an additional fee per licensed facility. The amount of the
432 biennial fee shall be \$400 per license, with an additional fee
433 of \$10 per resident based on the total licensed resident
434 capacity of the facility.

435 (c) In addition to the total fee assessed under paragraph

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436 (a), the agency shall require facilities that are licensed to
437 provide limited nursing services under this part to pay an
438 additional fee per licensed facility. The amount of the biennial
439 fee shall be \$250 per license, with an additional fee of \$10 per
440 resident based on the total licensed resident capacity of the
441 facility.

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

444 Section 6. Section 429.075, Florida Statutes, is amended to
445 read:

446 429.075 Limited mental health license.—An assisted living
447 facility that serves a three or more mental health resident
448 ~~residents~~ must obtain a limited mental health license.

449 (1) To obtain a limited mental health license, a facility
450 must hold a standard license as an assisted living facility and
451 ~~must~~ not have been subject to administrative sanctions during
452 the previous 2 years, or since initial licensure if the facility
453 has been licensed for less than 2 years, for any of the
454 following reasons:

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

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

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

462 (d) A violation of resident care standards which resulted
463 in requiring the facility to employ the consultant services of a
464 licensed pharmacist or a registered or licensed dietitian under

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465 s. 429.42;

466 (e) Denial, suspension, or revocation of a license for
467 another facility licensed under this part in which the license
468 applicant has at least a 25 percent ownership interest; or

469 (f) Imposition of a moratorium pursuant to this part or
470 part II of chapter 408 or initiation of injunctive proceedings
471 ~~any current uncorrected deficiencies or violations, and must~~
472 ~~ensure that, within 6 months after receiving a limited mental~~
473 ~~health license, the facility administrator and the staff of the~~
474 ~~facility who are in direct contact with mental health residents~~
475 ~~must complete training of no less than 6 hours related to their~~
476 ~~duties. Such designation~~

477 (2) Licensure to provide services to mental health
478 residents may be made at the time of initial licensure or
479 relicensure or upon request in writing by a licensee under this
480 part and part II of chapter 408. Notification of agency approval
481 or denial of such request must ~~shall~~ be made in accordance with
482 this part, part II of chapter 408, and applicable rules. ~~This~~
483 ~~training will be provided by or approved by the Department of~~
484 ~~Children and Family Services.~~

485 (3) ~~(2)~~ Facilities licensed to provide services to mental
486 health residents shall provide appropriate supervision and
487 staffing to provide for the health, safety, and welfare of such
488 residents.

489 (a) In addition to any other training or education
490 requirements for employees of an assisted living facility, each
491 administrator and staff member of the facility must meet the
492 limited mental health training requirements set forth in s.
493 429.521.

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494 (b) Effective July 1, 2012, an administrator of a facility
495 that has a limited mental health licensee must, in addition to
496 the educational requirements under s. 429.56, also have
497 completed at least 6 semester credit hours of college-level
498 coursework relating to mental health.

499 (4)~~(3)~~ A facility that holds ~~has~~ a limited mental health
500 license must:

501 (a) Have a copy of each mental health resident's community
502 living support plan and the cooperative agreement with the
503 mental health care services provider. The support plan and the
504 agreement may be combined.

505 (b) Have documentation that is provided by the Department
506 of Children and Family Services that each mental health resident
507 has been assessed and determined to be able to live in the
508 community in an assisted living facility with a limited mental
509 health license.

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

514 (d) Assist the mental health resident in carrying out the
515 activities identified in the individual's community living
516 support plan.

517 (5)~~(4)~~ A facility that holds ~~with~~ a limited mental health
518 license may enter into a cooperative agreement with a private
519 mental health provider. For purposes of the limited mental
520 health license, the private mental health provider may act as
521 the case manager.

522 (6) A mental health professional shall serve as part of the

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523 team that inspects a facility that holds a mental health
524 license. A mental health professional representing the agency
525 shall visit the facility at least quarterly to monitor residents
526 who are receiving limited mental health services and to
527 determine if the facility is in compliance with this part, part
528 II of chapter 408, and relevant rules. One of those visits may
529 be in conjunction with the agency's regular survey. The
530 monitoring visits may be provided through a contractual
531 arrangement with an appropriate community agency. The agency may
532 waive one of the quarterly monitoring visits of a facility that
533 has had a mental health license for at least 2 years if, during
534 the inspection, the mental health professional determines that
535 mental health services are being provided appropriately and the
536 facility has had no class I or class II violation and no
537 uncorrected class III violation. Before waiving a monitoring
538 visit, the agency must first consult with a representative of
539 the local long-term care ombudsman council for the area in which
540 the facility is located to determine if any complaint has been
541 made and substantiated regarding the quality of services or care
542 provided at that facility. The agency may not waive one of the
543 required monitoring visits if a complaint has been made and
544 substantiated.

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

547 429.14 Administrative penalties.—

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

550 (a) Has two or more class I or class II violations that are
551 similar or identical to violations identified by the agency

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552 during a survey, inspection, monitoring visit, or complaint
553 investigation occurring within the previous 2 years; ~~or-~~

554 (b) Committed a class I violation or any intentional or
555 negligent act that caused the death of a resident.

556 Section 8. Subsection (4) of section 429.17, Florida
557 Statutes, is amended to read:

558 429.17 Expiration of license; renewal; conditional
559 license.-

560 (4) In addition to the license categories available in s.
561 408.808, a conditional license may be issued to an applicant for
562 license renewal if the applicant fails to meet all standards and
563 requirements for licensure. A conditional license must ~~issued~~
564 ~~under this subsection shall~~ be limited ~~in duration~~ to a specific
565 period of time not to exceed 6 months, as determined by the
566 agency, and ~~shall~~ be accompanied by an agency-approved plan of
567 correction. An assisted living facility that has been cited for
568 two or more class I violations within the previous 2 years may
569 not be issued a conditional license.

570 Section 9. Section 429.176, Florida Statutes, is amended to
571 read:

572 429.176 ~~Notice of change of Administrator~~ license.-

573 (1) Effective July 1, 2013, an assisted living facility in
574 the state may not operate unless it is under the management of
575 an administrator who holds a currently valid license or
576 provisional license as an assisted living facility
577 administrator.

578 (2) In order to be licensed as an assisted living facility
579 administrator, an applicant must:

580 (a) Be at least 21 years old;

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581 (b) Meet the educational requirements under this section;
582 (c) Complete the core training and supplemental training
583 developed by the board pursuant to s. 429.55(3) (b) 7.-8.;
584 (d) Pass a licensure examination with a minimum score of
585 80;
586 (e) Complete background screening pursuant to s. 429.174;
587 and
588 (f) Otherwise meet the requirements of this part.
589 (3) Before licensure, the applicant must submit to the
590 board proof that he or she is at least 21 years old and has a 4-
591 year baccalaureate degree that includes some coursework in
592 health care, gerontology, or geriatrics; a 4-year baccalaureate
593 degree and at least 2 years of experience in direct patient care
594 in an assisted living facility or nursing home; or a 2-year
595 associate degree that includes coursework in health care,
596 gerontology, or geriatrics and at least 2 years of experience in
597 direct patient care in an assisted living facility or nursing
598 home. The applicant must also submit a licensure fee established
599 by the board by rule. The fee may not exceed \$250 for the
600 initial licensure or \$250 for each biennial license renewal.
601 (4) An assisted living facility administrator who is
602 continuously employed as facility administrator for at least the
603 2 years before July 1, 2012, is eligible for licensure without
604 meeting the educational requirements of this section or taking
605 the licensure examination if proof of compliance with the core
606 training and educational requirements under this part is
607 submitted to the board and the applicant was not the
608 administrator of a facility that was cited for a class I or
609 class II violation within the prior 2 years.

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610 (5) An administrator licensed in accordance with part II of
611 chapter 468 is exempt from the core training requirements
612 developed under s. 429.55(3)(b)7. Other licensed professionals
613 may be exempted from some or all of the training requirements of
614 this section, as determined by the board by rule.

615 (6) If an applicant fails the licensure examination, the
616 applicant must wait 10 days before retaking it. If an applicant
617 fails the licensure examination three times, the applicant must
618 retake the initial core and supplemental training before
619 retaking the examination.

620 (7) An administrator may not be an administrator of a
621 facility that holds a limited mental health license unless the
622 administrator meets the educational requirement under s.
623 429.075(3).

624 (8) A licensed administrator must complete a minimum of 18
625 hours of continuing education every 2 years and pass a short
626 test with a minimum score of 80 in order to document receipt and
627 comprehension of the training. A passing score must be achieved
628 before license renewal. The examination may be offered online.
629 Any fees associated with the online service shall be borne by
630 the participant.

631 (9) An administrator may apply for inactive licensure
632 status. An administrator's license also becomes inactive if the
633 administrator does not complete continuing education courses
634 within the requisite time or if the administrator does not pay
635 licensure renewal fees on time. The board may not reactivate a
636 license unless the inactive or delinquent licensee has paid any
637 applicable biennial renewal or delinquency fee, or both, and a
638 reactivation fee.

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639 (a) The board shall adopt rules relating to application
640 procedures for inactive status, for the renewal of inactive
641 licenses, and for the reactivation of licenses.

642 (b) The board shall prescribe by rule an application fee
643 for inactive status, a renewal fee for inactive status, a
644 delinquency fee, and a fee for the reactivation of a license.
645 Such fees may not exceed the biennial renewal fee established by
646 the board for an active license.

647 (10) The board may establish requirements by rule for
648 issuing a provisional assisted living facility administrator
649 license. A provisional license shall be issued only to fill a
650 position of an assisted living facility administrator which
651 unexpectedly becomes vacant and shall be issued for only one
652 single period as provided by rule, not to exceed 6 months. The
653 board may not issue a provisional license to an applicant who is
654 under investigation for, or has committed, an act in this state
655 or another jurisdiction which would constitute a violation of s.
656 429.55(4) (a). The provisional license may be issued to a person
657 who does not meet all of the licensing requirements established
658 by this part, but does meet minimal requirements established by
659 board rule, to ensure protection of the public health, safety,
660 and welfare. The provisional license shall be issued to the
661 person who is designated as the responsible person next in
662 command in the event of the administrator's departure. The board
663 may set an application fee not to exceed \$500 for a provisional
664 license.

665 (11) If, during the period for which a standard license is
666 issued, the facility owner changes administrators, the owner
667 must notify the agency of the change within 10 days and provide

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668 documentation that the administrator is licensed or has been
669 granted a provisional license ~~within 90 days that the new~~
670 ~~administrator has completed the applicable core educational~~
671 ~~requirements under s. 429.52.~~

672 Section 10. Paragraphs (a) and (b) of subsection (2) of
673 section 429.178, Florida Statutes, are amended to read:

674 429.178 Special care for persons with Alzheimer's disease
675 or other related disorders.-

676 (2) (a) Staff members, including administrators, ~~An~~
677 ~~individual~~ who are ~~is~~ employed by a facility that provides
678 special care for residents with Alzheimer's disease or other
679 related disorders, and who provide ~~has~~ regular or direct care to
680 ~~contact with~~ such residents, must complete up to 4 hours of
681 initial dementia-specific training developed or approved by the
682 department. The training must ~~shall~~ be completed within 3 months
683 after beginning employment ~~and shall satisfy the core training~~
684 ~~requirements of s. 429.52(2)(g).~~

685 (b) A direct caregiver who is employed by a facility that
686 provides special care for residents with Alzheimer's disease or
687 other related disorders, and who provides direct care to such
688 residents, must complete the required initial training and 4
689 additional hours of training developed or approved by the
690 department. The training must ~~shall~~ be completed within 6 months
691 ~~9 months~~ after beginning employment ~~and shall satisfy the core~~
692 ~~training requirements of s. 429.52(2)(g).~~

693 Section 11. Subsections (1) and (2) of section 429.19,
694 Florida Statutes, are amended to read:

695 429.19 Violations; imposition of administrative fines;
696 grounds.-

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697 (1) In addition to the requirements of part II of chapter
698 408 and s. 429.28(6), the agency shall impose an administrative
699 fine in the manner provided under ~~in~~ chapter 120 for the
700 violation of any provision of this part, part II of chapter 408,
701 and applicable rules by an assisted living facility;; for the
702 actions of any person subject to level 2 background screening
703 under s. 408.809;; for the actions of any facility employee;; or
704 for an intentional or negligent act seriously affecting the
705 health, safety, or welfare of a resident of the facility.

706 (2) Each violation of this part and adopted rules shall be
707 classified according to the nature of the violation and the
708 gravity of its probable effect on facility residents as provided
709 in s. 408.813.

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

712 1.(a) For class "I" violations, ~~are defined in s. 408.813.~~
713 the agency shall impose an administrative fine ~~for a cited class~~
714 ~~I violation~~ in an amount not less than \$5,000 and not exceeding
715 \$10,000 for each violation.

716 2.(b) For class "II" violations, ~~are defined in s. 408.813.~~
717 the agency shall impose an administrative fine ~~for a cited class~~
718 ~~II violation~~ in an amount not less than \$1,000 and not exceeding
719 \$5,000 for each violation.

720 3.(c) For class "III" violations, ~~are defined in s.~~
721 ~~408.813.~~ the agency shall impose an administrative fine ~~for a~~
722 ~~cited class III violation~~ in an amount not less than \$500 and
723 not exceeding \$1,000 for each violation.

724 4.(d) For class "IV" violations, ~~are defined in s. 408.813.~~
725 the agency shall impose an administrative fine ~~for a cited class~~

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726 ~~IV violation~~ in an amount not less than \$100 and not exceeding
727 \$200 for each violation.

728 (b) The agency shall impose the maximum penalty for the
729 class of violation which results in the death of a resident. If
730 the facility is cited for a second or subsequent violation that
731 is in the same class as a prior violation that the facility has
732 been cited for at, or since, the last inspection, the agency
733 shall double the fine for the second or subsequent violation
734 even if the fine exceeds the maximum amount authorized.
735 Notwithstanding s. 408.813(c) and (d), the agency shall impose a
736 fine for a class III or class IV violation.

737 Section 12. Subsection (1) of section 429.23, Florida
738 Statutes, is amended to read:

739 429.23 Internal risk management and quality assurance
740 program; adverse incidents and reporting requirements.-

741 (1) As part of its administrative functions, an assisted
742 living ~~Every~~ facility licensed under this part shall ~~may, as~~
743 ~~part of its administrative functions, voluntarily~~ establish a
744 risk management and quality assurance program, the purpose of
745 which is to assess resident care practices, facility incident
746 reports, deficiencies cited by the agency, adverse incident
747 reports, and resident grievances and develop plans of action to
748 correct and respond quickly to identify quality differences.

749 Section 13. Paragraph (b) of subsection (1) of section
750 429.256, Florida Statutes, is amended to read:

751 429.256 Assistance with self-administration of medication.-

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

753 (b) "Unlicensed person" means an individual not currently
754 licensed to practice nursing or medicine who is employed by or

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755 under contract to an assisted living facility and who has
756 received training with respect to assisting with the self-
757 administration of medication in an assisted living facility, as
758 provided under s. 429.521, before ~~429.52~~ prior to providing such
759 assistance as described in this section.

760 Section 14. Subsection (2), paragraph (d) of subsection
761 (3), and subsection (6) of section 429.28, Florida Statutes, are
762 amended to read:

763 429.28 Resident bill of rights.—

764 (2) The administrator of a facility shall ensure that a
765 written notice of the rights, obligations, and prohibitions set
766 forth in this part is posted in a prominent place in each
767 facility and read or explained to residents who cannot read. The
768 ~~This~~ notice must ~~shall~~ include the name, address, and telephone
769 numbers of the local ombudsman council and central abuse hotline
770 and, if ~~when~~ applicable, the Advocacy Center for Persons with
771 Disabilities, Inc., and the Florida local advocacy council,
772 where complaints may be lodged. The notice must state that the
773 subject matter of a complaint made to the Office of State Long-
774 Term Care Ombudsman or a local long-term care ombudsman council
775 and the names and identities of the residents involved in the
776 complaint and the complainants are confidential pursuant to s.
777 400.0077. The facility must ensure a resident's access to a
778 telephone to call the local ombudsman council, central abuse
779 hotline, Advocacy Center for Persons with Disabilities, Inc.,
780 and the Florida local advocacy council.

781 (3)

782 (d) The agency shall conduct periodic followup inspections
783 to monitor the compliance of facilities having a history of

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784 class I violations that threaten the health, safety, or security
785 of residents and may conduct periodic followup inspections as
786 necessary to monitor the compliance of facilities having with a
787 history of ~~any class I,~~ class II, or class III violations that
788 threaten the health, safety, or security of residents.

789 (6) A Any facility that which terminates the residency of
790 an individual who participated in activities specified in
791 subsection (5) must shall show good cause in a court of
792 competent jurisdiction. If good cause is not shown, the agency
793 shall impose a fine of \$2,500 in addition to any other penalty
794 assessed against the facility.

795 Section 15. Section 429.34, Florida Statutes, is amended to
796 read:

797 429.34 Right of entry and inspection.-

798 (1) In addition to the requirements of s. 408.811, a any
799 duly designated officer or employee of the department, the
800 Department of Children and Family Services, the Medicaid Fraud
801 Control Unit of the Office of the Attorney General, the state or
802 local fire marshal, or a member of the state or local long-term
803 care ombudsman council may shall have the right to enter
804 unannounced upon and into the premises of any facility licensed
805 pursuant to this part in order to determine the state of
806 compliance with the provisions of this part, part II of chapter
807 408, and applicable rules. Data collected by the state or local
808 long-term care ombudsman councils or the state or local advocacy
809 councils may be used by the agency in investigations involving
810 violations of regulatory standards.

811 (2) The agency is designated the central agency for
812 receiving and tracking complaints to ensure that allegations

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813 regarding facilities are timely responded to and that licensure
814 enforcement action is initiated if warranted. Any other state
815 agency regulating, or providing services to residents of,
816 assisted living facilities must report any allegations or
817 complaints that have been substantiated or are likely to have
818 occurred to the agency as soon as reasonably possible.

819 (3) The agency shall have lead surveyors in each field
820 office who specialize in assessing assisted living facilities.
821 The lead surveyors shall provide initial and ongoing training to
822 surveyors who will be inspecting and monitoring facilities. The
823 lead surveyors shall ensure that consistent inspection and
824 monitoring assessments are conducted.

825 (4) The agency shall have one statewide lead surveyor who
826 specializes in assisted living facility inspections. The lead
827 surveyor shall coordinate communication between lead surveyors
828 of assisted living facilities throughout the state and ensure
829 statewide consistency in applying facility inspection laws and
830 rules.

831 Section 16. Paragraph (1) of subsection (1) subsections (2)
832 and (5) of section 429.41, Florida Statutes, are amended to
833 read:

834 429.41 Rules establishing standards.—

835 (1) It is the intent of the Legislature that rules
836 published and enforced pursuant to this section shall include
837 criteria by which a reasonable and consistent quality of
838 resident care and quality of life may be ensured and the results
839 of such resident care may be demonstrated. Such rules shall also
840 ensure a safe and sanitary environment that is residential and
841 noninstitutional in design or nature. It is further intended

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842 that reasonable efforts be made to accommodate the needs and
843 preferences of residents to enhance the quality of life in a
844 facility. The agency, in consultation with the department, may
845 adopt rules to administer the requirements of part II of chapter
846 408. In order to provide safe and sanitary facilities and the
847 highest quality of resident care accommodating the needs and
848 preferences of residents, the department, in consultation with
849 the agency, the Department of Children and Family Services, and
850 the Department of Health, shall adopt rules, policies, and
851 procedures to administer this part, which must include
852 reasonable and fair minimum standards in relation to:

853 (1) The establishment of specific policies and procedures
854 on resident elopement. Facilities shall conduct a minimum of two
855 resident elopement drills each year. All administrators and
856 direct care staff shall participate in the drills. Facilities
857 shall document the drills. Facilities shall notify the agency at
858 least 15 calendar days before conducting the two drills. Each
859 calendar year, the agency shall randomly select 10 percent of
860 the licensed facilities and have an agency employee attend and
861 observe a resident elopement drill at each of the selected
862 facilities. Such attendance must be unannounced. If the employee
863 observes an elopement drill that does not meet standards
864 established by rule, the agency shall provide notice of the
865 deficiencies to the facility within 15 calendar days after the
866 drill. The facility shall submit a corrective action plan to the
867 agency within 30 calendar days after receiving such notice.

868 (2) In adopting any rules pursuant to this part, the
869 department, in conjunction with the agency, shall make distinct
870 standards for facilities based upon facility size; the types of

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871 care provided; the physical and mental capabilities and needs of
872 residents; the type, frequency, and amount of services and care
873 offered; and the staffing characteristics of the facility. Rules
874 developed pursuant to this section may ~~shall~~ not restrict the
875 use of shared staffing and shared programming in facilities that
876 are part of retirement communities that provide multiple levels
877 of care and otherwise meet the requirements of law and rule. The
878 department may require additional staffing for facilities that
879 have specialty licenses, but the additional staffing must
880 correlate with the number of residents receiving special care
881 and the type of special care required. Except for uniform
882 firesafety standards, the department shall adopt by rule
883 separate and distinct standards for facilities with 16 or fewer
884 beds and for facilities with 17 or more beds. The standards for
885 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a
886 noninstitutional residential environment ~~if, provided that~~ the
887 structure is no more than two stories in height and all persons
888 who cannot exit the facility unassisted in an emergency reside
889 on the first floor. The department, in conjunction with the
890 agency, may make other distinctions among types of facilities as
891 necessary to enforce the provisions of this part. ~~If where~~
892 appropriate, the agency shall offer alternate solutions for
893 complying with established standards, based on distinctions made
894 by the department and the agency relative to the physical
895 characteristics of facilities and the types of care offered
896 therein.

897 (5) In order to allocate resources efficiently, the agency
898 shall conduct ~~may use~~ an abbreviated biennial standard licensure
899 inspection that consists of a review of key quality-of-care

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900 standards in lieu of a full inspection in a facility that has a
901 good record of past performance. However, a full inspection must
902 be conducted in a facility that has a history of class I or
903 class II violations, uncorrected class III violations, confirmed
904 ombudsman council complaints, or confirmed licensure complaints,
905 within the previous licensure period immediately preceding the
906 inspection or if a potentially serious problem is identified
907 during the abbreviated inspection. The agency, in consultation
908 with the department, shall develop the key quality-of-care
909 standards with input from the State Long-Term Care Ombudsman
910 Council and representatives of provider groups for incorporation
911 into its rules.

912 Section 17. Subsection (1) of section 429.49, Florida
913 Statutes, is amended to read:

914 429.49 Resident records; penalties for alteration.—

915 (1) Any person who fraudulently alters, defaces, or
916 falsifies any medical or other record of an assisted living
917 facility, or causes or procures any such offense to be
918 committed, commits a misdemeanor of the first ~~second~~ degree,
919 punishable as provided in s. 775.082 or s. 775.083.

920 Section 18. Section 429.515, Florida Statutes, is created
921 to read:

922 429.515 Preservice orientation.—

923 (1) Effective July 1, 2012, a new employee, including an
924 administrator, of an assisted living facility must attend a
925 preservice orientation provided by the facility which covers
926 topics that will enable the employee to relate and respond to
927 the residents of that facility. The orientation must be for at
928 least 2 hours and, at a minimum, cover the following topics:

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

931 (b) Deescalation techniques.

932 (c) Aggression control.

933 (d) Elopement prevention.

934 (e) Behavior management.

935 (2) Upon completion of the preservice orientation, the
936 employee must sign an affidavit, under penalty of perjury,
937 stating that the employee completed the orientation. The
938 administrator of the facility must maintain the signed affidavit
939 in the employee's work file.

940 Section 19. Section 429.52, Florida Statutes, is amended to
941 read:

942 (Substantial rewording of section. See
943 s. 429.52, F.S., for present text.)

944 429.52 Staff member training; tutorial; continuing
945 education.—

946 (1) Staff members, other than administrators, providing
947 regular or direct care to residents must complete a staff
948 training curriculum, developed by the board under s.
949 429.55(3)(e). The training must be completed within 30 days
950 after employment and is in addition to the preservice
951 orientation required under s. 429.515. Any cost or fee
952 associated with the training shall be borne by the participant.

953 (2) Staff members, other than administrators, providing
954 regular or direct care to residents must complete an interactive
955 online tutorial that demonstrates an understanding of the
956 training received under subsection (1). Staff members shall
957 receive a certificate of completion upon completing the

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958 tutorial. The certificate must be maintained in the employee's
959 work file.

960 (3) Staff members, other than administrators, providing
961 regular or direct care to residents must participate in a
962 minimum of 8 hours of continuing education every 2 years. The
963 continuing education may be offered through online courses and
964 any fee associated with the online service shall be borne by the
965 participant.

966 Section 20. Section 429.521, Florida Statutes, is created
967 to read:

968 429.521 Specialty training and education; examinations.—

969 (1) Administrators and staff members who provide regular or
970 direct care to residents of a facility that holds an extended
971 congregate care license must complete a minimum of 6 hours of
972 board-approved extended congregate care training within 30 days
973 after beginning employment.

974 (2) Administrators employed by a facility that holds a
975 limited nursing services license must complete a minimum of 4
976 hours of board-approved courses that train and educate
977 administrators on the special needs and care of those requiring
978 limited nursing services. The training must be completed within
979 30 days after employment.

980 (3) Staff, including administrators, who prepare or serve
981 food must receive a minimum of 1 hour of inservice training in
982 safe food handling practices within 30 days after beginning
983 employment.

984 (4) Staff members, including administrators, must receive
985 at least 1 hour of inservice training on the facility's resident
986 elopement response policies and procedures within 30 days after

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987 beginning employment.

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

991 (b) Staff members and the administrator must demonstrate
992 understanding and competency in the implementation of the
993 elopement response policies and procedures.

994 (5) Staff members who provide regular or direct care to
995 mental health residents and administrators who are employed by
996 facility that holds a limited mental health license must
997 complete a minimum of 8 hours of board-approved mental health
998 training within 30 days after beginning employment. Within 30
999 days after completing such training, a staff member must
1000 complete an online interactive tutorial related to the training
1001 in order to demonstrate an understanding of the training
1002 received. An administrator must pass an examination related to
1003 the administrator's training with a minimum score of 80. The
1004 participant shall pay any fee associated with taking the
1005 tutorial or examination.

1006 (a) A staff member who cannot demonstrate an understanding
1007 of the training received or an administrator who fails the
1008 examination may not provide regular or direct care to residents
1009 until he or she successfully completes the tutorial or passes
1010 the examination.

1011 (b) An administrator who does not pass the examination
1012 within 6 months after completing the mental health training may
1013 not be an administrator of a facility that holds a limited
1014 mental health license until the administrator achieves a passing
1015 score.

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1016 (6) Staff members, including the administrator, involved
1017 with the management of medications and the assistance with self-
1018 administration of medications under s. 429.256 must complete a
1019 minimum of 4 additional hours of training provided by a
1020 registered nurse, licensed pharmacist, or department staff
1021 member. The board shall establish by rule the minimum
1022 requirements of this training, including continuing education
1023 requirements.

1024 (7) Other facility staff members shall participate in
1025 training relevant to their job duties as specified by board
1026 rule.

1027 Section 21. Section 429.522, Florida Statutes, is created
1028 to read:

1029 429.522 Core training providers; certification.-

1030 (1) Effective January 1, 2013, an individual seeking to
1031 provide core training in this state must be certified by the
1032 board. The applicant must provide the board with proof of
1033 completion of the minimum core training education requirements,
1034 successful passage of the assisted living facility administrator
1035 licensure examination, and proof of compliance with any
1036 continuing education requirements.

1037 (2) A person seeking to be certified as a trainer must
1038 also:

1039 (a) Provide proof of completion of a 4-year baccalaureate
1040 degree from an accredited college or university and have worked
1041 in a management position in an assisted living facility for 3
1042 years after obtaining certification in core training courses;

1043 (b) Have worked in a management position in an assisted
1044 living facility for 5 years after obtaining certification in the

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1045 core training courses and have 1 year of teaching experience as
1046 an educator or staff trainer for persons who work in an assisted
1047 living facility or another long-term care setting;

1048 (c) Have been previously employed as a trainer of core
1049 training courses for the department;

1050 (d) Have at least 5 years of employment with the agency as
1051 a surveyor of assisted living facilities;

1052 (e) Have at least 5 years of employment in a professional
1053 position in the agency's assisted living unit;

1054 (f) Have at least 5 years of employment as an educator or
1055 staff trainer for persons working in an assisted living facility
1056 or another long-term care setting;

1057 (g) Have at least 5 years of employment as a trainer of
1058 core assisted living facility courses not directly associated
1059 with the department;

1060 (h) Have a 4-year baccalaureate degree from an accredited
1061 college or university in the areas of health care, gerontology,
1062 social work, education, or human services and at least 4 years
1063 of experience as an educator or staff trainer for persons
1064 working in an assisted living facility or another long-term care
1065 setting after receiving certification in core courses; or

1066 (i) Meet other qualification criteria as defined by rule of
1067 the board.

1068 (3) The board shall provide oversight of the core training
1069 providers. The board shall adopt rules to establish requirements
1070 for trainer certification, disciplinary action that may be taken
1071 against a trainer, and a trainer decertification process.

1072 (4) If funding is available, by January 1, 2013, the board
1073 shall develop and maintain an electronic database, accessible to

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1074 the public, which lists all persons holding certification as a
1075 core trainer, including any history of violations. Core trainers
1076 shall keep a record of individuals who complete training and
1077 shall submit the record to the board within 24 hours after the
1078 completion of a course in order for the board to include the
1079 information in the database.

1080 Section 22. Section 429.523, Florida Statutes, is created
1081 to read:

1082 429.523 Training and testing centers.—In addition to
1083 certified trainers under s. 429.522, training and testing
1084 centers approved by the board may conduct training and
1085 examinations under this part.

1086 (1) The board shall consider the following when reviewing a
1087 center applicant:

1088 (a) Whether the center will provide sufficient space for
1089 training.

1090 (b) The location of the center and whether another center
1091 already provides core training or testing in the approximate
1092 area.

1093 (c) The fee to be charged by the center for providing such
1094 services.

1095 (d) Whether the center has sufficient staff who meet the
1096 qualifications for core training providers under s. 429.522.

1097 (e) Any other consideration that the board deems necessary
1098 to approve a center.

1099 (2) The board shall provide a certificate of approval to an
1100 applicant that meets with the board's approval. The training and
1101 examination center shall keep the certificate on file as long as
1102 it provides training and examination services.

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1103 (3) The board or the agency may inspect a center to
1104 determine whether the training and examination center meets law
1105 and rule requirements and may decertify a training and
1106 examination center that does not continue to meet such
1107 requirements.

1108 Section 23. Section 429.54, Florida Statutes, is amended to
1109 read:

1110 429.54 Collection of information; local subsidy;
1111 interagency communication; facility reporting.-

1112 (1) To enable the department to collect the information
1113 requested by the Legislature regarding the actual cost of
1114 providing room, board, and personal care in assisted living
1115 facilities, the department may ~~is authorized to~~ conduct field
1116 visits and audits of facilities as ~~may be~~ necessary. The owners
1117 of randomly sampled facilities shall submit such reports,
1118 audits, and accountings of cost as the department may require by
1119 rule; however, provided that such reports, audits, and
1120 accountings may not be more than ~~shall be~~ the minimum necessary
1121 to implement the provisions of this subsection ~~section~~. Any
1122 facility selected to participate in the study shall cooperate
1123 with the department by providing cost of operation information
1124 to interviewers.

1125 (2) Local governments or organizations may contribute to
1126 the cost of care of local facility residents by further
1127 subsidizing the rate of state-authorized payment to such
1128 facilities. Implementation of local subsidy shall require
1129 departmental approval and may ~~shall~~ not result in reductions in
1130 the state supplement.

1131 (3) Subject to the availability of funds, the agency, the

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1132 department, the Department of Children and Family Services, and
1133 the Agency for Persons with Disabilities shall develop or modify
1134 electronic systems of communication among state-supported
1135 automated systems to ensure that relevant information pertaining
1136 to the regulation of assisted living facilities and facility
1137 staff is timely and effectively communicated among agencies in
1138 order to facilitate the protection of residents.

1139 (4) All assisted living facilities shall submit twice a
1140 year electronic reports to the agency.

1141 (a) The reports must include the following information and
1142 must be submitted in accordance with a reporting cycle
1143 established by the agency by rule:

1144 1. The number of beds in the facility;

1145 2. The number of beds being occupied;

1146 3. The number of residents who are younger than 65 years of
1147 age, from 65 to 74 years of age, from 75 to 84 years of age, and
1148 85 years of age or older;

1149 4. The number of residents who are mental health residents,
1150 who are receiving extended congregate care, who are receiving
1151 limited nursing services, and who are receiving hospice care;

1152 5. If there is a facility waiting list, the number of
1153 individuals on the waiting list and the type of services or care
1154 that they require, if known;

1155 6. The number of residents receiving optional state
1156 supplementation; and

1157 7. The number of residents who are Medicaid recipients and
1158 the type of waiver used to fund each such resident's care.

1159 (b) The agency may authorize a facility to submit a written
1160 report in lieu of an electronic report if the facility provides

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1161 written notice at least 30 days before the date the report is
1162 due that it cannot provide the report electronically. The notice
1163 must provide the reason for noncompliance.

1164 (c) The agency must maintain electronically the information
1165 it receives and, at a minimum, use such information to track
1166 trends in resident populations and needs.

1167 (d) This subsection expires July 1, 2017.

1168 Section 24. Section 429.55, Florida Statutes, is created to
1169 read:

1170 429.55 Board of Assisted Living Facility Administration.—

1171 (1) CREATION.—The Board of Assisted Living Facility
1172 Administration is established within the agency, consisting of
1173 nine members to be appointed by the Governor and confirmed by
1174 the Senate for a term of 4 years or for the remainder of an
1175 unexpired term following a vacancy.

1176 (2) BOARD MEMBERSHIP.—

1177 (a) Membership of the board shall include:

1178 1. A representative from the Agency for Health Care
1179 Administration.

1180 2. A representative from the Department of Elderly Affairs.

1181 3. A representative from the Department of Children and
1182 Family Services.

1183 4. A representative from the Agency for Persons with
1184 Disabilities.

1185 5. A representative from the Department of Health.

1186 6. A representative from the Office of State Long-Term Care
1187 Ombudsman.

1188 7. A licensed assisted living facility administrator.

1189 8. Two residents or family members of a resident.

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1190 (b) A person may not be appointed as a member of the board
1191 if a conflict of interest exists, except that an assisted living
1192 facility administrator who is appointed to the board may retain
1193 a financial interest in the facility he or she administers at
1194 the time of appointment.

1195 (c) The board shall maintain its official headquarters in
1196 Tallahassee.

1197 (3) DUTIES.—The functions and duties of the board include:

1198 (a) Adopting rules to administer the provisions of this
1199 section which confer duties on the board.

1200 (b) With regard to assisted living facility administrator
1201 licensure:

1202 1. Developing, imposing, and enforcing specific standards
1203 that are designed to ensure that administrators are individuals
1204 of good character and otherwise suitable and qualified to serve
1205 as administrators by virtue of training or experience in the
1206 field of health care facility administration.

1207 2. Developing by appropriate techniques, including
1208 investigations and examination, a method for determining whether
1209 an applicant meets such standards.

1210 3. Issuing licenses, including provisional licenses, to
1211 qualified applicants meeting board standards and revoking or
1212 suspending licenses previously issued by the board if the
1213 licensee fails to substantially conform to the requirements of
1214 such standards.

1215 4. Establishing and carrying out procedures, adopted by
1216 rule, which are designed to ensure that administrators comply
1217 with and maintain standards adopted by the board.

1218 5. Receiving, investigating, and taking appropriate action

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1219 with respect to any charge or complaint filed with the agency
1220 alleging that an administrator failed to comply with the
1221 requirements or standards adopted by the board.

1222 6. Continually seeking to improve the standards imposed for
1223 the licensure of administrators and the procedures and methods
1224 for enforcing such standards.

1225 7. Developing a core training curriculum, in consultation
1226 with the agency, the department, and the Department of Children
1227 and Family Services, to be completed by an applicant for
1228 administrator licensure. The curriculum examination must include
1229 at least 40 hours of training, be offered in English and
1230 Spanish, be reviewed at least annually by the board, and be
1231 updated as needed to reflect changes in the law, rules, and best
1232 practices, and must, at a minimum, cover the following topics:

1233 a. State law and rules relating to assisted living
1234 facilities.

1235 b. Resident rights and the identification and reporting of
1236 abuse, neglect, and exploitation.

1237 c. Special needs of elderly persons, persons who have
1238 mental illness, and persons who have developmental disabilities
1239 and how to meet those needs.

1240 d. Nutrition and food service, including acceptable
1241 sanitation practices for preparing, storing, and serving food.

1242 e. Medication management, recordkeeping, and proper
1243 techniques for assisting residents who self-administer
1244 medication.

1245 f. Firesafety requirements, including procedures for fire
1246 evacuation drills and other emergency procedures.

1247 g. Care of persons who have Alzheimer's disease and related

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- 1248 disorders.
- 1249 h. Elopement prevention.
- 1250 i. Aggression and behavior management, deescalation
- 1251 techniques, and proper protocols and procedures relating to the
- 1252 Baker Act as provided in part I of chapter 394.
- 1253 j. Do-not-resuscitate orders.
- 1254 k. Infection control.
- 1255 l. Admission and continued residency.
- 1256 m. Phases of care and interacting with residents.
- 1257 n. Best practices in the industry.
- 1258 8. Developing a supplemental course consisting of at least
- 1259 10 hours of training related to extended congregate care,
- 1260 limited mental health, best practices, and business operations,
- 1261 including, but not limited to, human resources, financial
- 1262 management, and supervision of staff, to be completed by an
- 1263 applicant for assisted living facility administrator licensure.
- 1264 9. Developing an assisted living facility administrator
- 1265 licensure examination in consultation with the agency, the
- 1266 department, and the Department of Children and Family Services
- 1267 which tests the applicant's knowledge and training of the core
- 1268 and supplemental topics listed in subparagraphs 7. and 8. The
- 1269 examination must be offered in English and Spanish, reviewed at
- 1270 least annually by the board, and updated as needed to reflect
- 1271 changes in the law, rules, and best practices. A minimum score
- 1272 of 80 is required to show successful completion of the training
- 1273 requirements.
- 1274 (c) Developing a limited mental health curriculum and
- 1275 examination, in consultation with a panel of at least three
- 1276 mental health professionals, which must be completed by an

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1277 administrator within 30 days after being employed by a limited
1278 mental health licensee. The board must ensure that the
1279 examination is available online, offer the examination in
1280 English and Spanish, and update the examination as needed, but
1281 at least annually. The board may establish a examination fee or
1282 a fee may be charged by a testing service. The examination fee
1283 may not exceed the cost of administering the examination.

1284 (d) Developing a continuing education curriculum, in
1285 consultation with the agency, the department, and the Department
1286 of Children and Family Services, for administrators and for
1287 staff members who provide regular and direct care to residents.
1288 The board shall require additional credit hours for
1289 administrators who are employed by extended congregate care,
1290 limited nursing services, or limited mental health licensees.
1291 The board must also develop a short test for administrators to
1292 take upon completing the continuing education curriculum. The
1293 board must review the continuing education curriculum and test
1294 at least annually, and update the curriculum and examination as
1295 needed to reflect changes in the law, rules, and best practices.
1296 Continuing education must include topics similar to those of the
1297 core training and inservice training in paragraph (e), and may
1298 include additional subject matter that enhances the knowledge,
1299 skills, and abilities of administrators and staff members, as
1300 adopted by rule.

1301 (e) Developing, in consultation with stakeholders, a
1302 standardized staff training curriculum for staff members of an
1303 assisted living facility, other than an administrator, who
1304 provide regular or direct care to residents. Only staff members
1305 hired on or after July 1, 2012, are subject to this training

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1306 requirement. The board may exempt from this training requirement
1307 nurses, certified nursing assistants, and home health aides who
1308 can demonstrate that they have already completed such training
1309 or substantially similar training. The curriculum must include
1310 at least 20 hours of inservice training, with at least 1 hour of
1311 training per topic, covering at least the following topics:

- 1312 1. Reporting major incidents.
- 1313 2. Reporting adverse incidents.
- 1314 3. Facility emergency procedures, including chain-of-
1315 command and staff member roles relating to emergency evacuation.
- 1316 4. Resident rights in an assisted living facility.
- 1317 5. Recognizing and reporting resident abuse, neglect, and
1318 exploitation.
- 1319 6. Resident behavior and needs.
- 1320 7. Providing assistance with the activities of daily
1321 living.
- 1322 8. Infection control.
- 1323 9. Aggression and behavior management and deescalation
1324 techniques.

1325 (f) Developing an interactive online tutorial, in
1326 consultation with the agency, the department, the Department of
1327 Children and Family Services, and stakeholders, which must be
1328 completed by facility staff members who provide regular or
1329 direct care to assisted living facility residents. The tutorial
1330 must be based on the training required under paragraph (c). The
1331 board must offer the tutorial in English and Spanish and update
1332 the tutorial as needed, but at least annually. The board shall
1333 provide a certificate to each staff member who completes the
1334 tutorial.

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1335 (g) Requiring and providing, or causing to be provided, the
1336 training or education of staff members of a facility beyond that
1337 which is required under this part if the board or agency
1338 determines that there are problems in a facility which could be
1339 reduced through specific staff training or education.

1340 (h) Approving testing and training centers.

1341 (i) Certifying core training providers who meet the
1342 qualifications under s. 429.522.

1343 (4) DISCIPLINARY AUTHORITY OVER ADMINISTRATORS.-

1344 (a) The board may deny licensure or license renewal and may
1345 suspend or revoke the license of an administrator who is under
1346 investigation for, or who has committed, in this state or
1347 another jurisdiction, any of the following:

1348 1. Practicing assisted living facility administration with
1349 a revoked, suspended, inactive, or delinquent license.

1350 2. Using the name or title "assisted living facility
1351 administrator" if the person has not been licensed pursuant to
1352 this part.

1353 3. Presenting as his or her own the license of another.

1354 4. Giving false or forged evidence to the board or a member
1355 thereof for the purpose of obtaining a license.

1356 5. Using or attempting to use an administrator's license
1357 that has been suspended or revoked.

1358 6. Knowingly employing unlicensed persons in the practice
1359 of assisted living facility administration.

1360 7. Knowingly concealing information relative to violations
1361 of this part.

1362 8. Attempting to procure a license to practice assisted
1363 living facility administration by bribery, fraudulent

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1364 misrepresentation, or through an error of the agency or the
1365 board.

1366 9. Having an license to practice assisted living facility
1367 administration revoked, suspended, or otherwise acted against,
1368 including the denial of licensure by the licensing authority of
1369 another state, territory, or country.

1370 10. Being convicted or found guilty of, or entered a plea
1371 of nolo contendere, regardless of adjudication, to a crime in any
1372 jurisdiction which relates to the practice of assisted living
1373 facility administration.

1374 11. Making or filing a report or record that the licensee
1375 knows to be false, intentionally failing to file a report or
1376 record required by state or federal law, willfully impeding or
1377 obstructing such filing, or inducing another person to impede or
1378 obstruct such filing. Such reports or records include only those
1379 which are signed in the capacity of a licensed assisted living
1380 facility administrator.

1381 12. Advertising goods or services in a manner that is
1382 fraudulent, false, deceptive, or misleading in form or content.

1383 13. Committing fraud or deceit or exhibiting negligence,
1384 incompetence, or misconduct in the practice of assisted living
1385 facility administration.

1386 14. Violating a lawful order of the board or agency
1387 previously entered in a disciplinary hearing or failing to
1388 comply with a lawfully issued subpoena of the board or agency.

1389 15. Repeatedly acting in a manner that is inconsistent with
1390 the health, safety, or welfare of the residents of the facility
1391 in which he or she is the administrator.

1392 16. Being unable to practice assisted living facility

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1393 administration with reasonable skill and safety to residents by
1394 reason of illness, drunkenness, use of drugs, narcotics,
1395 chemicals, or any other material or substance or as a result of
1396 any mental or physical condition. To enforce this subparagraph,
1397 upon a finding of the Secretary of Health Care Administration or
1398 his or her designee that probable cause exists to believe that
1399 the licensee is unable to serve as an assisted living facility
1400 administrator due to the reasons stated in this subparagraph,
1401 the agency may issue an order to compel the licensee to submit
1402 to a mental or physical examination by a physician designated by
1403 the agency. If the licensee refuses to comply with such order,
1404 the order may be enforced by filing a petition for enforcement
1405 in the circuit court where the licensee resides or serves as a
1406 facility administrator. The licensee against whom the petition
1407 is filed may not be named or identified by initials in any
1408 public court records or documents and the proceedings shall be
1409 closed to the public. The agency is entitled to the summary
1410 procedure pursuant to s. 51.011. At reasonable intervals, the
1411 licensee affected must be provided an opportunity to demonstrate
1412 that he or she can resume the competent practice of assisted
1413 living facility administration with reasonable skill and safety
1414 to residents.

1415 17. Paying, giving, causing to be paid or given, or
1416 offering to pay or to give to any person a commission or other
1417 valuable consideration for the solicitation or procurement,
1418 directly or indirectly, of assisted living facility usage.

1419 18. Willfully permitting unauthorized disclosure of
1420 information relating to a resident or his or her records.

1421 19. Discriminating with respect to residents, employees, or

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1422 staff members on account of race, religion, sex, or national
1423 origin.

1424 20. Violating any provision of this part, part II of
1425 chapter 408, or rules adopted pursuant to this part.

1426 (b) The board shall revoke the license of an administrator
1427 who knowingly participates in intentional misconduct, or engages
1428 in conduct that constitutes gross negligence, and contributes to
1429 the death of a resident.

1430 (5) RULEMAKING AND OTHER AUTHORITY.—

1431 (a) The board may adopt rules related to education
1432 requirements, training curricula, testing requirements, and
1433 necessary procedures, forms, and fees.

1434 (b) The board may consult with or contract with a service
1435 provider to develop training and to provide online training,
1436 testing, or tutorial services.

1437 Section 25. Section 429.56, Florida Statutes, is created to
1438 read:

1439 429.56 Assisted living facility rating system.—

1440 (1) The agency, in consultation with the department, the
1441 Department of Children and Family Services, and the Office of
1442 State Long-Term Care Ombudsman, shall develop and adopt by rule
1443 a user-friendly assisted living facility rating system.

1444 (2) The rating system must be publicly available on the
1445 Internet in order to assist consumers in evaluating assisted
1446 living facilities and the services provided by such facilities.

1447 (3) The rating system must be based on resident
1448 satisfaction, the number and class of deficiencies for which the
1449 facility has been cited, agency inspection reports, the
1450 inspection reports of any other regulatory agency, assessments

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1451 conducted by the ombudsman program pursuant to part of chapter
1452 400, and other criteria as determined by the agency.

1453 (4) The Internet home page for the rating system must
1454 include a link that allows consumers to complete a voluntary
1455 survey that provides feedback on whether the rating system is
1456 helpful and suggestions for improvement.

1457 (5) The agency may adopt rules as necessary to administer
1458 this section.

1459 Section 26. Assisted living facility streamlining task
1460 force.-

1461 (1) The Agency for Health Care Administration shall create
1462 a task force consisting of at least one representative from the
1463 agency, the Department of Elderly Affairs, the Department of
1464 Children and Family Services, the Department of Health, and the
1465 Office of State Long-Term Care Ombudsman.

1466 (2) The purpose of the task force is to determine whether
1467 agencies currently have overlapping regulatory responsibilities
1468 over assisted living facilities and whether increased efficiency
1469 and effectiveness may be realized by transferring,
1470 consolidating, eliminating, or modifying such oversight between
1471 agencies.

1472 (3) The task force shall meet at least three times and
1473 submit a report to the Governor, the President of the Senate,
1474 and the Speaker of the House of Representatives by January 1,
1475 2013, which includes the task force's findings and
1476 recommendations pertaining to streamlining agency oversight and
1477 improving the effectiveness of regulatory functions.

1478 (4) The task force is terminated March 1, 2013.

1479 Section 27. By January 1, 2013, the Agency for Health Care

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1480 Administration shall submit a copies of all of its inspection
1481 forms used to inspect assisted living facilities to the Office
1482 of State Long-Term Care Ombudsman. The office shall create and
1483 act as the chair of a task force of up to 11 members, consisting
1484 of an ombudsman, one representative of a nonprofit assisted
1485 living facility, one representative of a for-profit assisted
1486 living facility, at least one resident or family member of a
1487 resident, other stakeholders, and one representative of the
1488 agency, the Department of Elderly Affairs, the Department of
1489 Children and Family Services, and the Department of Health, to
1490 review the inspection forms. The task force shall provide
1491 recommendations, if any, to modify the forms in order to ensure
1492 that inspections adequately assess whether the assisted living
1493 facilities are in compliance with the law, meet the needs of
1494 residents, and ensure resident safety. The task force must
1495 provide its recommendations, including explanations of its
1496 recommendations, to the agency within 90 days after receiving
1497 the inspection forms. The task force is terminated July 1, 2013.

1498 Section 28. This act shall take effect July 1, 2012.