

By the Committees on Health Regulation; and Health Regulation

588-02729B-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 that residents of long-term care facilities be
8 informed about the confidentiality of the subject
9 matter and identity of the complainant of a complaint
10 received by the State Long-Term Care Ombudsman
11 Program; amending s. 415.1034, F.S.; adding certain
12 employees or agents of a state or local agency to the
13 list of persons who must report the known or suspected
14 abuse of a vulnerable adult to the abuse hotline;
15 amending s. 429.02, F.S.; providing definitions for
16 "board" and "mental health professional"; amending s.
17 429.07, F.S.; conforming a cross-reference; increasing
18 the biennial license fee required for a facility that
19 has 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. 429.176, 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,
57 F.S.; providing that the agency is designated as the
58 central agency for receiving and tracking facility

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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
86 available; creating s. 429.523, F.S.; providing for
87 board approval of training and testing centers;

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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.
100 468.1635, F.S.; revising the purpose of part II of ch.
101 468, 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 and providing definitions; amending s.
106 468.1665, F.S.; renaming the Board of Nursing Home
107 Administrators as the "Board of Nursing Home and
108 Assisted Living Facility Administrators"; providing
109 for membership; prohibiting certain conflicts of
110 interest with respect to board members; amending s.
111 468.1685, F.S.; revising duties of the board to
112 include approving third-party credentialing entities
113 for the purpose of an assisted living facility
114 administrator certification program; establishing
115 requirements and standards for certification;
116 providing for the development of assisted living

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

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146 the agency by a certain date; providing for
147 termination; providing an effective date.

148

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

150

151 Section 1. Paragraph (e) of subsection (2) of section
152 394.4574, Florida Statutes, is amended, and paragraph (f) is
153 added to that subsection, to read:

154 394.4574 Department responsibilities for a mental health
155 resident who resides in an assisted living facility that holds a
156 limited mental health license.—

157 (2) The department must ensure that:

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

170 (f) There is adequate and consistent monitoring and
171 enforcement of community living support plans and cooperative
172 agreements by the department.

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

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175 400.0078 Citizen access to State Long-Term Care Ombudsman
176 Program services.—

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

187 Section 3. Paragraph (a) of subsection (1) of section
188 415.1034, Florida Statutes, is amended to read:

189 415.1034 Mandatory reporting of abuse, neglect, or
190 exploitation of vulnerable adults; mandatory reports of death.—

191 (1) MANDATORY REPORTING.—

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

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

197 2. A health professional or mental health professional
198 other than one listed in subparagraph 1.;

199 3. A practitioner who relies solely on spiritual means for
200 healing;

201 4. Nursing home staff; assisted living facility staff;
202 adult day care center staff; adult family-care home staff;
203 social worker; or other professional adult care, residential, or

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204 institutional staff;

205 5. A state, county, or municipal criminal justice employee
206 or law enforcement officer;

207 6. An employee of the Department of Business and
208 Professional Regulation conducting inspections of public lodging
209 establishments under s. 509.032;

210 7. A Florida advocacy council member or long-term care
211 ombudsman council member; ~~or~~

212 8. A bank, savings and loan, or credit union officer,
213 trustee, or employee; or

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

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

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

229 429.02 Definitions.—When used in this part, the term:

230 (5) "Assisted living facility" or "facility" means any
231 building or buildings, section or distinct part of a building,
232 private home, boarding home, home for the aged, or other

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233 residential facility, whether operated for profit or not, which
234 undertakes through its ownership or management to provide
235 housing, meals, and one or more personal services for a period
236 exceeding 24 hours to one or more adults who are not relatives
237 of the owner or administrator.

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

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

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

257 Section 5. Section 429.07, Florida Statutes, is amended to
258 read:

259 429.07 Facility license required; fee.—

260 (1) The requirements of part II of chapter 408 apply to the
261 provision of services that require licensure pursuant to this

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262 part and part II of chapter 408 and to entities licensed by or
263 applying for such licensure from the agency pursuant to this
264 part. A license issued by the agency is required in order to
265 operate an assisted living facility in this state.

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

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

276 (a) A standard license shall be issued to facilities
277 providing one or more of the personal services identified in s.
278 429.02. Such facilities may also employ or contract with a
279 person licensed under part I of chapter 464 to administer
280 medications and perform other tasks as specified in s. 429.255.

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

288 1. In order for extended congregate care services to be
289 provided, the agency must first determine that all requirements
290 established in law and rule are met and must specifically

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

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

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

347 3. A facility that is licensed to provide extended
348 congregate care services must:

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- 349 a. Demonstrate the capability to meet unanticipated
350 resident service needs.
- 351 b. Offer a physical environment that promotes a homelike
352 setting, provides for resident privacy, promotes resident
353 independence, and allows sufficient congregate space as defined
354 by rule.
- 355 c. Have sufficient staff available, taking into account the
356 physical plant and firesafety features of the building, to
357 assist with the evacuation of residents in an emergency.
- 358 d. Adopt and follow policies and procedures that maximize
359 resident independence, dignity, choice, and decisionmaking in
360 order to permit residents to age in place, so that moves due to
361 changes in functional status are minimized or avoided.
- 362 e. Allow residents or, if applicable, a resident's
363 representative, designee, surrogate, guardian, or attorney in
364 fact to make a variety of personal choices, participate in
365 developing service plans, and share responsibility in
366 decisionmaking.
- 367 f. Implement the concept of managed risk.
- 368 g. Provide, directly or through contract, the services of a
369 person licensed under part I of chapter 464.
- 370 h. In addition to the training mandated in s. 429.52 and
371 the specialized training provided in s. 429.521, provide
372 specialized training as defined by rule for facility staff.
- 373 4. A facility that is licensed to provide extended
374 congregate care services is exempt from the criteria for
375 continued residency set forth in rules adopted under s. 429.41.
376 A licensed facility must adopt its own requirements within
377 guidelines for continued residency set forth by rule. However,

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378 the facility may not serve residents who require 24-hour nursing
379 supervision. A licensed facility that provides extended
380 congregate care services must also provide each resident with a
381 written copy of facility policies governing admission and
382 retention.

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

392 6. Before the admission of an individual to a facility
393 licensed to provide extended congregate care services, the
394 individual must undergo a medical examination as provided in s.
395 429.26(4) and the facility must develop a preliminary service
396 plan for the individual.

397 7. If ~~When~~ a facility can no longer provide or arrange for
398 services in accordance with the resident's service plan and
399 needs and the facility's policy, the facility must ~~shall~~ make
400 arrangements for relocating the person in accordance with s.
401 429.28(1)(k).

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

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

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

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

435 3. A person who receives limited nursing services under

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

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

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

461 (b) In addition to the total fee assessed under paragraph
462 (a), the agency shall require facilities that are licensed to
463 provide extended congregate care services under this part to pay
464 an additional fee per licensed facility. The amount of the

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465 biennial fee shall be \$400 per license, with an additional fee
466 of \$10 per resident based on the total licensed resident
467 capacity of the facility.

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

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

477 Section 6. Section 429.075, Florida Statutes, is amended to
478 read:

479 429.075 Limited mental health license.—An assisted living
480 facility that serves ~~three or more~~ mental health residents must
481 obtain a limited mental health license.

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

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

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

492 (c) Three or more class III violations that were not
493 corrected in accordance with the facility's corrective action

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494 plan approved by the agency;

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

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

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

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

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

522 (a) In addition to the general training or educational

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523 requirements under this part or part II of chapter 468, as
524 applicable, each administrator and staff member who provides
525 regular or direct care to the residents of a facility licensed
526 to provide services to mental health residents must meet the
527 specialized limited mental health training requirements set
528 forth in s. 429.521.

529 (b) Effective July 1, 2013, an administrator of a facility
530 that has a limited mental health license, in addition to the
531 education requirements under part II of chapter 468, must have
532 also completed at least 6 semester credit hours of college-level
533 coursework relating to mental health.

534 (4)~~(3)~~ A facility that holds ~~has~~ a limited mental health
535 license must:

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

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

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

549 (d) Assist the mental health resident in carrying out the
550 activities identified in the individual's community living
551 support plan.

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552 (5)~~(4)~~ A facility that holds ~~with~~ a limited mental health
553 license may enter into a cooperative agreement with a private
554 mental health provider. For purposes of the limited mental
555 health license, the private mental health provider may act as
556 the case manager.

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

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581 citation for a licensure violation.

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

584 429.14 Administrative penalties.—

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

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

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

594 Section 8. Section 429.176, Florida Statutes, is amended to
595 read:

596 429.176 ~~Notice of change of~~ Administrator license;
597 educational requirements; change of administrator; managers.—

598 (1) To be an administrator of an assisted living facility,
599 an applicant must meet the requirements under part I of chapter
600 468.

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

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610 (3) The administrator of a facility that holds a limited
611 mental health license must have met the educational requirements
612 of s. 429.521(3).

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

620 (5) A manager of a facility who assumes responsibility for
621 the operation of the facility during the temporary absence of an
622 administrator must meet the core training requirements under s.
623 468.1685(9) (a) within 30 days after being employed as, or
624 becoming, a facility manager.

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

627 429.178 Special care for persons with Alzheimer's disease
628 or other related disorders.-

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

638 (b) A direct caregiver who is employed by a facility that

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639 provides special care for residents with Alzheimer's disease or
640 other related disorders, and who provides direct care to such
641 residents, must complete the required initial training and 4
642 additional hours of training developed or approved by the
643 department. The training must ~~shall~~ be completed within 6 months
644 ~~9 months~~ after beginning employment ~~and shall satisfy the core~~
645 ~~training requirements of s. 429.52(2)(g).~~

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

648 429.19 Violations; imposition of administrative fines;
649 grounds.—

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

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

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

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

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668 \$10,000 for each violation.

669 ~~2.(b) For~~ class "II" violations, ~~are defined in s. 408.813.~~
670 the agency shall impose an administrative fine ~~for a cited class~~
671 ~~II violation~~ in an amount not less than \$1,000 and not exceeding
672 \$5,000 for each violation.

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

678 ~~4.(d) For~~ class "IV" violations, ~~are defined in s. 408.813.~~
679 the agency shall impose an administrative fine ~~for a cited class~~
680 ~~IV violation~~ in an amount not less than \$100 and not exceeding
681 \$200 for each violation.

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

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

694 429.23 Internal risk management and quality assurance
695 program; adverse incidents and reporting requirements.—

696 (1) As part of its administrative functions, an assisted

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697 living ~~Every~~ facility licensed under this part shall ~~may, as~~
698 ~~part of its administrative functions, voluntarily~~ establish a
699 risk management and quality assurance program, the purpose of
700 which is to assess resident care practices, facility incident
701 reports, deficiencies cited by the agency, adverse incident
702 reports, and resident grievances and develop plans of action to
703 correct and respond quickly to identify quality differences.

704 Section 12. Paragraph (b) of subsection (1) of section
705 429.256, Florida Statutes, is amended to read:

706 429.256 Assistance with self-administration of medication.—

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

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

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

718 429.28 Resident bill of rights.—

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

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

736 (3)

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

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

750 Section 14. Section 429.34, Florida Statutes, is amended to
751 read:

752 429.34 Right of entry and inspection.—

753 (1) In addition to the requirements of s. 408.811, a ~~any~~
754 duly designated officer or employee of the department, the

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

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

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

780 (4) The agency shall have one statewide lead surveyor who
781 specializes in assisted living facility inspections. The lead
782 surveyor shall coordinate communication between lead surveyors
783 of assisted living facilities throughout the state and ensure

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784 statewide consistency in applying facility inspection laws and
785 rules.

786 Section 15. Paragraph (1) of subsection (1) and subsections
787 (2) and (5) of section 429.41, Florida Statutes, are amended to
788 read:

789 429.41 Rules establishing standards.—

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

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

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813 observe the elopement drills of 10 percent of the licensed
814 facilities in the state. The facilities must be randomly
815 selected by the agency and the elopement drills must coincide
816 with an inspection or survey conducted by the agency. If an
817 agency employee observes an elopement drill that does not meet
818 standards established by rule, the agency shall provide notice
819 of the deficiencies to the facility within 15 calendar days
820 after the drill. The facility shall submit a corrective action
821 plan to the agency within 30 calendar days after receiving such
822 notice.

823 (2) In adopting any rules pursuant to this part, the
824 department, in conjunction with the agency, shall make distinct
825 standards for facilities based upon facility size; the types of
826 care provided; the physical and mental capabilities and needs of
827 residents; the type, frequency, and amount of services and care
828 offered; and the staffing characteristics of the facility. Rules
829 developed pursuant to this section may ~~shall~~ not restrict the
830 use of shared staffing and shared programming in facilities that
831 are part of retirement communities that provide multiple levels
832 of care and otherwise meet the requirements of law and rule. The
833 department may require additional staffing for facilities that
834 have specialty licenses, but the additional staffing must
835 correlate with the number of residents receiving special care
836 and the type of special care required. Except for uniform
837 firesafety standards, the department shall adopt by rule
838 separate and distinct standards for facilities with 16 or fewer
839 beds and for facilities with 17 or more beds. The standards for
840 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a
841 noninstitutional residential environment if, ~~provided that~~ the

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842 structure is no more than two stories in height and all persons
843 who cannot exit the facility unassisted in an emergency reside
844 on the first floor. The department, in conjunction with the
845 agency, may make other distinctions among types of facilities as
846 necessary to enforce the provisions of this part. If ~~Where~~
847 appropriate, the agency shall offer alternate solutions for
848 complying with established standards, based on distinctions made
849 by the department and the agency relative to the physical
850 characteristics of facilities and the types of care offered
851 ~~therein~~.

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

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

869 429.49 Resident records; penalties for alteration.—

870 (1) Any person who fraudulently alters, defaces, or

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871 falsifies any medical or other record of an assisted living
872 facility, or causes or procures any such offense to be
873 committed, commits a misdemeanor of the first ~~second~~ degree,
874 punishable as provided in s. 775.082 or s. 775.083.

875 Section 17. Section 429.515, Florida Statutes, is created
876 to read:

877 429.515 Preservice orientation.-

878 (1) Effective October 1, 2012, a new employee, including an
879 administrator, of an assisted living facility must attend a
880 preservice orientation provided by the facility which covers
881 topics that will enable the employee to relate and respond to
882 the residents of that facility. The orientation must be at least
883 2 hours in duration, be available in English and Spanish, and,
884 at a minimum, cover the following topics:

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

887 (b) Deescalation techniques.

888 (c) Aggression control.

889 (d) Elopement prevention.

890 (e) Behavior management.

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

896 Section 18. Section 429.52, Florida Statutes, is amended to
897 read:

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

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900 429.52 Staff member training; tutorial; continuing
901 education.—

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

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

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

923 Section 19. Section 429.521, Florida Statutes, is created
924 to read:

925 429.521 Specialty training and education; examinations.—

926 (1) Administrators and staff members who provide regular or
927 direct care to residents of a facility that holds an extended
928 congregate care license must complete a minimum of 6 hours of

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929 board-approved extended congregate care training within 30 days
930 after beginning employment.

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

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

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

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

955 (a) A staff member who does not complete the tutorial or an
956 administrator who fails the examination may not provide regular
957 or direct care to mental health residents until he or she

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958 successfully completes the tutorial or passes the examination.

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

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

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

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

975 (b) Staff members and the administrator must demonstrate
976 understanding and competency in the implementation of the
977 elopement response policies and procedures.

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

986 (7) Other facility staff members shall participate in

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987 training relevant to their job duties as specified by board
988 rule.

989 Section 20. Section 429.522, Florida Statutes, is created
990 to read:

991 429.522 Assisted living training providers; certification.-

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

999 (2) A person seeking to be certified as a trainer must
1000 also:

1001 (a) Provide proof of completion of a 4-year baccalaureate
1002 degree from an accredited college or university and have worked
1003 in a management position in an assisted living facility for 3
1004 years after obtaining certification in core training courses;

1005 (b) Have worked in a management position in an assisted
1006 living facility for 5 years after obtaining certification in the
1007 core training courses and have 1 year of teaching experience as
1008 an educator or staff trainer for persons who work in an assisted
1009 living facility or another long-term care setting;

1010 (c) Have been previously employed as a trainer of core
1011 training courses for the department;

1012 (d) Have at least 5 years of employment with the agency as
1013 a surveyor of assisted living facilities;

1014 (e) Have at least 5 years of employment in a professional
1015 position in the agency's assisted living unit;

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1016 (f) Have at least 5 years of employment as an educator or
1017 staff trainer for persons working in an assisted living facility
1018 or another long-term care setting;

1019 (g) Have at least 5 years of employment as a trainer of
1020 core assisted living facility courses not directly associated
1021 with the department;

1022 (h) Have a 4-year baccalaureate degree from an accredited
1023 college or university in the areas of health care, gerontology,
1024 social work, education, or human services and at least 4 years
1025 of experience as an educator or staff trainer for persons
1026 working in an assisted living facility or another long-term care
1027 setting after receiving certification in core courses; or

1028 (i) Meet other qualification criteria as defined by rule of
1029 the board.

1030 (3) The board shall provide oversight of the assisted
1031 living training providers. The board shall adopt rules to
1032 establish requirements for trainer certification, disciplinary
1033 action that may be taken against a trainer, and a trainer
1034 decertification process.

1035 (4) If funding is available, by January 1, 2013, the board
1036 shall develop and maintain an electronic database, accessible to
1037 the public, which lists all persons holding certification as an
1038 assisted living trainer, including any history of violations.
1039 Assisted living trainers shall keep a record of individuals who
1040 complete training and shall submit the record to the board
1041 within 24 hours after the completion of a course in order for
1042 the board to include the information in the database.

1043 Section 21. Section 429.523, Florida Statutes, is created
1044 to read:

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1045 429.523 Training and testing centers.-In addition to
1046 certified assisted living trainers under s. 429.522, training
1047 and testing centers approved by the board may conduct assisted
1048 living training or examinations under this part.

1049 (1) The board shall consider the following when reviewing a
1050 center applicant:

1051 (a) Whether the center will provide sufficient space for
1052 training.

1053 (b) The location of the center and whether another center
1054 already provides assisted living training or testing in the
1055 approximate area.

1056 (c) The fee to be charged by the center for providing such
1057 services.

1058 (d) Whether the center has sufficient staff who meet the
1059 qualifications for assisted living training providers under s.
1060 429.522.

1061 (e) Any other consideration that the board deems necessary
1062 to approve a center.

1063 (2) The board shall provide a certificate of approval to an
1064 applicant that meets with the board's approval. The training and
1065 testing center shall keep the certificate on file as long as it
1066 provides assisted living training or examination services.

1067 (3) The board or the agency may inspect a center to
1068 determine whether the training or testing center meets law and
1069 rule requirements and may decertify a training and testing
1070 center that does not continue to meet such requirements.

1071 (4) An assisted living trainer employed by the training or
1072 testing center must perform the recordkeeping and reporting
1073 required under s. 429.522(4).

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1074 Section 22. Section 429.54, Florida Statutes, is amended to
1075 read:

1076 429.54 Collection of information; local subsidy;
1077 interagency communication; facility reporting.-

1078 (1) To enable the department to collect the information
1079 requested by the Legislature regarding the actual cost of
1080 providing room, board, and personal care in assisted living
1081 facilities, the department may ~~is authorized to~~ conduct field
1082 visits and audits of facilities as ~~may be~~ necessary. The owners
1083 of randomly sampled facilities shall submit such reports,
1084 audits, and accountings of cost as the department may require by
1085 rule; however, provided that such reports, audits, and
1086 accountings may not be more than ~~shall be~~ the minimum necessary
1087 to implement the provisions of this subsection ~~section~~. Any
1088 facility selected to participate in the study shall cooperate
1089 with the department by providing cost of operation information
1090 to interviewers.

1091 (2) Local governments or organizations may contribute to
1092 the cost of care of local facility residents by further
1093 subsidizing the rate of state-authorized payment to such
1094 facilities. Implementation of local subsidy shall require
1095 departmental approval and may ~~shall~~ not result in reductions in
1096 the state supplement.

1097 (3) Subject to the availability of funds, the agency, the
1098 Department of Elderly Affairs, the Department of Children and
1099 Family Services, and the Agency for Persons with Disabilities
1100 shall develop or modify electronic systems of communication
1101 among state-supported automated systems to ensure that relevant
1102 information pertaining to the regulation of assisted living

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1103 facilities and facility staff is timely and effectively
1104 communicated among agencies in order to facilitate the
1105 protection of residents.

1106 (4) All assisted living facilities shall submit twice a
1107 year electronic reports to the agency.

1108 (a) The reports must include the following information and
1109 must be submitted in accordance with a reporting cycle
1110 established by the agency by rule:

1111 1. The number of beds in the facility;

1112 2. The number of beds being occupied;

1113 3. The number of residents who are younger than 65 years of
1114 age, from 65 to 74 years of age, from 75 to 84 years of age, and
1115 85 years of age or older;

1116 4. The number of residents who are mental health residents,
1117 who are receiving extended congregate care, who are receiving
1118 limited nursing services, and who are receiving hospice care;

1119 5. If there is a facility waiting list, the number of
1120 individuals on the waiting list and the type of services or care
1121 that they require, if known;

1122 6. The number of residents receiving optional state
1123 supplementation; and

1124 7. The number of residents who are Medicaid recipients and
1125 the type of waiver used to fund each such resident's care.

1126 (b) The agency must maintain electronically the information
1127 it receives and, at a minimum, use such information to track
1128 trends in resident populations and needs.

1129 (c) This subsection expires July 1, 2017.

1130 Section 23. Section 429.55, Florida Statutes, is created to
1131 read:

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1132 429.55 Assisted living facility rating system.-

1133 (1) The agency, in consultation with the department, the
1134 Department of Children and Family Services, and the Office of
1135 State Long-Term Care Ombudsman, shall develop and adopt by rule
1136 a user-friendly assisted living facility rating system.

1137 (2) The rating system must be publicly available on the
1138 Internet in order to assist consumers in evaluating assisted
1139 living facilities and the services provided by such facilities.

1140 (3) The rating system must be based on resident
1141 satisfaction, the number and class of deficiencies for which the
1142 facility has been cited, agency inspection reports, the
1143 inspection reports of any other regulatory agency, assessments
1144 conducted by the ombudsman program pursuant to part of chapter
1145 400, and other criteria as determined by the agency.

1146 (4) The Internet home page for the rating system must
1147 include a link that allows consumers to complete a voluntary
1148 survey that provides feedback on whether the rating system is
1149 helpful and suggestions for improvement.

1150 (5) The agency may adopt rules as necessary to administer
1151 this section.

1152 Section 24. The Division of Statutory Revision is requested
1153 to rename part II of chapter 468, Florida Statutes, consisting
1154 of ss. 468.1635-468.1756, Florida Statutes, as "Nursing Home and
1155 Assisted Living Facility Administration."

1156 Section 25. Section 468.1635, Florida Statutes, is amended
1157 to read:

1158 468.1635 Purpose.-The sole legislative purpose for enacting
1159 this ~~part~~ ~~chapter~~ is to ensure that every nursing home
1160 administrator and assisted living facility administrator

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1161 practicing in this state meets minimum requirements for safe
1162 practice. It is ~~the~~ legislative intent that nursing home
1163 administrators and assisted living facility administrators who
1164 fall below minimum competency or who otherwise present a danger
1165 to the public ~~shall~~ be prohibited from practicing in this state.

1166 Section 26. Section 468.1645, Florida Statutes, is amended
1167 to read:

1168 468.1645 Administrator license required.—

1169 (1) A No nursing home in the state may not operate in this
1170 state unless it is under the management of a nursing home
1171 administrator, and, effective July 1, 2013, an assisted living
1172 facility may not operate in this state unless it is under the
1173 management of an assisted living facility administrator, who
1174 holds a currently valid license, provisional license, or
1175 temporary license.

1176 (2) Nothing in this part or in the rules adopted hereunder
1177 ~~shall~~ require an administrator of any facility or institution
1178 operated by and for persons who rely exclusively upon treatment
1179 by spiritual means through prayer, in accordance with the creed
1180 or tenets of any organized church or religious denomination, to
1181 be licensed as a nursing home or assisted living facility
1182 administrator if the administrator is employed only to
1183 administer in such facilities or institutions for the care and
1184 treatment of the sick.

1185 Section 27. Section 468.1655, Florida Statutes, is
1186 reordered and amended to read:

1187 468.1655 Definitions.—As used in this part:

1188 (1) "Assisted living facility" means a facility licensed
1189 under part I of chapter 429.

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1190 (2) "Assisted living facility administrator" means a person
1191 who is licensed to engage in the practice of assisted living
1192 facility administration in this state under the authority of
1193 this part.

1194 (3) "Assisted living facility administrator certification"
1195 means a professional credential awarded by a board-approved
1196 third-party credentialing entity to individuals who demonstrate
1197 core competency in the practice of assisted living facility
1198 administration and who meet the education, background screening,
1199 and other criteria specified by the board for licensure as an
1200 assisted living facility administrator.

1201 (4)~~(1)~~ "Board" means the Board of Nursing Home and Assisted
1202 Living Facility Administrators.

1203 (5)~~(2)~~ "Department" means the Department of Health.

1204 (7)~~(3)~~ "Nursing home administrator" means a person who is
1205 licensed to engage in the practice of nursing home
1206 administration in this state under the authority of this part.

1207 (8) "Practice of assisted living facility administration"
1208 means any service requiring assisted living facility
1209 administration education, training, or experience and the
1210 application of such to the planning, organizing, staffing,
1211 directing, and controlling of the total management of an
1212 assisted living facility. A person is practicing or offering to
1213 practice assisted living facility administration if such person:

1214 (a) Practices any of the above services.

1215 (b) Holds himself or herself out as able to perform, or
1216 does perform, any form of assisted living facility
1217 administration by written or verbal claim, sign, advertisement,
1218 letterhead, or card; or in any other way represents himself or

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1219 herself to be, or implies that he or she is, an assisted living
1220 facility administrator.

1221 (9)~~(4)~~ "Practice of nursing home administration" means any
1222 service requiring nursing home administration education,
1223 training, or experience and the application of such to the
1224 planning, organizing, staffing, directing, and controlling of
1225 the total management of a nursing home. A person is practicing
1226 or offering shall be construed to practice or to offer to
1227 practice nursing home administration if such person ~~who~~:

1228 (a) Practices any of the above services.

1229 (b) Holds himself or herself out as able to perform, or
1230 does perform, any form of nursing home administration by written
1231 or verbal claim, sign, advertisement, letterhead, or card; or in
1232 any other way represents himself or herself to be, or implies
1233 that he or she is, a nursing home administrator.

1234 (6)~~(5)~~ "Nursing home" means an institution or facility
1235 licensed as such under part II of chapter 400.

1236 Section 28. Section 468.1665, Florida Statutes, is amended
1237 to read:

1238 468.1665 Board of Nursing Home and Assisted Living
1239 Facility Administrators; membership; appointment; terms.-

1240 (1) The Board of Nursing Home and Assisted Living Facility
1241 Administrators is created within the department and shall
1242 consist of eleven ~~seven~~ members, to be appointed by the Governor
1243 and confirmed by the Senate to a term of 4 years or for a term
1244 to complete an unexpired vacancy.

1245 (2) Three members of the board must be licensed nursing
1246 home administrators. Three members of the board must be licensed
1247 assisted living facility administrators. Two members of the

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1248 board must be health care practitioners. Three ~~The remaining two~~
1249 members of the board must be laypersons who are not, and have
1250 never been, nursing home or assisted living facility
1251 administrators or members of any health care profession or
1252 occupation, and at least one of these laypersons must be a
1253 resident of an assisted living facility. At least one member of
1254 the board must be 60 years of age or older.

1255 (3) A person may not be appointed as a member of the board
1256 if a conflict of interest exists, except that a nursing home
1257 administrator or an assisted living facility administrator who
1258 is appointed to the board may retain a financial interest in the
1259 institution or facility he or she administers at the time of
1260 appointment ~~Only board members who are nursing home~~
1261 ~~administrators may have a direct financial interest in any~~
1262 ~~nursing home.~~

1263 (4) All provisions of chapter 456 relating to activities of
1264 regulatory boards shall apply.

1265 Section 29. Section 468.1685, Florida Statutes, is amended
1266 to read:

1267 468.1685 Powers and duties of board and department.—It is
1268 the function and duty of the board, together with the
1269 department, to:

1270 (1) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to
1271 implement the provisions of this part conferring duties upon the
1272 board.

1273 (2) Develop, impose, and enforce specific standards within
1274 the scope of the general qualifications established by this part
1275 which must be met by individuals in order to receive licenses as
1276 nursing home or assisted living facility administrators. These

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1277 standards shall be designed to ensure that nursing home and
1278 assisted living facility administrators are individuals of good
1279 character and otherwise suitable and, by training or experience
1280 in the field of health care facility ~~institutional~~
1281 administration, qualified to serve as nursing home or assisted
1282 living facility administrators.

1283 (3) Develop by appropriate techniques, including
1284 examinations and investigations, a method for determining
1285 whether an individual meets such standards.

1286 (a) The board shall approve one or more third-party
1287 credentialing entities for the purpose of developing and
1288 administering assisted living facility administrator
1289 certification programs. A third-party credentialing entity must
1290 be a nonprofit organization that has met nationally recognized
1291 standards for developing and administering professional
1292 certification programs.

1293 (b) In order to obtain approval, a third-party
1294 credentialing entity must also:

1295 1. Establish professional requirements and standards that
1296 applicants must achieve in order to obtain an assisted living
1297 facility administrator certification and to maintain such
1298 certification. At a minimum, these requirements and standards
1299 must include completion of the requirements for assisted living
1300 facility administrators required in this part and in rules
1301 adopted by the board, including all education and continuing
1302 education requirements;

1303 2. Develop and apply core competencies and examination
1304 instruments according to nationally recognized certification and
1305 psychometric standards, and agree to assist the board with

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1306 developing the training and testing materials under subsections
 1307 (9), (10), and (11);

1308 3. Maintain a professional code of ethics and a
 1309 disciplinary process that applies to all persons holding
 1310 certification as an assisted living facility administrator;

1311 4. Maintain an Internet-based database, accessible to the
 1312 public, of all persons holding an assisted living facility
 1313 administrator certification, including any history of ethical
 1314 violations; and

1315 5. Require continuing education and, at least, biennial
 1316 certification renewal for persons holding an assisted living
 1317 facility administrator certification.

1318 (4) Issue licenses to qualified individuals meeting the
 1319 standards of the board and revoke or suspend licenses previously
 1320 issued by the board ~~if when~~ the individual holding such license
 1321 is determined to have failed to ~~conform~~ substantially conform to
 1322 the requirements of such standards.

1323 (5) Establish by rule and carry out procedures, ~~by rule,~~
 1324 designed to ensure that licensed nursing home or assisted living
 1325 facility administrators will comply with the standards adopted
 1326 by the board.

1327 (6) Receive, investigate, and take appropriate action with
 1328 respect to any charge or complaint filed with the department ~~to~~
 1329 ~~the effect~~ that a licensed nursing home or assisted living
 1330 facility administrator has failed to comply with the
 1331 requirements or standards adopted by the board.

1332 (7) Conduct a continuing study and investigation of nursing
 1333 homes and assisted living facilities and the administrators of
 1334 nursing homes and assisted living facilities in order to improve

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1335 the standards imposed for the licensing of such administrators
1336 and the procedures and methods for enforcing such standards with
1337 respect to licensed administrators ~~of nursing homes who have~~
1338 ~~been licensed as such.~~

1339 (8) Set up procedures by rule for advising and acting
1340 together with the department ~~of Health~~ and other boards of other
1341 health professions in matters affecting procedures and methods
1342 for effectively enforcing the purpose of this part and the
1343 administration of chapters 400 and 429.

1344 (9) In consultation with the Agency for Health Care
1345 Administration, the Department of Elderly Affairs, and the
1346 Department of Children and Family Services, develop the
1347 following, which must be completed by an applicant for licensure
1348 as an assisted living facility administrator:

1349 (a) Assisted living facility administrator core training
1350 that includes at least 40 hours of training, is offered in
1351 English and Spanish, is reviewed at least annually by the board
1352 or its agent, and updated as needed to reflect changes in the
1353 law, rules, and best practices. The curriculum, at a minimum,
1354 must cover the following topics:

1355 1. State law and rules relating to assisted living
1356 facilities.

1357 2. Resident rights and the identification and reporting of
1358 abuse, neglect, and exploitation.

1359 3. The special needs of elderly persons, persons who have
1360 mental illness, and persons who have developmental disabilities
1361 and how to meet those needs.

1362 4. Nutrition and food service, including acceptable
1363 sanitation practices for preparing, storing, and serving food.

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1364 5. Medication management, recordkeeping, and proper
1365 techniques for assisting residents who self-administer
1366 medication.

1367 6. Firesafety requirements, including procedures for fire
1368 evacuation drills and other emergency procedures.

1369 7. The care of persons who have Alzheimer's disease and
1370 related disorders.

1371 8. Elopement prevention.

1372 9. Aggression and behavior management, deescalation
1373 techniques, and proper protocols and procedures relating to the
1374 Baker Act as provided in part I of chapter 394.

1375 10. Do-not-resuscitate orders.

1376 11. Infection control.

1377 12. Admission and continued residency.

1378 13. Phases of care and interacting with residents.

1379 14. Best practices in the industry.

1380 15. Business operations, including, but not limited to,
1381 human resources, financial management, and supervision of staff.

1382 (b) An assisted living facility administrator examination
1383 that tests the applicant's knowledge and training of the core
1384 training topics listed in paragraph (a). The examination must be
1385 offered in English and Spanish, reviewed at least annually by
1386 the board or its agent, and updated as needed to reflect changes
1387 in the law, rules, and best practices. A minimum score of 80
1388 percent is required to demonstrate successful completion of the
1389 training requirements.

1390 (10) In consultation with the Agency for Health Care
1391 Administration, the Department of Elderly Affairs, and the
1392 Department of Children and Family Services, develop a continuing

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1393 education curriculum, for licensed assisted living facility
1394 administrators. Administrators who are employed by extended
1395 congregate care, limited nursing services, or limited mental
1396 health licensees must complete additional credit hours as
1397 determined by the board. The board or its agent shall also
1398 develop a short examination that corresponds with each
1399 continuing education course and must be offered in English and
1400 Spanish. The board or its agent must review the continuing
1401 education curriculum and each examination at least annually, and
1402 update the curriculum and examinations as needed to reflect
1403 changes in the law, rules, and best practices. Continuing
1404 education must include topics similar to those of the core
1405 training in paragraph (9), and may include additional subject
1406 matter that enhances the knowledge, skills, and abilities of
1407 assisted living facility administrators, as adopted by rule.

1408 (11) In consultation with a panel of at least three mental
1409 health professionals, develop a limited mental health curriculum
1410 and examination, which must be completed by an assisted living
1411 facility administrator within 30 days after being employed by a
1412 limited mental health licensee. The examination must be offered
1413 in English and Spanish and must be available online. The board
1414 or its agent shall review the examination at least annually and
1415 update as needed.

1416 (12) In consultation with stakeholders, develop the
1417 standardized staff training curriculum required under s. 429.52
1418 for assisted living facility staff members, other than an
1419 administrator, who provide regular or direct care to residents.
1420 The curriculum must be reviewed at least annually by the board
1421 or its agent, and updated as needed to reflect changes in the

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1422 law, rules, and best practices. The curriculum must include at
1423 least 20 hours of inservice training, with at least 1 hour of
1424 training per topic, covering at least the following topics:

- 1425 (a) Reporting major incidents.
- 1426 (b) Reporting adverse incidents.
- 1427 (c) Facility emergency procedures, including chain-of-
1428 command and staff member roles relating to emergency evacuation.
- 1429 (d) Resident rights in an assisted living facility.
- 1430 (e) Recognizing and reporting resident abuse, neglect, and
1431 exploitation.
- 1432 (f) Resident behavior and needs.
- 1433 (g) Providing assistance with the activities of daily
1434 living.
- 1435 (h) Infection control.
- 1436 (i) Aggression and behavior management and deescalation
1437 techniques.

1438 (13) In consultation with the Agency for Health Care
1439 Administration, the Department of Elderly Affairs, the
1440 Department of Children and Family Services, and stakeholders,
1441 develop the interactive online tutorial required under s.
1442 429.52, which must be completed by assisted living facility
1443 staff members who provide regular or direct care to assisted
1444 living facility residents. The tutorial must be based on the
1445 training required under subsection (12). The board must offer
1446 the tutorial in English and Spanish and update the tutorial as
1447 needed, but at least annually.

1448 (14) In consultation with the Agency for Health Care
1449 Administration, the Department of Elderly Affairs, and the
1450 Department of Children and Family Services, develop the

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1451 continuing education curriculum required under s. 429.52 for
1452 staff members of an assisted living facility who provide regular
1453 or direct care to assisted living facility residents. The board
1454 shall require additional credit hours for assisted living
1455 facility staff who are employed by extended congregate care,
1456 limited nursing services, or limited mental health licensees.
1457 The board or its agent must review the continuing education
1458 curriculum at least annually and update the curriculum as
1459 needed. Continuing education must include topics similar to
1460 those listed in subsection (12), and may include additional
1461 subject matter that enhances the knowledge, skills, and
1462 abilities of assisted living facility staff, as adopted by rule.

1463 (15) In consultation with a panel of at least three mental
1464 health professionals, develop the limited mental health
1465 curriculum and online interactive tutorial required under s.
1466 429.521(3), which must be completed by assisted living facility
1467 staff, other than the administrator, who provide regular and
1468 direct care to mental health residents. The board or its agents
1469 must ensure that the tutorial is offered in English and Spanish,
1470 and must be updated as needed, but at least annually.

1471 (16) Require and provide, or cause to be provided, the
1472 training or education of staff members of an assisted living
1473 facility beyond that which is required under this part if the
1474 board or department determines that there are problems in a
1475 facility which could be reduced through specific staff training
1476 or education.

1477 (17) Certify assisted living training providers who meet
1478 the qualifications under s. 429.522.

1479 (18) Approve testing and training centers pursuant to s.

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1480 429.523.

1481 Section 30. Subsection (2) of section 468.1695, Florida
1482 Statutes, is amended and subsections (5) through (9) are added
1483 to that section, to read:

1484 468.1695 Licensure by examination; licensure by
1485 certification.—

1486 (2) The department shall examine each applicant for a
1487 nursing home administrator license who the board certifies has
1488 completed the application form and remitted an examination fee
1489 set by the board not to exceed \$250 and who:

1490 (a)1. Holds a baccalaureate degree from an accredited
1491 college or university and majored in health care administration
1492 or has credit for at least 60 semester hours in subjects, as
1493 prescribed by rule of the board, which prepare the applicant for
1494 total management of a nursing home; and

1495 2. Has fulfilled the requirements of a college-affiliated
1496 or university-affiliated internship in nursing home
1497 administration or of a 1,000-hour nursing home administrator-in-
1498 training program prescribed by the board; or

1499 (b)1. Holds a baccalaureate degree from an accredited
1500 college or university; and

1501 2.a. Has fulfilled the requirements of a 2,000-hour nursing
1502 home administrator-in-training program prescribed by the board;
1503 or

1504 b. Has 1 year of management experience allowing for the
1505 application of executive duties and skills, including the
1506 staffing, budgeting, and directing of resident care, dietary,
1507 and bookkeeping departments within a skilled nursing facility,
1508 hospital, hospice, assisted living facility with a minimum of 60

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1509 licensed beds, or geriatric residential treatment program and,
1510 if such experience is not in a skilled nursing facility, has
1511 fulfilled the requirements of a 1,000-hour nursing home
1512 administrator-in-training program prescribed by the board.

1513 (5) Any person desiring to be licensed as an assisted
1514 living facility administrator must apply to the department,
1515 remit a fee set by the board not to exceed \$500, and provide
1516 proof of a current and valid assisted living facility
1517 administrator certification.

1518 (6) An assisted living facility administrator certification
1519 must be issued by a board-approved third-party credentialing
1520 entity that certifies the individual:

1521 (a) Is at least 21 years old;

1522 (b) Holds a 4-year baccalaureate degree from an accredited
1523 college or university which includes some coursework in health
1524 care, gerontology, or geriatrics; a 4-year baccalaureate degree
1525 from an accredited college or university and has at least 2
1526 years of experience in direct care in an assisted living
1527 facility or nursing home; or a 2-year associate degree that
1528 includes coursework in health care, gerontology, or geriatrics
1529 and has at least 2 years of experience in direct care in an
1530 assisted living facility or nursing home;

1531 (c) Has completed a least 40 hours of core training;

1532 (d) Has passed an examination that documents core
1533 competencies in the training required for assisted living
1534 facility administrators prior to licensure with a minimum score
1535 of 80 percent;

1536 (e) Has completed background screening pursuant to ss.
1537 429.174 and 456.0365; and

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1538 (f) Otherwise meets the requirements of this part and part
1539 I of chapter 429.

1540 (7) An assisted living facility administrator who is
1541 continuously employed as a facility administrator, or a nursing
1542 home administrator who is continuously employed as a nursing
1543 home administrator, for at least the 2 years before July 1,
1544 2012, is eligible for certification as an assisted living
1545 facility administrator without meeting the educational
1546 requirements of this section or taking the licensure examination
1547 if:

1548 (a) The core training under this part has been completed.

1549 (b) All continuing education requirements have been
1550 completed.

1551 (c) The applicant was not the administrator of a facility
1552 or nursing home that was cited for a class I or class II
1553 violation within the 2 years before July 1, 2012.

1554 (8) Other licensed professionals may be exempted from some
1555 or all of the training requirements of this section to be
1556 eligible for assisted living facility administrator
1557 certification, as determined by the board by rule.

1558 (9) A licensed assisted living facility administrator
1559 applying for relicensure must submit an application, remit
1560 applicable fees, and demonstrate that he or she has maintained
1561 his or her assisted living facility administrator certification
1562 that substantiates the individual has completed all continuing
1563 education and other requirements under this part to obtain
1564 licensure renewal.

1565 Section 31. Subsection (1) of section 468.1705, Florida
1566 Statutes, is amended to read:

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1567 468.1705 Licensure by endorsement; temporary license.—

1568 (1) The department shall issue a nursing home administrator
1569 license by endorsement to an ~~any~~ applicant who, upon applying to
1570 the department and remitting a fee set by the board not to
1571 exceed \$500, demonstrates to the board that he or she:

1572 (a) Meets one of the following requirements:

1573 1. Holds a valid active license to practice nursing home
1574 administration in another state of the United States if,
1575 ~~provided that~~ the current requirements for licensure in that
1576 state are substantially equivalent to, or more stringent than,
1577 current requirements in this state; or

1578 2. Meets the qualifications for licensure in s. 468.1695;
1579 and

1580 (b)1. Has successfully completed a national examination
1581 which is substantially equivalent to, or more stringent than,
1582 the examination given by the department;

1583 2. Has passed an examination on the laws and rules of this
1584 state governing the administration of nursing homes; and

1585 3. Has worked as a fully licensed nursing home
1586 administrator for 2 years within the 5-year period immediately
1587 preceding the application by endorsement.

1588 Section 32. Section 468.1725, Florida Statutes, is amended
1589 to read:

1590 468.1725 Inactive status.—An administrator's license may
1591 become inactive if an administrator applies for inactive
1592 licensure status, does not pay licensure renewal fees on time,
1593 or does not complete continuing education courses within the
1594 requisite time.

1595 (1) If a license becomes inactive because:

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1596 (a) The administrator applied for and was granted inactive
1597 licensure status, he or she must pay a reactivation fee in order
1598 to reactive the license.

1599 (b) The administrator failed to timely pay licensure
1600 renewal fees, he or she must pay the biennial renewal fee, a
1601 delinquency fee, and a reactivation fee.

1602 (c) The administrator did not timely complete continuing
1603 education requirements, his or her license may not be
1604 reactivated until satisfactory completion of the continuing
1605 education requirements.

1606 (2)~~(1)~~ Unless otherwise prescribed in law, the board shall
1607 prescribe by rule continuing education requirements as a
1608 condition of reactivating a license. The continuing education
1609 requirements for reactivating a license may not exceed 20
1610 classroom hours for each year the license was inactive, in
1611 addition to completing ~~completion of~~ the number of hours
1612 required for renewal on the date the license became inactive.
1613 The board may not reactivate the license until he or she
1614 completes the continuing education requirements and pays a
1615 delinquency and reactivation fee.

1616 (3)~~(2)~~ The board shall adopt rules relating to application
1617 procedures for inactive status, for the renewal of inactive
1618 licenses, and for the reactivation of licenses. The board shall
1619 prescribe by rule an application fee for inactive status, a
1620 renewal fee for inactive status, a delinquency fee, and a fee
1621 for the reactivation of a license. ~~None of~~ These fees may not
1622 exceed the biennial renewal fee established by the board for an
1623 active license.

1624 ~~(3) The department may not reactivate a license unless the~~

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1625 ~~inactive or delinquent licensee has paid any applicable biennial~~
1626 ~~renewal or delinquency fee, or both, and a reactivation fee.~~

1627 Section 33. Section 468.1735, Florida Statutes, is amended
1628 to read:

1629 468.1735 Provisional license.—The board may establish by
1630 rule requirements for issuance of a provisional license. A
1631 provisional license shall be issued only to fill a position of
1632 nursing home administrator that unexpectedly becomes vacant due
1633 to illness, sudden death of the administrator, or abandonment of
1634 position and shall be issued for one single period as provided
1635 by rule not to exceed 6 months. The department shall not issue a
1636 provisional license to any applicant who is under investigation
1637 in this state or another jurisdiction for an offense which would
1638 constitute a violation of s. 468.1745, ~~or~~ s. 468.1755, or s.
1639 429.55(4) (a), as applicable. Upon completion of the
1640 investigation relating to a nursing home administrator, the
1641 provisions of s. 468.1755 shall apply. The provisional license
1642 may be issued to a person who does not meet all of the licensing
1643 requirements established by this part, but the board shall by
1644 rule establish minimal requirements to ensure protection of the
1645 public health, safety, and welfare. The provisional license
1646 shall be issued to the person who is designated as the
1647 responsible person next in command in the event of the
1648 administrator's departure. The board may set an application fee
1649 not to exceed \$500 for a provisional license.

1650 Section 34. Section 468.1745, Florida Statutes, is amended
1651 to read:

1652 468.1745 Prohibitions; penalties.—

1653 (1) A ~~No~~ person may not shall:

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1654 (a) Practice nursing home administration unless the person
1655 holds an active license to practice nursing home administration.

1656 (b) Use the name or title "nursing home administrator" if
1657 ~~when~~ the person has not been licensed pursuant to this part ~~act~~.

1658 (c) Present as his or her own the license of another.

1659 (d) Give false or forged evidence to the board or a member
1660 thereof for the purpose of obtaining a license.

1661 (e) Use or attempt to use a nursing home administrator's
1662 license that ~~which~~ has been suspended or revoked.

1663 (f) Knowingly employ unlicensed persons in the practice of
1664 nursing home administration.

1665 (g) Knowingly conceal information relative to violations of
1666 this part.

1667 (2) A person may not:

1668 (a) Practice assisted living facility administration unless
1669 the person holds an active license to practice assisted living
1670 facility administration.

1671 (b) Use the name or title "assisted living facility
1672 administrator" if the person has not been licensed pursuant to
1673 this part.

1674 (c) Present as his or her own the license of another.

1675 (d) Give false or forged evidence to the board or a member
1676 thereof for the purpose of obtaining a license.

1677 (e) Use or attempt to use an assisted living facility
1678 administrator's license that has been suspended or revoked.

1679 (f) Knowingly employ unlicensed persons in the practice of
1680 assisted living facility administration.

1681 (g) Knowingly conceal information relative to violations of
1682 this part.

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1683 ~~(3)~~⁽²⁾ Any person who violates the provisions of this
1684 section is guilty of a misdemeanor of the second degree,
1685 punishable as provided in s. 775.082 or s. 775.083.

1686 Section 35. Section 468.1755, Florida Statutes, is amended
1687 to read:

1688 468.1755 Disciplinary proceedings.—

1689 (1) The following acts constitute grounds for denial of a
1690 nursing home administrator license or disciplinary action, as
1691 specified in s. 456.072(2):

1692 (a) Violation of any provision of s. 456.072(1) or s.
1693 468.1745(1).

1694 (b) Attempting to procure a license to practice nursing
1695 home administration by bribery, by fraudulent misrepresentation,
1696 or through an error of the department or the board.

1697 (c) Having a license to practice nursing home
1698 administration revoked, suspended, or otherwise acted against,
1699 including the denial of licensure, by the licensing authority of
1700 another state, territory, or country.

1701 (d) Being convicted or found guilty, regardless of
1702 adjudication, of a crime in any jurisdiction which relates to
1703 the practice of nursing home administration or the ability to
1704 practice nursing home administration. Any plea of nolo
1705 contendere shall be considered a conviction for purposes of this
1706 part.

1707 (e) Making or filing a report or record which the licensee
1708 knows to be false, intentionally failing to file a report or
1709 record required by state or federal law, willfully impeding or
1710 obstructing such filing, or inducing another person to impede or
1711 obstruct such filing. Such reports or records shall include only

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1712 those which are signed in the capacity of a licensed nursing
1713 home administrator.

1714 (f) Authorizing the discharge or transfer of a resident for
1715 a reason other than those provided in ss. 400.022 and 400.0255.

1716 (g) Advertising goods or services in a manner which is
1717 fraudulent, false, deceptive, or misleading in form or content.

1718 (h) Fraud or deceit, negligence, incompetence, or
1719 misconduct in the practice of nursing home administration.

1720 (i) Violation of a lawful order of the board or department
1721 previously entered in a disciplinary hearing or failing to
1722 comply with a lawfully issued subpoena of the board or
1723 department.

1724 (j) Practicing with a revoked, suspended, inactive, or
1725 delinquent license.

1726 (k) Repeatedly acting in a manner inconsistent with the
1727 health, safety, or welfare of the patients of the facility in
1728 which he or she is the administrator.

1729 (l) Being unable to practice nursing home administration
1730 with reasonable skill and safety to patients by reason of
1731 illness, drunkenness, use of drugs, narcotics, chemicals, or any
1732 other material or substance or as a result of any mental or
1733 physical condition. In enforcing this paragraph, upon a finding
1734 of the State Surgeon General or his or her designee that
1735 probable cause exists to believe that the licensee is unable to
1736 serve as a nursing home administrator due to the reasons stated
1737 in this paragraph, the department shall have the authority to
1738 issue an order to compel the licensee to submit to a mental or
1739 physical examination by a physician designated by the
1740 department. If the licensee refuses to comply with such order,

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1741 the department's order directing such examination may be
1742 enforced by filing a petition for enforcement in the circuit
1743 court where the licensee resides or serves as a nursing home
1744 administrator. The licensee against whom the petition is filed
1745 shall not be named or identified by initials in any public court
1746 records or documents, and the proceedings shall be closed to the
1747 public. The department shall be entitled to the summary
1748 procedure provided in s. 51.011. A licensee affected under this
1749 paragraph shall have the opportunity, at reasonable intervals,
1750 to demonstrate that he or she can resume the competent practice
1751 of nursing home administration with reasonable skill and safety
1752 to patients.

1753 (m) Willfully or repeatedly violating any of the provisions
1754 of the law, code, or rules of the licensing or supervising
1755 authority or agency of the state or political subdivision
1756 thereof having jurisdiction of the operation and licensing of
1757 nursing homes.

1758 (n) Paying, giving, causing to be paid or given, or
1759 offering to pay or to give to any person a commission or other
1760 valuable consideration for the solicitation or procurement,
1761 either directly or indirectly, of nursing home usage.

1762 (o) Willfully permitting unauthorized disclosure of
1763 information relating to a patient or his or her records.

1764 (p) Discriminating with respect to patients, employees, or
1765 staff on account of race, religion, color, sex, or national
1766 origin.

1767 (q) Failing to implement an ongoing quality assurance
1768 program directed by an interdisciplinary team that meets at
1769 least every other month.

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1770 (r) Violating any provision of this chapter or chapter 456,
1771 or any rules adopted pursuant thereto.

1772 (2) The board may enter an order denying nursing home
1773 administrator licensure or imposing any of the penalties in s.
1774 456.072(2) against any applicant for licensure or licensee who
1775 is found guilty of violating any provision of subsection (1) of
1776 this section or who is found guilty of violating any provision
1777 of s. 456.072(1).

1778 (3) The board may enter an order denying licensure or
1779 license renewal and may suspend or revoke the license of an
1780 assisted living facility administrator who is under
1781 investigation for, or who has committed, in this state or
1782 another jurisdiction, any of the following:

1783 (a) Attempting to procure a license to practice assisted
1784 living facility administration by bribery, fraudulent
1785 misrepresentation, or through an error of the agency or the
1786 board.

1787 (b) Having an license to practice assisted living facility
1788 administration revoked, suspended, or otherwise acted against,
1789 including the denial of licensure by the licensing authority of
1790 another state, territory, or country.

1791 (c) Being convicted or found guilty of, or entered a plea
1792 of nolo contendere, regardless of adjudication, to a crime in any
1793 jurisdiction which relates to the practice of assisted living
1794 facility administration.

1795 (d) Making or filing a report or record that the licensee
1796 knows to be false, intentionally failing to file a report or
1797 record required by state or federal law, willfully impeding or
1798 obstructing such filing, or inducing another person to impede or

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1799 obstruct such filing. Such reports or records include only those
1800 that are signed in the capacity of a licensed assisted living
1801 facility administrator.

1802 (e) Advertising goods or services in a manner that is
1803 fraudulent, false, deceptive, or misleading in form or content.

1804 (f) Committing fraud or deceit or exhibiting negligence,
1805 incompetence, or misconduct in the practice of assisted living
1806 facility administration.

1807 (g) Violating a lawful order of the board or agency
1808 previously entered in a disciplinary hearing or failing to
1809 comply with a lawfully issued subpoena of the board or agency.

1810 (h) Repeatedly acting in a manner that is inconsistent with
1811 the health, safety, or welfare of the residents of the assisted
1812 living facility in which he or she is the administrator.

1813 (i) Being unable to practice assisted living facility
1814 administration with reasonable skill and safety to residents by
1815 reason of illness, drunkenness, use of drugs, narcotics,
1816 chemicals, or any other material or substance or as a result of
1817 any mental or physical condition. To enforce this subparagraph,
1818 upon a finding of the Secretary of Health Care Administration or
1819 his or her designee that probable cause exists to believe that
1820 the licensee is unable to serve as an assisted living facility
1821 administrator due to the reasons stated in this subparagraph,
1822 the agency may issue an order to compel the licensee to submit
1823 to a mental or physical examination by a physician designated by
1824 the agency. If the licensee refuses to comply with such order,
1825 the order may be enforced by filing a petition for enforcement
1826 in the circuit court where the licensee resides or serves as a
1827 facility administrator. The licensee against whom the petition

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1828 is filed may not be named or identified by initials in any
1829 public court records or documents and the proceedings shall be
1830 closed to the public. The agency is entitled to the summary
1831 procedure pursuant to s. 51.011. At reasonable intervals, the
1832 licensee affected must be provided an opportunity to demonstrate
1833 that he or she can resume the competent practice of assisted
1834 living facility administration with reasonable skill and safety
1835 to residents.

1836 (j) Paying, giving, causing to be paid or given, or
1837 offering to pay or to give to any person a commission or other
1838 valuable consideration for the solicitation or procurement,
1839 directly or indirectly, of assisted living facility usage.

1840 (k) Willfully permitting unauthorized disclosure of
1841 information relating to a resident or his or her records.

1842 (l) Discriminating with respect to residents, employees, or
1843 staff members on account of race, religion, sex, or national
1844 origin.

1845 (m) Violating any provision of this part, part II of
1846 chapter 408, or rules adopted pursuant to this part.

1847 (4) The board shall revoke the license of an assisted
1848 living facility administrator who knowingly participates in
1849 intentional misconduct, or engages in conduct that constitutes
1850 gross negligence, and contributes to the death of a resident.

1851 (5)~~(3)~~ The department shall reissue the license of a
1852 disciplined licensee upon certification by the board that the
1853 disciplined licensee has complied with all of the terms and
1854 conditions set forth in the final order.

1855 Section 36. Section 468.1756, Florida Statutes, is amended
1856 to read:

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1857 468.1756 Statute of limitations.—An administrative
1858 complaint may only be filed pursuant to s. 456.073 for an act
1859 listed in s. 468.1755~~(1)(e)~~~~(g)~~ within 4 years after ~~from~~ the
1860 time of the incident giving rise to the complaint, or within 4
1861 years after ~~from~~ the time the incident is discovered or should
1862 have been discovered.

1863 Section 37. Assisted living facility streamlining task
1864 force.—

1865 (1) The Agency for Health Care Administration shall create
1866 a task force consisting of at least one representative from the
1867 agency, the Department of Elderly Affairs, the Department of
1868 Children and Family Services, the Department of Health, and the
1869 Office of State Long-Term Care Ombudsman.

1870 (2) The purpose of the task force is to determine whether
1871 agencies currently have overlapping regulatory responsibilities
1872 over assisted living facilities and whether increased efficiency
1873 and effectiveness may be realized by transferring,
1874 consolidating, eliminating, or modifying such oversight between
1875 agencies.

1876 (3) The task force shall meet at least three times and
1877 submit a report to the Governor, the President of the Senate,
1878 and the Speaker of the House of Representatives by January 1,
1879 2013, which includes the task force's findings and
1880 recommendations pertaining to streamlining agency oversight and
1881 improving the effectiveness of regulatory functions.

1882 (4) The task force is terminated effective March 1, 2013.

1883 Section 38. By January 1, 2013, the Agency for Health Care
1884 Administration shall submit copies of all of its inspection
1885 forms used to inspect assisted living facilities to the Office

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1886 of State Long-Term Care Ombudsman. The office shall create and
1887 act as the chair of a task force of up to 11 members, consisting
1888 of an ombudsman, one representative of a nonprofit assisted
1889 living facility, one representative of a for-profit assisted
1890 living facility, at least one resident or family member of a
1891 resident, other stakeholders, and one representative of the
1892 agency, the Department of Elderly Affairs, the Department of
1893 Children and Family Services, and the Department of Health, to
1894 review the inspection forms. The task force shall provide
1895 recommendations, if any, to modify the forms in order to ensure
1896 that inspections adequately assess whether the assisted living
1897 facilities are in compliance with the law, meet the needs of
1898 residents, and ensure resident safety. The task force must
1899 provide its recommendations, including explanations of its
1900 recommendations, to the agency within 90 days after receiving
1901 the inspection forms. The task force is terminated July 1, 2013.

1902 Section 39. This act shall take effect July 1, 2012.