

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

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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.; requiring that the case
4 manager assigned to a mental health resident of an
5 assisted living facility that holds a limited mental
6 health license keep a record of the date and time of
7 face-to-face interactions with the mental health
8 resident and make the record available to the
9 Department of Children and Family Services for
10 inspection; requiring that the record be maintained
11 for a specified number of years; requiring that the
12 department ensure that there is adequate and
13 consistent monitoring and enforcement of community
14 living support plans and cooperative agreements;
15 amending s. 400.0078, F.S.; requiring that, upon
16 admission to a long-term care facility, a resident or
17 his or her representative receive information
18 regarding the confidentiality of any complainant's
19 identity and the subject matter of the complaint;
20 amending s. 415.103, F.S.; requiring that the
21 department maintain a central abuse hotline that
22 receives all reports made regarding incidents of abuse
23 or neglect which are recorded by an electronic
24 monitoring device in a resident's room of an assisted
25 living facility; amending s. 415.1034, F.S.; requiring
26 that certain employees or agent of any state or local
27 agency report the abuse, neglect, or exploitation of a
28 vulnerable adult to the central abuse hotline;
29 amending s. 429.02, F.S.; defining the term "mental

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30 health professional" as it relates to the Assisted
31 Living Facilities Act; amending s. 429.075, F.S.;
32 requiring that an assisted living facility that serves
33 any mental health resident obtain a limited mental
34 health license; revising the training requirements for
35 administrators and staff members of a facility that is
36 licensed to provide services to mental health
37 residents; amending ss. 429.176 and 429.178, F.S.;
38 conforming cross-references; amending s. 429.28, F.S.;
39 revising the bill of rights for residents of assisted
40 living facilities with regard to notice of relocation
41 or termination of residency and placement of an
42 electronic monitoring device in the resident's room;
43 revising requirements for a written notice of the
44 rights, obligations, and prohibitions which is
45 provided to a resident of an assisted living facility;
46 creating s. 429.281, F.S.; providing definitions;
47 requiring that an assisted living facility comply with
48 notice of relocation or termination of residency from
49 the facility when a decision is made to relocate or
50 terminate the residency of a resident; providing
51 requirements and procedures for notice and a hearing
52 with regard to relocation of a resident or termination
53 of the residency of a resident; requiring that the
54 Department of Children and Family Services adopt
55 rules; providing for application; amending s. 429.52,
56 F.S.; requiring that a newly hired employee or
57 administrator of an assisted living facility attend a
58 preservice orientation provided by the assisted living

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59 facility; providing topics that must be covered in the
60 preservice orientation; requiring that the employee
61 sign an affidavit upon completion of the preservice
62 orientation; requiring that the administrator of the
63 assisted living facility maintain the signed affidavit
64 in each employee's work file; deleting provisions
65 regarding minimum training and core educational
66 requirements for administrators and other staff;
67 deleting provisions requiring the Department of
68 Elderly Affairs to establish training requirements and
69 a competency test by rule; deleting provisions
70 governing the registration of persons providing
71 training; creating s. 429.50, F.S.; prohibiting an
72 assisted living facility from operating unless it is
73 under the management of an administrator who holds a
74 valid license or provisional license; providing
75 eligibility requirements to be licensed as an assisted
76 living facility administrator; providing an exception
77 from the requirement to complete the educational
78 requirements and pass a competency test; providing
79 additional requirements for licensure as an
80 administrator of an assisted living facility that has
81 a mental health license; providing that an
82 administrator licensed under part II of ch. 468, F.S.,
83 is exempt from certain educational and core training
84 requirements; providing additional licensure
85 requirements for an administrator licensed under part
86 II of ch. 468, F.S., who is employed at an assisted
87 living facility that has a mental health license;

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88 providing that other licensed professionals may be
89 exempted, as determined by rule by the Agency for
90 Health Care Administration; requiring that the agency
91 issue a license to an applicant who successfully
92 completes the training, passes the competency tests,
93 and provides proof of the required education;
94 requiring that the agency establish licensure fees for
95 licensure as an assisted living facility
96 administrator; creating s. 429.512, F.S.; authorizing
97 the agency to establish requirements for issuing a
98 provisional license; providing the conditions under
99 which a provisional license is issued; authorizing the
100 agency to set an application fee; providing conditions
101 under which an administrator's license becomes
102 inactive; requiring that the agency adopt rules
103 governing application procedures for inactive
104 licenses, the renewal of inactive licenses, and the
105 reactivation of licenses; requiring that the agency
106 establish application fees for inactive license
107 status, a renewal fee for inactive license status, a
108 delinquency fee, and a fee for the reactivation of a
109 license; prohibiting the agency from reactivating a
110 license unless the licensee pays the required fees;
111 creating s. 429.521, F.S.; requiring that each
112 administrator, applicant to become an assisted living
113 facility administrator, and staff member of an
114 assisted living facility meet minimum training
115 requirements established by the Department of Elderly
116 Affairs; requiring that the department, in conjunction

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117 with the Department of Children and Family Services
118 and stakeholders, establish a standardized core
119 training curriculum to be completed by an applicant
120 for licensure as an assisted living facility
121 administrator; providing minimum requirements for the
122 training curriculum; requiring that the department, in
123 conjunction with the Department of Children and Family
124 Services and stakeholders, develop a supplemental
125 course consisting of topics related to extended
126 congregate care, limited mental health, and business
127 operations; requiring that the department, in
128 conjunction with the Department of Children and Family
129 Services and stakeholders, establish a standardized
130 core training curriculum for staff members who provide
131 regular or direct care to residents of an assisted
132 living facility; providing requirements for the
133 training curriculum; requiring that the department, in
134 conjunction with the agency and stakeholders, create
135 competency tests to test an individual's comprehension
136 of the training; providing requirements for the
137 competency tests; requiring that the department
138 establish a panel of mental health professionals to
139 develop a comprehensive, standardized training
140 curriculum and competency tests to satisfy the
141 requirements for mental health training; requiring
142 that the Department of Elderly Affairs, in conjunction
143 with the Department of Children and Family Services
144 and stakeholders, establish curricula for continuing
145 education for administrators and staff members of an

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146 assisted living facility; providing minimum
147 requirements for the required continuing education;
148 requiring that the Department of Elderly Affairs
149 ensure that all continuing education curricula include
150 a test upon completion of the training which
151 demonstrates comprehension of the training; requiring
152 the department to adopt rules; requiring that an
153 applicant for licensure as an assisted living facility
154 administrator complete a minimum number of hours of
155 training and take a competency test; providing a
156 minimum passing score for the competency test;
157 providing requirements for an applicant who fails the
158 competency test; requiring that a licensed
159 administrator receive inservice training regarding the
160 facility's policies and procedures related to resident
161 elopement response; requiring that a licensed
162 administrator of an assisted living facility that has
163 a limited mental health license complete a minimum
164 number of hours of mental health training and pass a
165 competency test related to the training; requiring
166 that a licensed administrator of an assisted living
167 facility that has an extended congregate care license
168 complete a minimum number of hours of extended
169 congregate care training; requiring that a licensed
170 administrator of an assisted living facility that has
171 a limited nursing services license complete a minimum
172 number of hours of training related to the special
173 needs and care of those persons who require limited
174 nursing services; requiring that a licensed

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175 administrator participate in continuing education for
176 a minimum number of contact hours and pass the
177 corresponding test upon completion of the continuing
178 education course; requiring that a staff member of an
179 assisted living facility receive inservice training
180 regarding the facility's policies and procedures
181 related to resident elopement response; requiring that
182 certain staff members of an assisted living facility
183 complete a minimum number of hours of core training;
184 providing for exemptions; requiring that certain staff
185 members of an assisted living facility take a
186 competency test that assesses the staff member's
187 knowledge and comprehension of the required core
188 training; providing a minimum passing score for the
189 competency test; providing requirements for a staff
190 member who fails the competency test; requiring that a
191 staff member who provides regular or direct care to
192 residents of an assisted living facility that has a
193 limited mental health license complete a minimum
194 number of hours of mental health training and take a
195 competency test; providing a minimum passing score;
196 prohibiting a staff member from providing direct care
197 to residents until the staff member passes the
198 competency test; requiring that a staff member of an
199 assisted living facility who prepares or serves food
200 receive inservice training in safe food handling
201 practices; requiring that a staff member of an
202 assisted living facility who manages medications and
203 assists with the self-administration of medications

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204 complete training provided by a registered nurse,
205 licensed pharmacist, or department staff; requiring
206 that the Department of Elderly Affairs establish
207 requirements for the training; requiring that other
208 staff members of an assisted living facility
209 participate in training relevant to their job duties
210 as specified by rule of the department; authorizing
211 the department or the Agency for Health Care
212 Administration to provide additional training if
213 necessary; requiring that staff members who provide
214 regular or direct care to residents of an assisted
215 living facility participate in continuing education
216 and pass the corresponding test upon completion of the
217 continuing education course; prohibiting a staff
218 member from providing regular or direct care to
219 residents under certain conditions; creating s.
220 429.522, F.S.; providing definitions; requiring that
221 the Department of Elderly Affairs approve and provide
222 oversight for third-party credentialing entities for
223 the purpose of developing and administering core
224 trainer certification programs for persons providing
225 training to applicants for licensure as an assisted
226 living facility administrator and as a staff member of
227 an assisted living facility; requiring that a third-
228 party credentialing entity meet certain requirements
229 in order to obtain approval for developing and
230 administering the core trainer certification programs;
231 requiring that an individual seeking core trainer
232 certification provide a third-party credentialing

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233 entity with proof of certain requirements; requiring
234 that the department adopt rules; creating s. 429.55,
235 F.S.; providing definitions; defining when an
236 electronic monitoring device that is placed in the
237 room of a resident of an assisted living facility is
238 considered to be covert; providing that the Agency for
239 Health Care Administration and the facility are not
240 civilly liable in connection with the covert placement
241 or use of an electronic monitoring device in the room
242 of the resident; requiring that the agency prescribe
243 by rule a form that must be completed and signed when
244 a resident is admitted to a facility; providing
245 requirements for the form; authorizing certain persons
246 to request electronic monitoring; providing for the
247 form prescribed by the agency to require that the
248 resident release the facility from any civil liability
249 for a violation of the resident's privacy rights in
250 connection with the use of the electronic monitoring
251 device, choose whether the camera will be
252 unobstructed, and obtain the consent of the other
253 residents in the room if the resident resides in a
254 multiperson room; requiring prior consent under
255 certain circumstances; requiring that the agency adopt
256 rules; requiring that the facility allow a resident or
257 the resident's guardian or legal representative to
258 monitor the room of the resident through the use of
259 electronic monitoring devices; requiring that the
260 facility require a resident who conducts authorized
261 electronic monitoring to post a conspicuous notice at

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262 the entrance of the resident's room; providing that
263 electronic monitoring of the room of a resident is not
264 compulsory; prohibiting a facility from refusing to
265 admit an individual to residency in the facility or
266 from removing a resident from the facility because of
267 a request to conduct authorized electronic monitoring;
268 requiring that a facility make reasonable physical
269 accommodations for authorized electronic monitoring;
270 authorizing a facility to require that an electronic
271 monitoring device be installed in a manner that is
272 safe; authorizing a facility to require that a
273 resident conduct electronic monitoring in plain view;
274 authorizing a facility to place a resident in a
275 different room in order to accommodate a request to
276 conduct authorized electronic monitoring; requiring
277 that a person report abuse or neglect to the central
278 abuse hotline of the Department of Children and Family
279 Services based on the person's viewing of or listening
280 to a tape or recording; providing requirements for
281 reporting the abuse or neglect; providing that a tape
282 or recording created through the use of covert or
283 authorized electronic monitoring may be admitted into
284 evidence in a civil or criminal court action or
285 administrative proceeding; providing requirements for
286 such admission; requiring that each facility post a
287 notice at the entrance to the facility stating that
288 the rooms of some residents are monitored
289 electronically by or on behalf of the residents;
290 authorizing the Agency for Health Care Administration

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291 to impose administrative sanctions against an
292 administrator of an assisted living facility under
293 certain circumstances; requiring the agency to adopt
294 rules; providing an effective date.

295
296 Be It Enacted by the Legislature of the State of Florida:

297
298 Section 1. Subsection (2) of section 394.4574, Florida
299 Statutes, is amended to read:

300 394.4574 Department responsibilities for a mental health
301 resident who resides in an assisted living facility that holds a
302 limited mental health license.—

303 (2) The department must ensure that:

304 (a) A mental health resident has been assessed by a
305 psychiatrist, clinical psychologist, clinical social worker, or
306 psychiatric nurse, or an individual who is supervised by one of
307 these professionals, and determined to be appropriate to reside
308 in an assisted living facility. The documentation must be
309 provided to the administrator of the facility within 30 days
310 after the mental health resident has been admitted to the
311 facility. An evaluation completed upon discharge from a state
312 mental hospital meets the requirements of this subsection
313 related to appropriateness for placement as a mental health
314 resident if it was completed within 90 days prior to admission
315 to the facility.

316 (b) A cooperative agreement, as required in s. 429.075, is
317 developed between the mental health care services provider that
318 serves a mental health resident and the administrator of the
319 assisted living facility with a limited mental health license in

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320 which the mental health resident is living. Any entity that
321 provides Medicaid prepaid health plan services shall ensure the
322 appropriate coordination of health care services with an
323 assisted living facility in cases where a Medicaid recipient is
324 both a member of the entity's prepaid health plan and a resident
325 of the assisted living facility. If the entity is at risk for
326 Medicaid targeted case management and behavioral health
327 services, the entity shall inform the assisted living facility
328 of the procedures to follow should an emergent condition arise.

329 (c) The community living support plan, as defined in s.
330 429.02, has been prepared by a mental health resident and a
331 mental health case manager of that resident in consultation with
332 the administrator of the facility or the administrator's
333 designee. The plan must be provided to the administrator of the
334 assisted living facility with a limited mental health license in
335 which the mental health resident lives. The support plan and the
336 agreement may be in one document.

337 (d) The assisted living facility with a limited mental
338 health license is provided with documentation that the
339 individual meets the definition of a mental health resident.

340 (e) The mental health services provider assigns a case
341 manager to each mental health resident who lives in an assisted
342 living facility with a limited mental health license. The case
343 manager is responsible for coordinating the development of and
344 implementation of the community living support plan defined in
345 s. 429.02. The plan must be updated at least annually in order
346 to ensure that the ongoing needs of the resident are addressed.
347 Each case manager shall keep a record of the date and time of
348 any face-to-face interaction with a mental health resident and

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349 make the record available to the department for inspection. The
350 record must be maintained for 2 years following the date of the
351 interaction.

352 (f) There is adequate and consistent monitoring and
353 enforcement of community living support plans and cooperative
354 agreements.

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

357 400.0078 Citizen access to State Long-Term Care Ombudsman
358 Program services.—

359 (2) Every resident or representative of a resident shall
360 receive, upon admission to a long-term care facility,
361 information regarding the purpose of the State Long-Term Care
362 Ombudsman Program, the statewide toll-free telephone number for
363 receiving complaints, the confidentiality of a complainant's
364 name and identity and of the subject matter of a complaint, and
365 other relevant information regarding how to contact the program.
366 Residents or their representatives must be furnished additional
367 copies of this information upon request.

368 Section 3. Subsection (1) of section 415.103, Florida
369 Statutes, is amended to read:

370 415.103 Central abuse hotline.—

371 (1) The department shall establish and maintain a central
372 abuse hotline that receives all reports made pursuant to s.
373 415.1034 or s. 429.55 in writing or through a single statewide
374 toll-free telephone number. Any person may use the statewide
375 toll-free telephone number to report known or suspected abuse,
376 neglect, or exploitation of a vulnerable adult at any hour of
377 the day or night, any day of the week. The central abuse hotline

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378 must be operated in such a manner as to enable the department
379 to:

380 (a) Accept reports for investigation when there is a
381 reasonable cause to suspect that a vulnerable adult has been or
382 is being abused, neglected, or exploited.

383 (b) Determine whether the allegations made by the reporter
384 require an immediate, 24-hour, or next-working-day response
385 priority.

386 (c) When appropriate, refer calls that do not allege the
387 abuse, neglect, or exploitation of a vulnerable adult to other
388 organizations that might better resolve the reporter's concerns.

389 (d) Immediately identify and locate prior reports of abuse,
390 neglect, or exploitation through the central abuse hotline.

391 (e) Track critical steps in the investigative process to
392 ensure compliance with all requirements for all reports.

393 (f) Maintain data to facilitate the production of aggregate
394 statistical reports for monitoring patterns of abuse, neglect,
395 or exploitation.

396 (g) Serve as a resource for the evaluation, management, and
397 planning of preventive and remedial services for vulnerable
398 adults who have been subject to abuse, neglect, or exploitation.

399 Section 4. Paragraph (a) of subsection (1) of section
400 415.1034, Florida Statutes, is amended to read:

401 415.1034 Mandatory reporting of abuse, neglect, or
402 exploitation of vulnerable adults; mandatory reports of death.-

403 (1) MANDATORY REPORTING.-

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

405 1. Physician, osteopathic physician, medical examiner,
406 chiropractic physician, nurse, paramedic, emergency medical

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407 technician, or hospital personnel engaged in the admission,
408 examination, care, or treatment of vulnerable adults;

409 2. Health professional or mental health professional other
410 than one listed in subparagraph 1.;

411 3. Practitioner who relies solely on spiritual means for
412 healing;

413 4. Nursing home staff; assisted living facility staff;
414 adult day care center staff; adult family-care home staff;
415 social worker; or other professional adult care, residential, or
416 institutional staff;

417 5. State, county, or municipal criminal justice employee or
418 law enforcement officer;

419 6. An employee of the Department of Business and
420 Professional Regulation conducting inspections of public lodging
421 establishments under s. 509.032;

422 7. Florida advocacy council member or long-term care
423 ombudsman council member; ~~or~~

424 8. Bank, savings and loan, or credit union officer,
425 trustee, or employee; or

426 9. Employee or agent of any state or local agency that has
427 regulatory responsibilities concerning, or provides services to,
428 persons in state-licensed facilities,

429
430 who knows, or has reasonable cause to suspect, that a vulnerable
431 adult has been or is being abused, neglected, or exploited shall
432 immediately report such knowledge or suspicion to the central
433 abuse hotline.

434 Section 5. Present subsections (15) through (26) of section
435 429.02, Florida Statutes, are renumbered as subsections (16)

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436 through (27), respectively, and a new subsection (15) is added
437 to that section, to read:

438 429.02 Definitions.—When used in this part, the term:

439 (15) "Mental health professional" means an individual
440 licensed under chapter 458, chapter 459, chapter 464, chapter
441 490, or chapter 491 who provides mental health services as
442 defined under s. 394.67, or an individual who has at least 5
443 years of experience providing services that improve an
444 individual's mental health or treat mental illness.

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

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

450 (1) To obtain a limited mental health license, a facility
451 must hold a standard license as an assisted living facility and
452 must not have any current uncorrected deficiencies or
453 violations. ~~The, and must ensure that, within 6 months after~~
454 ~~receiving a limited mental health license, the facility~~
455 ~~administrator and the staff of the facility who are in direct~~
456 ~~contact with mental health residents must complete training of~~
457 ~~no less than 6 hours related to their duties. Such designation~~
458 may be made at the time of initial licensure or relicensure or
459 upon request in writing by a licensee under this part and part
460 II of chapter 408. Notification of approval or denial of such
461 request shall be made in accordance with this part, part II of
462 chapter 408, and applicable rules. This training will be
463 provided by or approved by the Department of Children and Family
464 Services.

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465 (2) A facility ~~Facilities~~ licensed to provide services to
466 mental health residents shall provide appropriate supervision
467 and staffing to provide for the health, safety, and welfare of
468 such residents. Each administrator and staff member of a
469 facility licensed to provide services to mental health residents
470 must meet the limited mental health training requirements set
471 forth in s. 429.521 in addition to any other training or
472 education requirements.

473 (3) A facility that has a limited mental health license
474 must:

475 (a) Have a copy of each mental health resident's community
476 living support plan and the cooperative agreement with the
477 mental health care services provider. The support plan and the
478 agreement may be combined.

479 (b) Have documentation that is provided by the Department
480 of Children and Family Services that each mental health resident
481 has been assessed and determined to be able to live in the
482 community in an assisted living facility with a limited mental
483 health license.

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

488 (d) Assist the mental health resident in carrying out the
489 activities identified in the individual's community living
490 support plan.

491 (4) A facility with a limited mental health license may
492 enter into a cooperative agreement with a private mental health
493 provider. For purposes of the limited mental health license, the

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494 private mental health provider may act as the case manager.

495 Section 7. Section 429.176, Florida Statutes, is amended to
496 read:

497 429.176 Notice of change of administrator.—If, during the
498 period for which a license is issued, the owner changes
499 administrators, the owner must notify the agency of the change
500 within 10 days and provide documentation within 90 days that the
501 new administrator is licensed under s. 429.50 and has completed
502 the applicable core training ~~educational~~ requirements under s.
503 429.521(2) ~~s. 429.52~~.

504 Section 8. Subsection (2) of section 429.178, Florida
505 Statutes, is amended to read:

506 429.178 Special care for persons with Alzheimer's disease
507 or other related disorders.—

508 (2) (a) An individual who is employed by a facility that
509 provides special care for residents with Alzheimer's disease or
510 other related disorders, and who has regular contact with such
511 residents, must complete up to 4 hours of initial dementia-
512 specific training developed or approved by the department. The
513 training shall be completed within 3 months after beginning
514 employment and shall satisfy the core training requirements of
515 s. 429.521(3) ~~s. 429.52(2)(g)~~.

516 (b) A direct caregiver who is employed by a facility that
517 provides special care for residents with Alzheimer's disease or
518 other related disorders, and who provides direct care to such
519 residents, must complete the required initial training and 4
520 additional hours of training developed or approved by the
521 department. The training shall be completed within 9 months
522 after beginning employment and shall satisfy the core training

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523 requirements of s. 429.521(3) ~~s. 429.52(2)(g)~~.

524 (c) An individual who is employed by a facility that
525 provides special care for residents with Alzheimer's disease or
526 other related disorders, but who only has incidental contact
527 with such residents, must be given, at a minimum, general
528 information on interacting with individuals with Alzheimer's
529 disease or other related disorders, within 3 months after
530 beginning employment.

531 Section 9. Subsections (1) and (2) of section 429.28,
532 Florida Statutes, are amended to read:

533 429.28 Resident bill of rights.—

534 (1) A ~~No~~ resident of a facility may not ~~shall~~ be deprived
535 of any civil or legal rights, benefits, or privileges guaranteed
536 by law, the Constitution of the State of Florida, or the
537 Constitution of the United States as a resident of a facility.
538 Every resident of a facility shall have the right to:

539 (a) Live in a safe and decent living environment, free from
540 abuse and neglect.

541 (b) Be treated with consideration and respect and with due
542 recognition of personal dignity, individuality, and the need for
543 privacy.

544 (c) Retain and use his or her own clothes and other
545 personal property in his or her immediate living quarters, so as
546 to maintain individuality and personal dignity, except when the
547 facility can demonstrate that such would be unsafe, impractical,
548 or an infringement upon the rights of other residents.

549 (d) Unrestricted private communication, including receiving
550 and sending unopened correspondence, access to a telephone, and
551 visiting with any person of his or her choice, at any time

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552 between the hours of 9 a.m. and 9 p.m. at a minimum. Upon
553 request, the facility shall make provisions to extend visiting
554 hours for caregivers and out-of-town guests, and in other
555 similar situations.

556 (e) Freedom to participate in and benefit from community
557 services and activities and to achieve the highest possible
558 level of independence, autonomy, and interaction within the
559 community.

560 (f) Manage his or her financial affairs unless the resident
561 or, if applicable, the resident's representative, designee,
562 surrogate, guardian, or attorney in fact authorizes the
563 administrator of the facility to provide safekeeping for funds
564 as provided in s. 429.27.

565 (g) Share a room with his or her spouse if both are
566 residents of the facility.

567 (h) Reasonable opportunity for regular exercise several
568 times a week and to be outdoors at regular and frequent
569 intervals except when prevented by inclement weather.

570 (i) Exercise civil and religious liberties, including the
571 right to independent personal decisions. No religious beliefs or
572 practices, nor any attendance at religious services, shall be
573 imposed upon any resident.

574 (j) Access to adequate and appropriate health care
575 consistent with established and recognized standards within the
576 community.

577 (k) At least 30 ~~45~~ days' notice of relocation or
578 termination of residency from the facility unless, for medical
579 reasons, the resident is certified by a physician to require an
580 emergency relocation to a facility providing a more skilled

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581 level of care or the resident engages in a pattern of conduct
582 that is harmful or offensive to other residents. In the case of
583 a resident who has been adjudicated mentally incapacitated, the
584 guardian shall be given at least 30 ~~45~~ days' notice of a
585 nonemergency relocation or residency termination. Reasons for
586 relocation shall be set forth in writing. A resident or the
587 resident's legal guardian or representative may challenge the
588 notice of relocation or termination of residency from the
589 facility pursuant to s. 429.281. ~~In order for a facility to~~
590 ~~terminate the residency of an individual without notice as~~
591 ~~provided herein, the facility shall show good cause in a court~~
592 ~~of competent jurisdiction.~~

593 (1) Present grievances and recommend changes in policies,
594 procedures, and services to the staff of the facility, governing
595 officials, or any other person without restraint, interference,
596 coercion, discrimination, or reprisal. Each facility shall
597 establish a grievance procedure to facilitate the residents'
598 exercise of this right. This right includes access to ombudsman
599 volunteers and advocates and the right to be a member of, to be
600 active in, and to associate with advocacy or special interest
601 groups.

602 (m) Place in the resident's room an electronic monitoring
603 device that is owned and operated by the resident or provided by
604 the resident's guardian or legal representative pursuant to s.
605 429.55.

606 (2) The administrator of a facility shall ensure that a
607 written notice of the rights, obligations, and prohibitions set
608 forth in this part is posted in a prominent place in each
609 facility and read or explained to residents who cannot read.

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610 This notice shall include the name, address, and telephone
611 numbers of the local ombudsman council and central abuse hotline
612 and, when applicable, the Advocacy Center for Persons with
613 Disabilities, Inc., and the Florida local advocacy council,
614 where complaints may be lodged. The notice must state that the
615 names or identities of the complainants, or residents involved
616 in a complaint, and the subject matter of a complaint made to
617 the Office of State Long-Term Care Ombudsman or a local long-
618 term care ombudsman council are confidential pursuant to s.
619 400.0077. The facility must ensure a resident's access to a
620 telephone to call the local ombudsman council, central abuse
621 hotline, Advocacy Center for Persons with Disabilities, Inc.,
622 and the Florida local advocacy council.

623 Section 10. Section 429.281, Florida Statutes, is created
624 to read:

625 429.281 Resident relocation or termination of residency;
626 requirements and procedures; hearings.-

627 (1) As used in this section, the term:

628 (a) "Relocation" means to move a resident from the facility
629 to another facility that is responsible for the resident's care.

630 (b) "Termination of residency" means to release a resident
631 from the facility and the releasing facility ceases to be
632 responsible for the resident's care.

633 (2) Each facility licensed under this part must comply with
634 s. 429.28(1)(k) when a decision is made to relocate or terminate
635 the residency of a resident.

636 (3) At least 30 days before a proposed relocation or
637 termination of residency, the facility must provide advance
638 notice of the proposed relocation or termination of residency to

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639 the resident and, if known, to a family member or the resident's
640 legal guardian or representative. However, in the following
641 circumstances the facility shall give notice as soon as is
642 practicable before the relocation or termination of residency:

643 (a) The relocation or termination of residency is necessary
644 for the resident's welfare or because the resident's needs
645 cannot be met in the facility, and the circumstances are
646 documented in the resident's record; or

647 (b) The health or safety of other residents or employees of
648 the facility would be endangered, and the circumstances are
649 documented in the resident's record.

650 (4) The notice required by subsection (3) must be in
651 writing and contain all information required by rule. The agency
652 shall develop a standard document to be used by all facilities
653 licensed under this part for purposes of notifying residents of
654 a relocation or termination of residency. This document must
655 include information on how a resident may request the local
656 long-term care ombudsman council to review the notice and
657 request information about or assistance with initiating a
658 hearing with the Office of Appeals Hearings of the Department of
659 Children and Family Services to challenge the relocation or
660 termination of residency. In addition to any other pertinent
661 information, the form must require the facility to specify the
662 reason that the resident is being relocated or the residency is
663 being terminated, along with an explanation to support this
664 action. In addition, the form must require the facility to state
665 the effective date of the relocation or termination of residency
666 and the location to which the resident is being relocated, if
667 known. The form must clearly describe the resident's challenge

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668 rights and the procedures for filing a challenge. A copy of the
669 notice must be given to the resident, the resident's legal
670 guardian or representative, if applicable, and the local long-
671 term care ombudsman council within 5 business days after
672 signature by the resident or the resident's legal guardian or
673 representative, and a copy must be placed in the resident's
674 file.

675 (5) A resident is entitled to a hearing to challenge a
676 facility's proposed relocation or termination of residency. A
677 resident may request that the local long-term care ombudsman
678 council review any notice of relocation or termination of
679 residency given to the resident. If requested, the local long-
680 term care ombudsman council shall assist the resident, or the
681 resident's legal guardian or representative, with filing a
682 challenge to the proposed relocation or termination of
683 residency. The resident, or the resident's legal guardian or
684 representative, may request a hearing at any time within 10 days
685 after the resident's receipt of the facility's notice of the
686 proposed relocation or termination of residency. If a resident,
687 or the resident's legal guardian or representative, requests a
688 hearing, the request shall stay the proposed relocation or
689 termination of residency pending a decision from the hearing
690 officer. The facility may not impede the resident's right to
691 remain in the facility, and the resident may remain in the
692 facility until the outcome of the initial hearing, which must be
693 completed within 15 days after receipt of a request for a
694 hearing, unless both the facility and the resident, or the
695 resident's legal guardian or representative, agree to extend the
696 deadline for the decision.

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697 (6) Notwithstanding subsection (5), an emergency relocation
698 or termination of residency may be implemented as necessary
699 pursuant to state or federal law during the period after the
700 notice is given and before the time in which the hearing officer
701 renders a decision. Notice of an emergency relocation or
702 termination of residency must be made by telephone or in person
703 and given to the resident, the resident's legal guardian or
704 representative, and the local long-term care ombudsman council,
705 if requested. This notice must be given before the relocation,
706 if possible, or as soon thereafter as practical. The resident's
707 file must contain documentation to show who was contacted,
708 whether the contact was by telephone or in person, and the date
709 and time of the contact. Written notice that meets the
710 requirements of subsection (4) must be given the next business
711 day.

712 (7) The following persons must be present at each hearing
713 authorized under this section:

714 (a) The resident or the resident's legal guardian or
715 representative.

716 (b) The facility administrator or the facility's legal
717 representative or designee.

718
719 A representative of the local long-term care ombudsman council
720 may be present at each hearing authorized by this section.

721 (8) (a) The Office of Appeals Hearings of the Department of
722 Children and Family Services shall conduct hearings under this
723 section. The office shall notify the facility of a resident's
724 request for a hearing.

725 (b) The Department of Children and Family Services shall

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726 establish procedures by rule which shall be used for hearings
727 requested by residents. The burden of proof is by the
728 preponderance of the evidence. A hearing officer shall render a
729 decision within 15 days after receipt of the request for a
730 hearing, unless the facility and the resident, or the resident's
731 legal guardian or representative, agree to extend the deadline
732 for a decision.

733 (c) If the hearing officer's decision is favorable to a
734 resident who has already been relocated or whose residency has
735 been terminated, the resident must be readmitted to the facility
736 as soon as a bed is available.

737 (d) The decision of the hearing officer is final. Any
738 aggrieved party may appeal the decision to the district court of
739 appeal in the appellate district where the facility is located.
740 Review procedures shall be conducted in accordance with the
741 Florida Rules of Appellate Procedure.

742 (9) The Department of Children and Family Services may
743 adopt rules as necessary to administer this section.

744 (10) This section applies to relocations or terminations of
745 residency that are initiated by the assisted living facility,
746 and does not apply to those initiated by the resident or by the
747 resident's physician, legal guardian, or representative.

748 Section 11. Section 429.52, Florida Statutes, is amended to
749 read:

750 429.52 Preservice orientation ~~Staff training and~~
751 ~~educational programs; core educational requirement.-~~

752 (1) Each employee and administrator of an assisted living
753 facility who is newly hired on or after July 1, 2012, shall
754 attend a preservice orientation provided by the assisted living

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755 facility which covers topics that enable an employee to relate
756 and respond to the population of that facility. The orientation
757 must be at least 2 hours in duration and, at a minimum, cover
758 the following topics:

759 (a) Care of persons who have Alzheimer's disease or other
760 related disorders;

761 (b) Deescalation techniques;

762 (c) Aggression control;

763 (d) Elopement prevention; and

764 (e) Behavior management.

765 (2) Upon completion of the preservice orientation, the
766 employee shall sign an affidavit, under penalty of perjury,
767 stating that he or she has completed the preservice orientation.
768 The administrator of the assisted living facility shall maintain
769 the signed affidavit in each employee's work file.

770 ~~(1) Administrators and other assisted living facility staff~~
771 ~~must meet minimum training and education requirements~~
772 ~~established by the Department of Elderly Affairs by rule. This~~
773 ~~training and education is intended to assist facilities to~~
774 ~~appropriately respond to the needs of residents, to maintain~~
775 ~~resident care and facility standards, and to meet licensure~~
776 ~~requirements.~~

777 ~~(2) The department shall establish a competency test and a~~
778 ~~minimum required score to indicate successful completion of the~~
779 ~~training and educational requirements. The competency test must~~
780 ~~be developed by the department in conjunction with the agency~~
781 ~~and providers. The required training and education must cover at~~
782 ~~least the following topics:~~

783 ~~(a) State law and rules relating to assisted living~~

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784 facilities.

785 ~~(b) Resident rights and identifying and reporting abuse,~~
786 ~~neglect, and exploitation.~~

787 ~~(c) Special needs of elderly persons, persons with mental~~
788 ~~illness, and persons with developmental disabilities and how to~~
789 ~~meet those needs.~~

790 ~~(d) Nutrition and food service, including acceptable~~
791 ~~sanitation practices for preparing, storing, and serving food.~~

792 ~~(e) Medication management, recordkeeping, and proper~~
793 ~~techniques for assisting residents with self-administered~~
794 ~~medication.~~

795 ~~(f) Firesafety requirements, including fire evacuation~~
796 ~~drill procedures and other emergency procedures.~~

797 ~~(g) Care of persons with Alzheimer's disease and related~~
798 ~~disorders.~~

799 ~~(3) Effective January 1, 2004, a new facility administrator~~
800 ~~must complete the required training and education, including the~~
801 ~~competency test, within a reasonable time after being employed~~
802 ~~as an administrator, as determined by the department. Failure to~~
803 ~~do so is a violation of this part and subjects the violator to~~
804 ~~an administrative fine as prescribed in s. 429.19.~~

805 ~~Administrators licensed in accordance with part II of chapter~~
806 ~~468 are exempt from this requirement. Other licensed~~
807 ~~professionals may be exempted, as determined by the department~~
808 ~~by rule.~~

809 ~~(4) Administrators are required to participate in~~
810 ~~continuing education for a minimum of 12 contact hours every 2~~
811 ~~years.~~

812 ~~(5) Staff involved with the management of medications and~~

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813 ~~assisting with the self-administration of medications under s.~~
814 ~~429.256 must complete a minimum of 4 additional hours of~~
815 ~~training provided by a registered nurse, licensed pharmacist, or~~
816 ~~department staff. The department shall establish by rule the~~
817 ~~minimum requirements of this additional training.~~

818 ~~(6) Other facility staff shall participate in training~~
819 ~~relevant to their job duties as specified by rule of the~~
820 ~~department.~~

821 ~~(7) If the department or the agency determines that there~~
822 ~~are problems in a facility that could be reduced through~~
823 ~~specific staff training or education beyond that already~~
824 ~~required under this section, the department or the agency may~~
825 ~~require, and provide, or cause to be provided, the training or~~
826 ~~education of any personal care staff in the facility.~~

827 ~~(8) The department shall adopt rules related to these~~
828 ~~training requirements, the competency test, necessary~~
829 ~~procedures, and competency test fees and shall adopt or contract~~
830 ~~with another entity to develop a curriculum, which shall be used~~
831 ~~as the minimum core training requirements. The department shall~~
832 ~~consult with representatives of stakeholder associations and~~
833 ~~agencies in the development of the curriculum.~~

834 ~~(9) The training required by this section shall be~~
835 ~~conducted by persons registered with the department as having~~
836 ~~the requisite experience and credentials to conduct the~~
837 ~~training. A person seeking to register as a trainer must provide~~
838 ~~the department with proof of completion of the minimum core~~
839 ~~training education requirements, successful passage of the~~
840 ~~competency test established under this section, and proof of~~
841 ~~compliance with the continuing education requirement in~~

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842 ~~subsection (4).~~

843 ~~(10) A person seeking to register as a trainer must also:~~

844 ~~(a) Provide proof of completion of a 4-year degree from an~~
845 ~~accredited college or university and must have worked in a~~
846 ~~management position in an assisted living facility for 3 years~~
847 ~~after being core certified;~~

848 ~~(b) Have worked in a management position in an assisted~~
849 ~~living facility for 5 years after being core certified and have~~
850 ~~1 year of teaching experience as an educator or staff trainer~~
851 ~~for persons who work in assisted living facilities or other~~
852 ~~long-term care settings;~~

853 ~~(c) Have been previously employed as a core trainer for the~~
854 ~~department; or~~

855 ~~(d) Meet other qualification criteria as defined in rule,~~
856 ~~which the department is authorized to adopt.~~

857 ~~(11) The department shall adopt rules to establish trainer~~
858 ~~registration requirements.~~

859 Section 12. Section 429.50, Florida Statutes, is created to
860 read:

861 429.50 Licensure of assisted living facility
862 administrators.—

863 (1) An assisted living facility may not operate in this
864 state unless the facility is under the management of an assisted
865 living facility administrator who holds a valid license or
866 provisional license.

867 (2) In order to be eligible to be licensed as an assisted
868 living facility administrator, an applicant must:

869 (a) Be at least 21 years old;

870 (b) Meet the educational requirements under subsection (5);

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871 (c) Complete the training requirements in s. 429.521(2);
872 (d) Pass all required competency tests required in s.
873 429.521(2) with a minimum score of 80;
874 (e) Complete background screening pursuant to s. 429.174;
875 and
876 (f) Otherwise meet the requirements of this part.
877 (3) (a) An assisted living facility administrator who has
878 been employed continuously for at least the 2 years immediately
879 before July 1, 2012, is eligible for licensure without meeting
880 the educational requirements of this section and without
881 completing the required core training and passing the competency
882 test if proof of compliance with the continuing education
883 requirements in this part is submitted to the agency and the
884 applicant has not been an administrator of a facility that was
885 cited for a class I or class II violation within the previous 2
886 years.
887 (b) Notwithstanding paragraph (a), an assisted living
888 facility administrator who has been employed continuously for at
889 least the 2 years immediately before July 1, 2012, must complete
890 the mental health training and pass the competency test required
891 in s. 429.521(2)(c) if the administrator is employed at a
892 facility that has a mental health license, and the administrator
893 must complete the supplemental training required in s.
894 429.521(2)(b) before licensure.
895 (4) (a) An administrator who is licensed in accordance with
896 part II of chapter 468 is exempt from the educational
897 requirements of this section and the core training requirements
898 in s. 429.521(2). Any other licensed professional may be
899 exempted as determined by the agency by rule.

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900 (b) Notwithstanding paragraph (a), an administrator who is
901 licensed in accordance with part II of chapter 468, and any
902 other licensed professional who is exempted by rule, and who is
903 employed at a facility that has a mental health license must
904 complete the mental health training and pass the competency test
905 required in s.429.521(2)(c) and must complete the supplemental
906 training required in s. 429.521(2)(b) before licensure.

907 (5) Before licensure, the applicant must submit to the
908 agency proof that he or she is at least 21 years old and has a
909 4-year baccalaureate degree that includes some coursework in
910 health care, gerontology, or geriatrics. An applicant who
911 submits proof to the agency that he or she has a 4-year
912 baccalaureate degree or a 2-year associate degree that includes
913 coursework in health care, gerontology, or geriatrics, and has
914 provided at least 2 years of direct care in an assisted living
915 facility or nursing home is also eligible for licensure.

916 (6) The agency shall issue a license as an assisted living
917 facility administrator to any applicant who successfully
918 completes the required training and passes the competency tests
919 in accordance with s. 429.521, provides the requisite proof of
920 required education, and otherwise meets the requirements of this
921 part.

922 (7) The agency shall establish licensure fees for licensure
923 as an assisted living facility administrator, which shall be
924 renewed biennially and may not exceed \$250 for the initial
925 licensure or \$250 for each licensure renewal.

926 Section 13. Section 429.512, Florida Statutes, is created
927 to read:

928 429.512 Provisional licenses; inactive status.-

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929 (1) The agency may establish by rule requirements for
930 issuance of a provisional license. A provisional license may be
931 issued only for the purpose of filling a position of an assisted
932 living facility administrator which unexpectedly becomes vacant
933 and may be issued for one single period as provided by rule,
934 which may not exceed 6 months. The provisional license may be
935 issued to a person who does not meet all of the licensure
936 requirements established in s. 429.50, but the agency shall by
937 rule establish minimal requirements to ensure protection of the
938 public health, safety, and welfare. The provisional license may
939 be issued to the person who is designated as the responsible
940 person next in command if the position of an assisted living
941 facility administrator becomes vacant. The agency may set an
942 application fee for a provisional license which may not exceed
943 \$500.

944 (2) An administrator's license becomes inactive if the
945 administrator does not complete the continuing education courses
946 and pass the corresponding tests within the requisite time or if
947 the administrator does not timely pay the licensure renewal fee.
948 An administrator may also apply for inactive license status. The
949 agency shall adopt rules governing the application procedures
950 for obtaining an inactive license status, the renewal of an
951 inactive license, and the reactivation of a license. The agency
952 shall prescribe by rule an application fee for inactive license
953 status, a renewal fee for inactive license status, a delinquency
954 fee, and a fee for reactivating a license. These fees may not
955 exceed the amount established by the agency for the biennial
956 renewal fee for an active license.

957 (3) The agency may not reactivate a license unless the

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958 inactive or delinquent licensee has paid any applicable biennial
959 renewal or delinquency fees and the reactivation fee.

960 Section 14. Section 429.521, Florida Statutes, is created
961 to read:

962 429.521 Training requirements.-

963 (1) GENERAL REQUIREMENTS.-

964 (a) Each administrator, applicant to become assisted living
965 facility administrator, or staff member of an assisted living
966 facility must meet minimum training requirements established by
967 rule by the Department of Elderly Affairs. This training is
968 intended to assist facilities in appropriately responding to the
969 needs of residents, maintaining resident care and facility
970 standards, and meeting licensure requirements.

971 (b) The department, in conjunction with the Department of
972 Children and Family Services and stakeholders, shall establish a
973 standardized core training curriculum that must be completed by
974 an applicant for licensure as an assisted living facility
975 administrator. The curriculum must be offered in English and
976 Spanish, reviewed annually, and updated as needed to reflect
977 changes in the law, rules, and best practices. The required
978 training must cover, at a minimum, the following topics:

979 1. State law and rules relating to assisted living
980 facilities.

981 2. Resident's rights and procedures for identifying and
982 reporting abuse, neglect, and exploitation.

983 3. Special needs of elderly persons, persons who have
984 mental illness, and persons who have developmental disabilities
985 and how to meet those needs.

986 4. Nutrition and food service, including acceptable

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987 sanitation practices for preparing, storing, and serving food.

988 5. Medication management, recordkeeping, and proper
989 techniques for assisting residents who self-administer
990 medication.

991 6. Firesafety requirements, including procedures for fire
992 evacuation drills and other emergency procedures.

993 7. Care of persons who have Alzheimer's disease and related
994 disorders.

995 8. Elopement prevention.

996 9. Aggression and behavior management, deescalation
997 techniques, and proper protocols and procedures of the Baker Act
998 as provided in part I of chapter 394.

999 10. Do not resuscitate orders.

1000 11. Infection control.

1001 12. Admission, continuing residency, and best practices in
1002 the industry.

1003 13. Phases of care and interacting with residents.

1004
1005 The department, in conjunction with the Department of Children
1006 and Family Services and stakeholders, shall also develop a
1007 supplemental course consisting of topics related to extended
1008 congregate care, limited mental health, and business operations,
1009 including, but not limited to, human resources, financial
1010 management, and supervision of staff, which must completed by an
1011 applicant for licensure as an assisted living facility
1012 administrator.

1013 (c) The department, in conjunction with the Department of
1014 Children and Family Services and stakeholders, shall establish a
1015 standardized core training curriculum for staff members of an

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1016 assisted living facility who provide regular or direct care to
1017 residents. This training curriculum must be offered in English
1018 and Spanish, reviewed annually, and updated as needed to reflect
1019 changes in the law, rules, and best practices. The training
1020 curriculum must cover, at a minimum, the following topics:

1021 1. The reporting of major incidents.

1022 2. The reporting of adverse incidents.

1023 3. Emergency procedures, including chain-of-command and
1024 staff roles relating to emergency evacuation.

1025 4. Residents' rights in an assisted living facility.

1026 5. The recognition and reporting of resident abuse,
1027 neglect, and exploitation.

1028 6. Resident behavior and needs.

1029 7. Assistance with the activities of daily living.

1030 8. Infection control.

1031 9. Aggression and behavior management and deescalation
1032 techniques.

1033 (d) The department, in conjunction with the agency and
1034 stakeholders, shall create two competency tests, one for
1035 applicants for licensure as an assisted living facility
1036 administrator and one for staff members of an assisted living
1037 facility who provide regular or direct care to residents, which
1038 test the individual's comprehension of the training required in
1039 paragraphs (b) and (c). The competency tests must be reviewed
1040 annually and updated as needed to reflect changes in the law,
1041 rules, and best practices. The competency tests must be offered
1042 in English and Spanish and may be made available through testing
1043 centers.

1044 (e) The department shall establish a five-member panel of

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1045 mental health professionals to develop a comprehensive,
1046 standardized training curriculum and competency tests to satisfy
1047 the requirements for mental health training in subsections (2)
1048 and (3). The curriculum and tests must be reviewed annually and
1049 updated as needed to reflect changes in the law, rules, and best
1050 practices. The competency tests must be offered in English and
1051 Spanish and may be made available online or through testing
1052 centers.

1053 (f) The department, in conjunction with the Department of
1054 Children and Family Services and stakeholders, shall establish
1055 curricula for continuing education for administrators and staff
1056 members of an assisted living facility. Continuing education
1057 shall include topics similar to that of the core training
1058 required for staff members and applicants for licensure as
1059 assisted living facility administrators. Required continuing
1060 education must, at a minimum, cover the following topics:

- 1061 1. Elopement prevention;
- 1062 2. Deescalation techniques; and
- 1063 3. Phases of care and interacting with residents.

1064 (g) The department shall ensure that all continuing
1065 education curricula include a test upon completion of the
1066 training which demonstrates comprehension of the training. The
1067 training and the test must be offered in English and Spanish,
1068 reviewed annually, and updated as needed to reflect changes in
1069 the law, rules, and best practices. Continuing education and the
1070 required test may be offered through online courses and any fees
1071 associated to the online service shall be borne by the
1072 participant.

1073 (h) The department shall adopt rules related to training

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1074 requirements, competency tests, necessary procedures, and
1075 training and testing fees.

1076 (2) ADMINISTRATORS AND APPLICANTS FOR LICENSURE AS AN
1077 ASSISTED LIVING FACILITY ADMINISTRATOR.—

1078 (a) An applicant for licensure as an assisted living
1079 facility administrator shall complete a minimum of 40 hours of
1080 core training that covers the required topics provided for in
1081 paragraph (1) (b).

1082 (b) In addition to the required 40 hours of core training,
1083 each applicant must complete a minimum of 10 hours of
1084 supplemental training related to extended congregate care,
1085 limited mental health, and business operations, including, but
1086 not limited to, human resources, financial management, and
1087 supervision of staff.

1088 (c) An applicant shall take a competency test that assesses
1089 the applicant's knowledge and comprehension of the required
1090 training provided for in paragraphs (a) and (b). A minimum score
1091 of 80 is required to show successful completion of the training
1092 requirements of this subsection. The applicant taking the test
1093 is responsible for any testing fees.

1094 (d) If an applicant for licensure as an assisted living
1095 facility administrator fails any competency test, the individual
1096 must wait at least 10 days before retaking the test. If the
1097 applicant fails a competency test three times, the individual
1098 must retake the applicable training before retaking the test.

1099 (e) A licensed administrator shall receive at least 1 hour
1100 of inservice training regarding the facility's policies and
1101 procedures related to resident elopement response within 30 days
1102 after employment at a facility. Each administrator must be

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1103 provided a copy of the facility's policies and procedures
1104 related to resident elopement response and shall demonstrate an
1105 understanding and competency in the implementation of these
1106 policies and procedures.

1107 (f) Each licensed administrator of an assisted living
1108 facility that has a limited mental health license must complete
1109 a minimum of 8 hours of mental health training and pass a
1110 competency test related to the training within 30 days after
1111 employment at the facility. A minimum score of 80 is required to
1112 show successful passage of the mental health competency test. An
1113 administrator who does not pass the test within 6 months after
1114 completing the mental health training is ineligible to be an
1115 administrator of an assisted living facility that has a limited
1116 mental health license until the administrator achieves a passing
1117 score. The competency test may be made available online or
1118 through testing centers and must be offered in English and
1119 Spanish.

1120 (g) A licensed administrator of an assisted living facility
1121 that has an extended congregate care license must complete a
1122 minimum of 6 hours of extended congregate care training within
1123 30 days after employment.

1124 (h) A licensed administrator of an assisted living facility
1125 that has a limited nursing services license must complete a
1126 minimum of 4 hours of training related to the special needs and
1127 care of those persons who require limited nursing services
1128 within 30 days after employment.

1129 (i) A licensed administrator must participate in continuing
1130 education for a minimum of 18 contact hours every 2 years and
1131 pass the corresponding test upon completion of the continuing

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1132 education course with a minimum score of 80. Completion of all
1133 continuing education and a passing score on any corresponding
1134 tests must be achieved before license renewal. Continuing
1135 education may be offered through online courses, and any fees
1136 associated to the online service shall be borne by the
1137 participant.

1138 (3) STAFF TRAINING.—

1139 (a) Each staff member of an assisted living facility shall
1140 receive at least 1 hour of inservice training regarding the
1141 facility's policies and procedures related to resident elopement
1142 response within 30 days after employment. Each staff member must
1143 be provided a copy of the facility's policies and procedures
1144 related to resident elopement response and shall demonstrate an
1145 understanding and competency in the implementation of these
1146 policies and procedures.

1147 (b) Each staff member of an assisted living facility who is
1148 hired on or after July 1, 2012, and who provides regular or
1149 direct care to residents, shall complete a minimum of 20 hours
1150 of core training within 90 days after employment at a facility.
1151 The department may exempt nurses, certified nursing assistants,
1152 or home health aides who can demonstrate completion of training
1153 that is substantially similar to that of the core training
1154 required in this paragraph.

1155 (c) Each staff member of an assisted living facility who is
1156 hired on or after July 1, 2012, and who provides regular or
1157 direct care to residents, must take a competency test within 90
1158 days after employment at a facility which assesses the
1159 individual's knowledge and comprehension of the required
1160 training provided for in paragraph (b). A minimum score of 70 on

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1161 the competency test is required to show successful completion of
1162 the training requirements. If a staff member fails the
1163 competency test, the individual must wait at least 10 days
1164 before retaking the test. If a staff member fails the competency
1165 test three times, the individual must retake the initial core
1166 training before retaking the test. If a staff member does not
1167 pass the competency test within 1 year after employment, the
1168 individual may not provide regular or direct care to residents
1169 until the individual successfully passes the test. The
1170 individual taking the test is responsible for any testing fees.

1171 (d) A staff member of an assisted living facility that has
1172 a limited mental health license who provides regular or direct
1173 care to residents must complete a minimum of 8 hours of mental
1174 health training within 30 days after employment. Within 30 days
1175 after this training, the staff member must pass a competency
1176 test related to the mental health training with a minimum score
1177 of 70. If a staff member does not pass the competency test, the
1178 individual may not provide regular or direct care to residents
1179 until the individual successfully passes the test. The
1180 competency test may be made available online or through testing
1181 centers and must be offered in English and Spanish.

1182 (e) A staff member of an assisted living facility who
1183 prepares or serves food must receive a minimum of 1 hour of
1184 inservice training in safe food handling practices within 30
1185 days after employment.

1186 (f) A staff member of an assisted living facility who
1187 manages medications and assists with the self-administration of
1188 medications under s. 429.256 must complete, within 30 days after
1189 employment, a minimum of 4 additional hours of training provided

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1190 by a registered nurse, licensed pharmacist, or department staff.
1191 The department shall establish by rule the minimum requirements
1192 for this training, including continuing education requirements.

1193 (g) Other staff members of an assisted living facility
1194 shall participate in training relevant to their job duties as
1195 specified by rule of the department.

1196 (h) If the department or the agency determines that there
1197 are problems in a facility which could be reduced through
1198 specific staff training beyond that already required under this
1199 subsection, the department or the agency may require and
1200 provide, or cause to be provided, additional training of any
1201 staff member in the facility.

1202 (i) Each staff member of an assisted living facility who
1203 provides regular or direct care to residents must participate in
1204 continuing education for a minimum of 10 contact hours every 2
1205 years and pass the corresponding test upon completion of the
1206 continuing education course with a minimum score of 70. If an
1207 individual does not complete all required continuing education
1208 and pass any corresponding tests within the requisite time
1209 period, the individual may not provide regular or direct care to
1210 residents until the individual does so. Continuing education may
1211 be offered through online courses and any fees associated to the
1212 online service shall be borne by the participant.

1213 Section 15. Section 429.522, Florida Statutes, is created
1214 to read:

1215 429.522 Core training providers; certification.-

1216 (1) DEFINITIONS.-As used in this section, the term:

1217 (a) "Core trainer certification" means a professional
1218 credential awarded to individuals demonstrating core competency

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1219 in the assisted living facility practice area by a department-
1220 approved third-party credentialing entity.

1221 (b) "Core competency" means the minimum knowledge, skills,
1222 and abilities necessary to perform work responsibilities.

1223 (c) "Core curriculum" means the minimum statewide training
1224 content that is based upon the core competencies and is made
1225 available to persons providing services at an assisted living
1226 facility.

1227 (d) "Third-party credentialing entity" means a department-
1228 approved nonprofit organization that has met nationally
1229 recognized standards for developing and administering
1230 professional certification programs.

1231 (2) THIRD-PARTY CREDENTIALING ENTITIES.—The department
1232 shall approve and provide oversight for one or more third-party
1233 credentialing entities for the purpose of developing and
1234 administering core trainer certification programs for persons
1235 providing training to applicants for licensure as an assisted
1236 living facility administrator and to staff members of an
1237 assisted living facility. A third-party credentialing entity
1238 shall request this approval in writing from the department. In
1239 order to obtain approval, the third-party credentialing entity
1240 shall:

1241 (a) Establish professional requirements and standards that
1242 applicants must achieve in order to obtain core trainer
1243 certification and to maintain such certification. At a minimum,
1244 an applicant shall meet one of the following requirements:

1245 1. Provide proof of completion of a 4-year baccalaureate
1246 degree from an accredited college or university and have worked
1247 in a management position in an assisted living facility for at

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1248 least 3 years after obtaining core trainer certification;

1249 2. Have worked in a management position in an assisted
1250 living facility for at least 5 years after obtaining core
1251 trainer certification and have at least 1 year of teaching
1252 experience as an educator or staff trainer for persons who work
1253 in assisted living facilities or other long-term care settings;

1254 3. Have been previously certified as a core trainer for the
1255 department;

1256 4. Have a minimum of 5 years of employment with the agency,
1257 or the former Department of Health and Rehabilitative Services,
1258 as a surveyor of assisted living facilities;

1259 5. Have a minimum of 5 years of employment in a
1260 professional position in the agency's assisted living unit;

1261 6. Have a minimum of 5 years of employment as an educator
1262 or staff trainer for persons working in an assisted living
1263 facility or other long-term care setting;

1264 7. Have a minimum of 5 years of employment as a core
1265 trainer for an assisted living facility, which employment was
1266 not directly associated with the department; or

1267 8. Have a minimum of a 4-year baccalaureate degree from an
1268 accredited college or university in the areas of health care,
1269 gerontology, social work, education, or human services, and a
1270 minimum of 4 years of experience as an educator or staff trainer
1271 for persons who work in an assisted living facility or other
1272 long-term care setting after receiving core trainer
1273 certification.

1274 (b) Apply core competencies according to the department's
1275 standards as provided in s. 429.521.

1276 (c) Maintain a professional code of ethics and establish a

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1277 disciplinary process and a decertification process that applies
1278 to all persons holding core trainer certification.

1279 (d) Maintain a database, accessible to the public, of all
1280 persons who have core trainer certification, including any
1281 history of violations.

1282 (e) Require annual continuing education for persons who
1283 have core trainer certification.

1284 (f) Administer a continuing education provider program to
1285 ensure that only qualified providers offer continuing education
1286 opportunities for certificateholders.

1287 (3) CORE TRAINER CERTIFICATION.—At a minimum, an individual
1288 seeking core trainer certification must provide the third-party
1289 credentialing entity with proof of:

1290 (a) Completion of the minimum core training requirements in
1291 s. 429.521(2) and successful passage of the corresponding
1292 competency tests with a minimum score of 80;

1293 (b) Compliance with the continuing education requirements
1294 in s. 429.521(2); and

1295 (c) Compliance with the professional requirements and
1296 standards required in paragraph (2) (a).

1297 (4) ADOPTION OF RULES.—The department shall adopt rules
1298 necessary to administer this section.

1299 Section 16. Section 429.55, Florida Statutes, is created to
1300 read:

1301 429.55 Electronic monitoring of resident's room.—

1302 (1) DEFINITIONS.—As used in this section, the term:

1303 (a) "Authorized electronic monitoring" means the placement
1304 of an electronic monitoring device in the room of a resident of
1305 an assisted living facility and the making of tapes or

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1306 recordings through use of the device after making a request to
1307 the facility and obtaining all necessary consent to allow
1308 electronic monitoring.

1309 (b) "Electronic monitoring device" means video surveillance
1310 cameras or audio devices installed in the room of a resident
1311 which are designed to acquire communications or other sounds
1312 occurring in the room. The term does not include an electronic,
1313 mechanical, or other device that is specifically used for the
1314 nonconsensual interception of wire or electronic communications.

1315 (2) COVERT USE OF ELECTRONIC MONITORING DEVICE.—For
1316 purposes of this section, the placement and use of an electronic
1317 monitoring device in the room of a resident is considered to be
1318 covert if:

1319 (a) The placement and use of the device is not open and
1320 obvious; and

1321 (b) The facility and the agency are not informed about the
1322 device by the resident, by a person who placed the device in the
1323 room, or by a person who is using the device.

1324
1325 The agency and the facility are not civilly liable in connection
1326 with the covert placement or use of an electronic monitoring
1327 device in the room of the resident.

1328 (3) REQUIRED FORM ON ADMISSION.—The agency shall prescribe
1329 by rule a form that must be completed and signed upon a
1330 resident's admission to a facility by or on behalf of the
1331 resident. The form must state:

1332 (a) That a person who places an electronic monitoring
1333 device in the room of a resident or who uses or discloses a tape
1334 or other recording made by the device may be civilly liable for

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1335 any unlawful violation of the privacy rights of another;

1336 (b) That a person who covertly places an electronic
1337 monitoring device in the room of a resident or who consents to
1338 or acquiesces in the covert placement of the device in the room
1339 of a resident has waived any privacy right the person may have
1340 had in connection with images or sounds that may be acquired by
1341 the device;

1342 (c) That a resident or the resident's guardian or legal
1343 representative is entitled to conduct authorized electronic
1344 monitoring under this section and that, if the facility refuses
1345 to permit the electronic monitoring or fails to make reasonable
1346 physical accommodations for the authorized electronic
1347 monitoring, the person should contact the agency. The form must
1348 also provide the agency's contact information;

1349 (d) The basic procedures that must be followed in order to
1350 request authorized electronic monitoring;

1351 (e) That the electronic monitoring device and all
1352 installation and maintenance costs must be paid for by the
1353 resident or the resident's guardian or legal representative;

1354 (f) The legal requirement to report abuse or neglect when
1355 electronic monitoring is being conducted; and

1356 (g) Any other information regarding covert or authorized
1357 electronic monitoring which the agency considers advisable to
1358 include on the form.

1359 (4) AUTHORIZATION AND CONSENT.—

1360 (a) If a resident has the capacity to request electronic
1361 monitoring and has not been judicially declared to lack the
1362 required capacity, only the resident may request authorized
1363 electronic monitoring under this section, notwithstanding the

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1364 terms of any durable power of attorney or similar instrument.

1365 (b) If a resident has been judicially declared to lack the
1366 capacity required for taking an action, such as requesting
1367 electronic monitoring, only the guardian of the resident may
1368 request electronic monitoring under this section.

1369 (c) If a resident does not have capacity to request
1370 electronic monitoring but has not been judicially declared to
1371 lack the required capacity, only the legal representative of the
1372 resident may request electronic monitoring under this section.

1373 (d) A resident or the guardian or legal representative of a
1374 resident who wishes to conduct authorized electronic monitoring
1375 must make the request to the facility on a form prescribed by
1376 the agency.

1377 (e) The form prescribed by the agency must require the
1378 resident or the resident's guardian or legal representative to:

1379 1. Release the facility from any civil liability for a
1380 violation of the resident's privacy rights in connection with
1381 the use of the electronic monitoring device;

1382 2. If the electronic monitoring device is a video
1383 surveillance camera, choose whether the camera will always be
1384 unobstructed or whether the camera should be obstructed in
1385 specified circumstances in order to protect the dignity of the
1386 resident; and

1387 3. Obtain the consent of the other residents in the room,
1388 using a form prescribed for this purpose by the agency, if the
1389 resident resides in a multiperson room.

1390 (f) Consent under subparagraph (e)3. may be given only by:

1391 1. The other resident or residents in the room;

1392 2. The guardian of the other resident in the room, if the

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1393 person has been judicially declared to lack the required
1394 capacity to consent; or

1395 3. The legal representative of the other resident in the
1396 room, if the person does not have capacity to sign the form but
1397 has not been judicially declared to lack the required capacity
1398 to consent.

1399 (g) The form prescribed by the agency under subparagraph
1400 (e)3. must condition the consent of another resident in the room
1401 on the other resident also releasing the facility from any civil
1402 liability for a violation of the person's privacy rights in
1403 connection with the use of the electronic monitoring device.

1404 (h) Another resident in the room may:

1405 1. If the proposed electronic monitoring device is a video
1406 surveillance camera, condition consent on the camera being
1407 pointed away from the consenting resident; and

1408 2. Condition consent on the use of an audio electronic
1409 monitoring device being limited or prohibited.

1410 (i) If authorized electronic monitoring is being conducted
1411 in the room of a resident and another resident is moved into the
1412 room who has not yet consented to the electronic monitoring,
1413 authorized electronic monitoring must cease until the new
1414 resident has consented in accordance with this subsection.

1415 (j) Authorized electronic monitoring may not commence until
1416 all request and consent forms required by this subsection have
1417 been completed and returned to the facility, and the monitoring
1418 must be conducted in accordance with any limitation placed on
1419 the monitoring as a condition of the consent given by or on
1420 behalf of another resident in the room.

1421 (k) The agency may include other information that the

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1422 agency considers to be appropriate on any of the forms that the
1423 agency is required to prescribe under this subsection.

1424 (1) The agency shall adopt rules to administer this
1425 subsection.

1426 (5) AUTHORIZED ELECTRONIC MONITORING; GENERAL PROVISIONS.-

1427 (a) A facility shall allow a resident or the resident's
1428 guardian or legal representative to monitor the room of the
1429 resident through the use of electronic monitoring devices.

1430 (b) The facility shall require a resident who conducts
1431 authorized electronic monitoring or the resident's guardian or
1432 legal representative to post and maintain a conspicuous notice
1433 at the entrance of the resident's room which states that the
1434 room is being monitored by an electronic monitoring device.

1435 (c) Authorized electronic monitoring conducted under this
1436 section is not compulsory and may be conducted only at the
1437 request of the resident or the resident's guardian or legal
1438 representative.

1439 (d) A facility may not refuse to admit an individual to
1440 residency in the facility and may not remove a resident from the
1441 facility because of a request to conduct authorized electronic
1442 monitoring.

1443 (e) A facility shall make reasonable physical
1444 accommodations for authorized electronic monitoring, including
1445 providing:

1446 1. A reasonably secure place to mount the video
1447 surveillance camera or other electronic monitoring device; and

1448 2. Access to power sources for the video surveillance
1449 camera or other electronic monitoring device.

1450 (f) A facility may require an electronic monitoring device

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1451 to be installed in a manner that is safe for residents,
1452 employees, or visitors who may be moving about a room.

1453 (g) If authorized electronic monitoring is conducted, the
1454 facility may require the resident or the resident's guardian or
1455 legal representative to conduct the electronic monitoring in
1456 plain view.

1457 (h) A facility may place a resident in a different room in
1458 order to accommodate a request to conduct authorized electronic
1459 monitoring.

1460 (6) REPORTING ABUSE AND NEGLECT.—A person shall report
1461 abuse to the central abuse hotline of the Department of Children
1462 and Family Services pursuant to s. 415.103 based on the person's
1463 viewing of or listening to a tape or recording by an electronic
1464 monitoring device if the incident of abuse is acquired on the
1465 tape or recording. A person shall report neglect to the central
1466 abuse hotline pursuant to s. 415.103 based on the person's
1467 viewing of or listening to a tape or recording by an electronic
1468 monitoring device if it is clear from viewing or listening to
1469 the tape or recording that neglect has occurred. If a person
1470 reports abuse or neglect to the central abuse hotline pursuant
1471 to this subsection, the person shall also send to the agency a
1472 copy of the tape or recording which indicates the reported abuse
1473 or neglect.

1474 (7) USE OF TAPE OR RECORDING.—

1475 (a) Subject to applicable rules of evidence and procedure
1476 and the requirements of this subsection, a tape or recording
1477 created through the use of covert or authorized electronic
1478 monitoring may be admitted into evidence in a civil or criminal
1479 court action or administrative proceeding.

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1480 (b) A court or administrative agency may not admit into
1481 evidence a tape or recording created through the use of covert
1482 or authorized electronic monitoring or take or authorize action
1483 based on the tape or recording unless:

1484 1. The tape or recording shows the time and date that the
1485 events acquired on the tape or recording occurred;

1486 2. The contents of the tape or recording have not been
1487 edited or artificially enhanced; and

1488 3. If the contents of the tape or recording have been
1489 transferred from the original format to another technological
1490 format, the transfer was done by a qualified professional and
1491 the contents of the tape or recording were not altered.

1492 (c) A person who sends more than one tape or recording to
1493 the agency shall identify for the agency each tape or recording
1494 on which the person believes that an incident of abuse or
1495 evidence of neglect may be found.

1496 (8) REQUIRED NOTICE.—Each facility shall post a notice at
1497 the entrance to the facility stating that the rooms of some
1498 residents are monitored electronically by or on behalf of the
1499 residents and that the monitoring is not necessarily open and
1500 obvious.

1501 (9) ENFORCEMENT.—The agency may impose appropriate
1502 administrative sanctions under this part against an
1503 administrator of a facility who knowingly:

1504 (a) Refuses to permit a resident or the resident's guardian
1505 or legal representative to conduct authorized electronic
1506 monitoring;

1507 (b) Refuses to admit an individual to residency or allows
1508 the removal of a resident from the facility because of a request

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1509 to conduct authorized electronic monitoring; or
1510 (c) Violates another provision of this section.
1511 (10) RULES.—The agency shall adopt rules as necessary to
1512 administer this section.
1513 Section 17. This act shall take effect July 1, 2012.