

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Schenck offered the following:

**Amendment (with directory and title amendments)**

5 Between lines 683 and 684, insert:

6 (3) In addition to the requirements of s. 408.806, each  
 7 license granted by the agency must state the type of care for  
 8 which the license is granted. Licenses shall be issued for one  
 9 or more of the following categories of care: standard, extended  
 10 congregate care, limited nursing services, or limited mental  
 11 health.

12 (b) An extended congregate care license shall be issued to  
 13 facilities providing, directly or through contract, services  
 14 beyond those authorized in paragraph (a), including services  
 15 performed by persons licensed under part I of chapter 464 and  
 16 supportive services, as defined by rule, to persons who would  
 17 otherwise be disqualified from continued residence in a facility  
 18 licensed under this part.

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19 1. In order for extended congregate care services to be  
20 provided, the agency must first determine that all requirements  
21 established in law and rule are met and must specifically  
22 designate, on the facility's license, that such services may be  
23 provided and whether the designation applies to all or part of  
24 the facility. Such designation may be made at the time of  
25 initial licensure or relicensure, or upon request in writing by  
26 a licensee under this part and part II of chapter 408. The  
27 notification of approval or the denial of the request shall be  
28 made in accordance with part II of chapter 408. Existing  
29 facilities qualifying to provide extended congregate care  
30 services must have maintained a standard license and may not  
31 have been subject to administrative sanctions during the  
32 previous 2 years, or since initial licensure if the facility has  
33 been licensed for less than 2 years, for any of the following  
34 reasons:

- 35 a. A class I or class II violation;
- 36 b. Three or more repeat or recurring class III violations  
37 of identical or similar resident care standards from which a  
38 pattern of noncompliance is found by the agency;
- 39 c. Three or more class III violations that were not  
40 corrected in accordance with the corrective action plan approved  
41 by the agency;
- 42 d. Violation of resident care standards which results in  
43 requiring the facility to employ the services of a consultant  
44 pharmacist or consultant dietitian;
- 45 e. Denial, suspension, or revocation of a license for  
46 another facility licensed under this part in which the applicant

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47 for an extended congregate care license has at least 25 percent  
48 ownership interest; or

49 f. Imposition of a moratorium pursuant to this part or  
50 part II of chapter 408 or initiation of injunctive proceedings.

51 2. A facility that is licensed to provide extended  
52 congregate care services shall maintain a written progress  
53 report on each person who receives services which describes the  
54 type, amount, duration, scope, and outcome of services that are  
55 rendered and the general status of the resident's health. A  
56 registered nurse, or appropriate designee, representing the  
57 agency shall visit the facility at least once a year ~~quarterly~~  
58 to monitor residents who are receiving extended congregate care  
59 services and to determine if the facility is in compliance with  
60 this part, part II of chapter 408, and relevant rules. One of  
61 the visits may be in conjunction with the regular survey. The  
62 monitoring visits may be provided through contractual  
63 arrangements with appropriate community agencies. A registered  
64 nurse shall serve as part of the team that inspects the  
65 facility. The agency may waive a ~~one of the required yearly~~  
66 ~~monitoring visits~~ for a facility that has been licensed for at  
67 least 24 months to provide extended congregate care services,  
68 if, during the inspection, the registered nurse determines that  
69 extended congregate care services are being provided  
70 appropriately, and if the facility has no:

71 a. Class I or class II violations and no uncorrected  
72 class III violations,

73 b. Citations for a licensure violation which resulted  
74 from referrals by the ombudsman to the agency, and

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75 c. Citation for a licensure violation which resulted from  
76 complaints to the agency.

77 ~~The agency must first consult with the long-term care ombudsman~~  
78 ~~council for the area in which the facility is located to~~  
79 ~~determine if any complaints have been made and substantiated~~  
80 ~~about the quality of services or care. The agency may not waive~~  
81 ~~one of the required yearly monitoring visits if complaints have~~  
82 ~~been made and substantiated.~~

83 3. A facility that is licensed to provide extended  
84 congregate care services must:

85 a. Demonstrate the capability to meet unanticipated  
86 resident service needs.

87 b. Offer a physical environment that promotes a homelike  
88 setting, provides for resident privacy, promotes resident  
89 independence, and allows sufficient congregate space as defined  
90 by rule.

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

94 d. Adopt and follow policies and procedures that maximize  
95 resident independence, dignity, choice, and decisionmaking to  
96 permit residents to age in place, so that moves due to changes  
97 in functional status are minimized or avoided.

98 e. Allow residents or, if applicable, a resident's  
99 representative, designee, surrogate, guardian, or attorney in  
100 fact to make a variety of personal choices, participate in  
101 developing service plans, and share responsibility in  
102 decisionmaking.

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103 f. Implement the concept of managed risk.

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

106 h. In addition to the training mandated in s. 429.52,  
107 provide specialized training as defined by rule for facility  
108 staff.

109 4. A facility that is licensed to provide extended  
110 congregate care services is exempt from the criteria for  
111 continued residency set forth in rules adopted under s. 429.41.  
112 A licensed facility must adopt its own requirements within  
113 guidelines for continued residency set forth by rule. However,  
114 the facility may not serve residents who require 24-hour nursing  
115 supervision. A licensed facility that provides extended  
116 congregate care services must also provide each resident with a  
117 written copy of facility policies governing admission and  
118 retention.

119 5. The primary purpose of extended congregate care  
120 services is to allow residents, as they become more impaired,  
121 the option of remaining in a familiar setting from which they  
122 would otherwise be disqualified for continued residency. A  
123 facility licensed to provide extended congregate care services  
124 may also admit an individual who exceeds the admission criteria  
125 for a facility with a standard license, if the individual is  
126 determined appropriate for admission to the extended congregate  
127 care facility.

128 6. Before the admission of an individual to a facility  
129 licensed to provide extended congregate care services, the  
130 individual must undergo a medical examination as provided in s.

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131 429.26(4) and the facility must develop a preliminary service  
132 plan for the individual.

133 7. When a facility can no longer provide or arrange for  
134 services in accordance with the resident's service plan and  
135 needs and the facility's policy, the facility shall make  
136 arrangements for relocating the person in accordance with s.  
137 429.28(1) (k).

138 8. Failure to provide extended congregate care services  
139 may result in denial of extended congregate care license  
140 renewal.

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

144 1. In order for limited nursing services to be provided in  
145 a facility licensed under this part, the agency must first  
146 determine that all requirements established in law and rule are  
147 met and must specifically designate, on the facility's license,  
148 that such services may be provided. Such designation may be made  
149 at the time of initial licensure or relicensure, or upon request  
150 in writing by a licensee under this part and part II of chapter  
151 408. Notification of approval or denial of such request shall be  
152 made in accordance with part II of chapter 408. Existing  
153 facilities qualifying to provide limited nursing services shall  
154 have maintained a standard license and may not have been subject  
155 to administrative sanctions that affect the health, safety, and  
156 welfare of residents for the previous 2 years or since initial  
157 licensure if the facility has been licensed for less than 2  
158 years.

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159 2. Facilities that are licensed to provide limited nursing  
160 services shall maintain a written progress report on each person  
161 who receives such nursing services, which report describes the  
162 type, amount, duration, scope, and outcome of services that are  
163 rendered and the general status of the resident's health. A  
164 registered nurse representing the agency shall visit such  
165 facilities at least once ~~twice~~ a year to monitor residents who  
166 are receiving limited nursing services and to determine if the  
167 facility is in compliance with applicable provisions of this  
168 part, part II of chapter 408, and related rules. The monitoring  
169 visits may be provided through contractual arrangements with  
170 appropriate community agencies. A registered nurse shall also  
171 serve as part of the team that inspects such facility. The  
172 agency may waive a monitoring visit for a facility that has been  
173 licensed for at least 24 months to provide limited nursing  
174 services and if the facility has no:

175 a. Class I or class II violations and no uncorrected  
176 class III violations,

177 b. Citations for a licensure violation which resulted  
178 from referrals by the ombudsman to the agency, and

179 c. Citation for a licensure violation which resulted from  
180 complaints to the agency.

181 3. A person who receives limited nursing services under  
182 this part must meet the admission criteria established by the  
183 agency for assisted living facilities. When a resident no longer  
184 meets the admission criteria for a facility licensed under this  
185 part, arrangements for relocating the person shall be made in

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186 accordance with s. 429.28(1)(k), unless the facility is licensed  
187 to provide extended congregate care services.

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192 -----

193 **D I R E C T O R Y A M E N D M E N T**

194 Remove lines 671-672 and insert:

195 Section 10. Subsection (1) and paragraphs (b) and (c) of  
196 subsection (3) of section 429.07, Florida Statutes, are amended  
197 to read:

198  
199  
200  
201  
202 -----

203 **T I T L E A M E N D M E N T**

204 Remove line 63 and insert:

205 administrator; providing for a reduced number of monitoring  
206 visits for an assisted living facility that is licensed to  
207 provide extended congregate care services under specified  
208 circumstances; providing for a reduced number of monitoring  
209 visits for an assisted living facility that is licensed to  
210 provide limited nursing services under specified circumstances;  
211 amending s. 429.075, F.S., providing  
212