

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

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

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

85 | and persons who complete training if funding is
86 | available; creating s. 429.523, F.S.; providing for
87 | board approval of training and testing centers;
88 | providing approval criteria; amending s. 429.54, F.S.;
89 | requiring specified state agencies to have an
90 | electronic system of communication pertaining to the
91 | regulation of facilities; requiring facilities to
92 | submit certain facility and resident information
93 | electronically to the agency twice yearly; providing
94 | for the maintenance and use of such information;
95 | providing for expiration of this requirement; creating
96 | s. 429.55, F.S.; directing the agency to establish an
97 | online, user-friendly facility rating system that may
98 | be accessed by the public; providing a directive to
99 | the Division of Law Revision and Information; amending
100 | s. 468.1635, F.S.; revising the purpose of part II of
101 | ch. 468, F.S., to include assisted living
102 | administrators; amending s. 468.1645, F.S.; requiring
103 | assisted living facilities to be operated under the
104 | management of a licensed administrator; amending s.
105 | 468.1655, F.S.; revising and providing definitions;
106 | amending s. 468.1665, F.S.; renaming the Board of
107 | Nursing Home Administrators as the "Board of Nursing
108 | Home and Assisted Living Facility Administrators";
109 | providing for membership; prohibiting certain
110 | conflicts of interest with respect to board members;
111 | amending s. 468.1685, F.S.; revising duties of the
112 | board to include approving third-party credentialing

113 entities for the purpose of an assisted living
114 facility administrator certification program;
115 establishing requirements and standards for
116 certification; providing for the development of
117 assisted living facility administrator trainings and
118 testing and staff trainings and interactive tutorials;
119 authorizing additional training for certain
120 facilities; providing for certifying trainers and
121 testing and training centers; amending s. 468.1695,
122 F.S.; providing for licensure of assisted living
123 facility administrators through certification;
124 establishing a maximum fee; amending s. 468.1705,
125 F.S., relating to licensure by endorsement; conforming
126 provisions to changes made by the act; amending s.
127 468.1725, F.S.; revising provisions relating to the
128 inactive status of an administrator's license;
129 amending s. 468.1735, F.S., relating to provisional
130 licensing; conforming provisions to changes made by
131 the act; amending s. 468.1745, F.S.; providing
132 requirements for who must be licensed as an assisted
133 living facility administrator; amending s. 468.1755,
134 F.S.; conforming provisions to changes made by the
135 act; providing grounds for disciplinary action for
136 assisted living facility administrators; amending s.
137 468.1756, F.S.; conforming provisions to changes made
138 by the act; requiring the agency to create a task
139 force to determine whether state agencies have
140 overlapping regulatory jurisdiction over facilities

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141 and to submit findings and recommendations to the
142 Governor and Legislature by a certain date; providing
143 for termination; requiring the Office of the State
144 Long-Term Care Ombudsman to create a task force to
145 review the agency's facility inspection forms and to
146 submit its recommendations to the agency by a certain
147 date; providing for termination; providing an
148 effective date.

149

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

151

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

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

158 (2) The department must ensure that:

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

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169 inspection. The record must be retained for 2 years after the
170 date of the last interaction.

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

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

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

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

188 Section 3. Paragraph (a) of subsection (1) of section
189 415.1034, Florida Statutes, is amended to read:

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

192 (1) MANDATORY REPORTING.—

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

194 1. A physician, osteopathic physician, medical examiner,
195 chiropractic physician, nurse, paramedic, emergency medical
196 technician, or hospital personnel engaged in the admission,

197 examination, care, or treatment of vulnerable adults;
 198 2. A health professional or mental health professional
 199 other than one listed in subparagraph 1.;
 200 3. A practitioner who relies solely on spiritual means for
 201 healing;
 202 4. Nursing home staff; assisted living facility staff;
 203 adult day care center staff; adult family-care home staff;
 204 social worker; or other professional adult care, residential, or
 205 institutional staff;
 206 5. A state, county, or municipal criminal justice employee
 207 or law enforcement officer;
 208 6. An employee of the Department of Business and
 209 Professional Regulation conducting inspections of public lodging
 210 establishments under s. 509.032;
 211 7. A Florida advocacy council member or long-term care
 212 ombudsman council member; ~~or~~
 213 8. A bank, savings and loan, or credit union officer,
 214 trustee, or employee; or
 215 9. An employee or agent of a state or local agency who has
 216 regulatory responsibilities over, or who provides services to,
 217 persons residing in a state-licensed facility,
 218
 219 who knows, or has reasonable cause to suspect, that a vulnerable
 220 adult has been or is being abused, neglected, or exploited must
 221 ~~shall~~ immediately report such knowledge or suspicion to the
 222 central abuse hotline.
 223 Section 4. Subsections (5) and (11) of section 429.02,
 224 Florida Statutes, are amended, present subsections (6) through

225 (14) of that section are redesignated as subsections (7) through
 226 (15), respectively, present subsections (15) through (26) of
 227 that section are redesignated as subsections (17) through (28),
 228 respectively, and new subsections (6) and (16) are added to that
 229 section, to read:

230 429.02 Definitions.—When used in this part, the term:

231 (5) "Assisted living facility" or "facility" means any
 232 building or buildings, section or distinct part of a building,
 233 private home, boarding home, home for the aged, or other
 234 residential facility, whether operated for profit or not, which
 235 undertakes through its ownership or management to provide
 236 housing, meals, and one or more personal services for a period
 237 exceeding 24 hours to one or more adults who are not relatives
 238 of the owner or administrator.

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

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

250 (16) "Mental health professional" means an individual
 251 licensed under chapter 458, chapter 459, chapter 464, chapter
 252 490, or chapter 491 who provides mental health services as

253 defined in s. 394.67, or an individual who has a 4-year
 254 baccalaureate degree with a concentration in mental health from
 255 an accredited college or university and at least 5 years of
 256 experience providing services that improve an individual's
 257 mental health or that treat mental illness.

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

260 429.07 Facility license required; fee.—

261 (1) The requirements of part II of chapter 408 apply to
 262 the provision of services that require licensure pursuant to
 263 this part and part II of chapter 408 and to entities licensed by
 264 or applying for such licensure from the agency pursuant to this
 265 part. A license issued by the agency is required in order to
 266 operate an assisted living facility in this state.

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

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

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

281 medications and perform other tasks as specified in s. 429.255.

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

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

- 305 a. A class I or class II violation;
- 306 b. Three or more repeat or recurring class III violations
307 of identical or similar resident care standards from which a
308 pattern of noncompliance is found by the agency;

309 c. Three or more class III violations that were not
 310 corrected in accordance with the corrective action plan approved
 311 by the agency;

312 d. Violation of resident care standards which results in
 313 requiring the facility to employ the services of a consultant
 314 pharmacist or consultant dietitian;

315 e. Denial, suspension, or revocation of a license for
 316 another facility licensed under this part in which the applicant
 317 for an extended congregate care license had ~~has~~ at least 25
 318 percent ownership interest; or

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

321 2. A facility that is licensed to provide extended
 322 congregate care services must ~~shall~~ maintain a written progress
 323 report on each person who receives services which describes the
 324 type, amount, duration, scope, and outcome of services that are
 325 rendered and the general status of the resident's health. A
 326 registered nurse, or appropriate designee, representing the
 327 agency shall visit the facility at least quarterly to monitor
 328 residents who are receiving extended congregate care services
 329 and to determine if the facility is in compliance with this
 330 part, part II of chapter 408, and relevant rules. One of the
 331 visits may be in conjunction with the regular survey. The
 332 monitoring visits may be provided through contractual
 333 arrangements with appropriate community agencies. A registered
 334 nurse shall serve as part of the team that inspects the
 335 facility. The agency may waive one of the required yearly
 336 monitoring visits for a facility that has been licensed for at

337 | least 24 months to provide extended congregate care services,
338 | if, during the inspection, the registered nurse determines that
339 | extended congregate care services are being provided
340 | appropriately, and if the facility has no class I or class II
341 | violations and no uncorrected class III violations. The agency
342 | must first consult with the long-term care ombudsman council for
343 | the area in which the facility is located to determine if any
344 | complaints have been made and substantiated about the quality of
345 | services or care. The agency may not waive one of the required
346 | yearly monitoring visits if complaints have been made and
347 | substantiated.

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

350 | a. Demonstrate the capability to meet unanticipated
351 | resident service needs.

352 | b. Offer a physical environment that promotes a homelike
353 | setting, provides for resident privacy, promotes resident
354 | independence, and allows sufficient congregate space as defined
355 | by rule.

356 | c. Have sufficient staff available, taking into account
357 | the physical plant and firesafety features of the building, to
358 | assist with the evacuation of residents in an emergency.

359 | d. Adopt and follow policies and procedures that maximize
360 | resident independence, dignity, choice, and decisionmaking in
361 | order to permit residents to age in place, ~~so that moves due to~~
362 | changes in functional status are minimized or avoided.

363 | e. Allow residents or, if applicable, a resident's
364 | representative, designee, surrogate, guardian, or attorney in

365 fact to make a variety of personal choices, participate in
366 developing service plans, and share responsibility in
367 decisionmaking.

368 f. Implement the concept of managed risk.

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

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

374 4. A facility that is licensed to provide extended
375 congregate care services is exempt from the criteria for
376 continued residency set forth in rules adopted under s. 429.41.
377 A licensed facility must adopt its own requirements within
378 guidelines for continued residency set forth by rule. However,
379 the facility may not serve residents who require 24-hour nursing
380 supervision. A licensed facility that provides extended
381 congregate care services must also provide each resident with a
382 written copy of facility policies governing admission and
383 retention.

384 5. The primary purpose of extended congregate care
385 services is to allow residents, as they become more impaired,
386 the option of remaining in a familiar setting from which they
387 would otherwise be disqualified for continued residency. A
388 facility licensed to provide extended congregate care services
389 may also admit an individual who exceeds the admission criteria
390 for a facility with a standard license~~7~~ if the individual is
391 determined appropriate for admission to the extended congregate
392 care facility.

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

398 7. If ~~When~~ a facility can no longer provide or arrange for
 399 services in accordance with the resident's service plan and
 400 needs and the facility's policy, the facility must ~~shall~~ make
 401 arrangements for relocating the person in accordance with s.
 402 429.28(1) (k).

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

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

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

421 welfare of residents for the previous 2 years or since initial
422 licensure if the facility has been licensed for less than 2
423 years.

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

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

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

448 (a) The biennial license fee required of a facility is

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

464 (b) In addition to the total fee assessed under paragraph
465 (a), the agency shall require facilities that are licensed to
466 provide extended congregate care services under this part to pay
467 an additional fee per licensed facility. The amount of the
468 biennial fee shall be \$400 per license, with an additional fee
469 of \$10 per resident based on the total licensed resident
470 capacity of the facility.

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

477 facility.

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

480 Section 6. Section 429.075, Florida Statutes, is amended
 481 to read:

482 429.075 Limited mental health license.—An assisted living
 483 facility that serves ~~three or more~~ mental health residents must
 484 obtain a limited mental health license.

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

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

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

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

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

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

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

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

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

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

532 (b) Effective July 1, 2014, an administrator of a facility

533 that has a limited mental health license, in addition to the
534 education requirements under part II of chapter 468, must have
535 also completed at least 6 semester credit hours of college-level
536 coursework relating to mental health.

537 (4)-(3) A facility that holds ~~has~~ a limited mental health
538 license must:

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

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

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

552 (d) Assist the mental health resident in carrying out the
553 activities identified in the individual's community living
554 support plan.

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

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

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

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

587 429.14 Administrative penalties.—

588 (4) The agency shall deny or revoke the license of an

589 | assisted living facility that:

590 | (a) Has two or more class I or class II violations that
 591 | are similar or identical to violations identified by the agency
 592 | during a survey, inspection, monitoring visit, or complaint
 593 | investigation occurring within the previous 2 years; or-

594 | (b) Committed a class I violation that caused the death of
 595 | a resident or an intentional or negligent act that, based on a
 596 | court's findings, caused the death of a resident.

597 | Section 8. Section 429.176, Florida Statutes, is amended
 598 | to read:

599 | 429.176 ~~Notice of change of Administrator license;~~
 600 | educational requirements; change of administrator; managers.-

601 | (1) To be an administrator of an assisted living facility,
 602 | an applicant must meet the requirements under part I of chapter
 603 | 468.

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

613 | (3) The administrator of a facility that holds a limited
 614 | mental health license must have met the educational requirements
 615 | of s. 429.521(3).

616 | (4) If, during the period for which a standard license is

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617 issued, the facility owner changes administrators, the owner
618 must notify the agency of the change within 10 days and provide
619 documentation that the administrator is licensed or has been
620 granted a provisional license ~~within 90 days that the new~~
621 ~~administrator has completed the applicable core educational~~
622 ~~requirements under s. 429.52.~~

623 (5) A manager of a facility who assumes responsibility for
624 the operation of the facility during the temporary absence of an
625 administrator must meet the core training requirements under s.
626 468.1685(9) (a) within 30 days after being employed as, or
627 becoming, a facility manager.

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

630 429.178 Special care for persons with Alzheimer's disease
631 or other related disorders.—

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

641 (b) A direct caregiver who is employed by a facility that
642 provides special care for residents with Alzheimer's disease or
643 other related disorders, and who provides direct care to such
644 residents, must complete the required initial training and 4

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645 additional hours of training developed or approved by the
646 department. The training must ~~shall~~ be completed within 6 months
647 ~~9 months~~ after beginning employment ~~and shall satisfy the core~~
648 ~~training requirements of s. 429.52(2)(g).~~

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

651 429.19 Violations; imposition of administrative fines;
652 grounds.—

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

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

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

668 1.(a) For class "I" violations, ~~are defined in s. 408.813.~~
669 the agency shall impose an administrative fine ~~for a cited class~~
670 ~~I violation~~ in an amount not less than \$5,000 and not exceeding
671 \$10,000 for each violation.

672 2.(b) For class "II" violations, ~~are defined in s.~~

673 | ~~408.813.~~ the agency shall impose an administrative fine ~~for a~~
 674 | ~~cited class II violation~~ in an amount not less than \$1,000 and
 675 | not exceeding \$5,000 for each violation.

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

681 | 4.(d) For class "IV" violations, ~~are defined in s.~~
 682 | ~~408.813.~~ the agency shall impose an administrative fine ~~for a~~
 683 | ~~cited class IV violation~~ in an amount not less than \$100 and not
 684 | exceeding \$200 for each violation.

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

695 | Section 11. Subsection (1) of section 429.23, Florida
 696 | Statutes, is amended to read:

697 | 429.23 Internal risk management and quality assurance
 698 | program; adverse incidents and reporting requirements.—

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

701 ~~part of its administrative functions, voluntarily~~ establish a
 702 risk management and quality assurance program, the purpose of
 703 which is to assess resident care practices, facility incident
 704 reports, deficiencies cited by the agency, adverse incident
 705 reports, and resident grievances and develop plans of action to
 706 correct and respond quickly to identify quality differences.

707 Section 12. Paragraph (b) of subsection (1) of section
 708 429.256, Florida Statutes, is amended to read:

709 429.256 Assistance with self-administration of
 710 medication.—

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

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

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

722 429.28 Resident bill of rights.—

723 (2) The administrator of a facility shall ensure that a
 724 written notice of the rights, obligations, and prohibitions set
 725 forth in this part is posted in a prominent place in each
 726 facility and read or explained to residents who cannot read. The
 727 ~~This~~ notice must ~~shall~~ include the name, address, and telephone
 728 numbers of the local ombudsman council and central abuse hotline

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729 and, ~~if when~~ applicable, the Advocacy Center for Persons with
730 Disabilities, Inc., and the Florida local advocacy council,
731 where complaints may be lodged. The notice must state that the
732 subject matter of a complaint made to the Office of State Long-
733 Term Care Ombudsman or a local long-term care ombudsman council
734 and the names and identities of the residents involved in the
735 complaint and the complainants are confidential pursuant to s.
736 400.0077. The facility must ensure a resident's access to a
737 telephone to call the local ombudsman council, central abuse
738 hotline, Advocacy Center for Persons with Disabilities, Inc.,
739 and the Florida local advocacy council.

740 (3)

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

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

754 Section 14. Section 429.34, Florida Statutes, is amended
755 to read:

756 429.34 Right of entry and inspection.—

757 (1) In addition to the requirements of s. 408.811, a ~~any~~
758 ~~duly~~ designated officer or employee of the department, the
759 Department of Children and Families ~~Family Services~~, the
760 Medicaid Fraud Control Unit of the Office of the Attorney
761 General, the state or local fire marshal, or a member of the
762 state or local long-term care ombudsman council shall have the
763 right to enter unannounced upon and into the premises of any
764 facility licensed pursuant to this part in order to determine
765 the state of compliance with the provisions of this part, part
766 II of chapter 408, and applicable rules. Data collected by the
767 state or local long-term care ombudsman councils or the state or
768 local advocacy councils may be used by the agency in
769 investigations involving violations of regulatory standards.

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

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

784 (4) The agency shall have one statewide lead surveyor who

785 specializes in assisted living facility inspections. The lead
 786 surveyor shall coordinate communication between lead surveyors
 787 of assisted living facilities throughout the state and ensure
 788 statewide consistency in applying facility inspection laws and
 789 rules.

790 Section 15. Paragraph (1) of subsection (1) and
 791 subsections (2) and (5) of section 429.41, Florida Statutes, are
 792 amended to read:

793 429.41 Rules establishing standards.—

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

812 (1) The establishment of specific policies and procedures

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813 on resident elopement. Facilities shall conduct a minimum of two
814 resident elopement drills each year. All administrators and
815 direct care staff shall participate in the drills. Facilities
816 shall document the drills. Each calendar year, the agency shall
817 observe the elopement drills of 10 percent of the licensed
818 facilities in the state. The facilities must be randomly
819 selected by the agency and the elopement drills must coincide
820 with an inspection or survey conducted by the agency. If an
821 agency employee observes an elopement drill that does not meet
822 standards established by rule, the agency shall provide notice
823 of the deficiencies to the facility within 15 calendar days
824 after the drill. The facility shall submit a corrective action
825 plan to the agency within 30 calendar days after receiving such
826 notice.

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

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841 firesafety standards, the department shall adopt by rule
842 separate and distinct standards for facilities with 16 or fewer
843 beds and for facilities with 17 or more beds. The standards for
844 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a
845 noninstitutional residential environment if, ~~provided that~~ the
846 structure is no more than two stories in height and all persons
847 who cannot exit the facility unassisted in an emergency reside
848 on the first floor. The department, in conjunction with the
849 agency, may make other distinctions among types of facilities as
850 necessary to enforce the provisions of this part. If ~~where~~
851 appropriate, the agency shall offer alternate solutions for
852 complying with established standards, based on distinctions made
853 by the department and the agency relative to the physical
854 characteristics of facilities and the types of care offered
855 therein.

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

869 Council and representatives of provider groups for incorporation
 870 into its rules.

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

873 429.49 Resident records; penalties for alteration.—

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

879 Section 17. Section 429.515, Florida Statutes, is created
 880 to read:

881 429.515 Preservice orientation.—

882 (1) Effective October 1, 2013, a new employee, including
 883 an administrator, of an assisted living facility must attend a
 884 preservice orientation provided by the facility which covers
 885 topics that will enable the employee to relate and respond to
 886 the residents of that facility. The orientation must be at least
 887 2 hours in duration, be available in English and Spanish, and,
 888 at a minimum, cover the following topics:

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

891 (b) Deescalation techniques.

892 (c) Aggression control.

893 (d) Elopement prevention.

894 (e) Behavior management.

895 (2) Upon completion of the preservice orientation, the
 896 employee must sign an affidavit, under penalty of perjury,

897 stating that the employee completed the orientation. The
898 administrator of the facility must maintain the signed affidavit
899 in the employee's work file.

900 Section 18. Section 429.52, Florida Statutes, is amended
901 to read:

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

904 429.52 Staff member training; tutorial; continuing
905 education.—

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

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

920 (3) Staff members, other than administrators, providing
921 regular or direct care to residents must participate in a
922 minimum of 8 hours of continuing education every 2 years as
923 developed by the board. The continuing education may be offered
924 through online courses and any fee associated with the online

925 service shall be borne by the participant or the participant's
926 employer.

927 Section 19. Section 429.521, Florida Statutes, is created
928 to read:

929 429.521 Specialty training and education; examinations.—

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

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

937 (a) The administrator must complete a minimum of 4 hours
938 of board-approved courses that train and educate administrators
939 on the special needs and care of those requiring limited nursing
940 services.

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

947 (3) Staff members who provide regular or direct care to
948 mental health residents and administrators who are employed by a
949 facility that holds a limited mental health license must
950 complete a minimum of 8 hours of board-approved mental health
951 training within 30 days after beginning employment. Within 30
952 days after completing such training, a staff member must

953 complete an online interactive tutorial related to the training
954 and receive a certificate of completion in order to demonstrate
955 an understanding of the training received. An administrator must
956 pass an examination related to the administrator's training with
957 a minimum score of 80 percent. The participant or the
958 participant's employer shall pay any fee associated with taking
959 the tutorial or examination.

960 (a) A staff member who does not complete the tutorial or
961 an administrator who fails the examination may not provide
962 regular or direct care to mental health residents until he or
963 she successfully completes the tutorial or passes the
964 examination.

965 (b) An administrator who does not pass the examination
966 within 6 months after completing the mental health training may
967 not be an administrator of a facility that holds a limited
968 mental health license until the administrator achieves a passing
969 score.

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

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

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

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981 (b) Staff members and the administrator must demonstrate
982 understanding and competency in the implementation of the
983 elopement response policies and procedures.

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

992 (7) Other facility staff members shall participate in
993 training relevant to their job duties as specified by board
994 rule.

995 Section 20. Section 429.522, Florida Statutes, is created
996 to read:

997 429.522 Assisted living training providers;
998 certification.—

999 (1) Effective January 1, 2014, an individual seeking to
1000 provide assisted living training in this state must be certified
1001 by the board. The applicant must provide the board with proof of
1002 completion of the minimum core training requirements, successful
1003 passage of the assisted living facility administrator licensure
1004 examination, and proof of compliance with any continuing
1005 education requirements.

1006 (2) A person seeking to be certified as a trainer must
1007 also:

1008 (a) Provide proof of completion of a 4-year baccalaureate

1009 degree from an accredited college or university and have worked
 1010 in a management position in an assisted living facility for 3
 1011 years after obtaining certification in core training courses;
 1012 (b) Have worked in a management position in an assisted
 1013 living facility for 5 years after obtaining certification in the
 1014 core training courses and have 1 year of teaching experience as
 1015 an educator or staff trainer for persons who work in an assisted
 1016 living facility or another long-term care setting;
 1017 (c) Have been previously employed as a trainer of core
 1018 training courses for the department;
 1019 (d) Have at least 5 years of employment with the agency as
 1020 a surveyor of assisted living facilities;
 1021 (e) Have at least 5 years of employment in a professional
 1022 position in the agency's assisted living unit;
 1023 (f) Have at least 5 years of employment as an educator or
 1024 staff trainer for persons working in an assisted living facility
 1025 or another long-term care setting;
 1026 (g) Have at least 5 years of employment as a trainer of
 1027 core assisted living facility courses not directly associated
 1028 with the department;
 1029 (h) Have a 4-year baccalaureate degree from an accredited
 1030 college or university in the areas of health care, gerontology,
 1031 social work, education, or human services and at least 4 years
 1032 of experience as an educator or staff trainer for persons
 1033 working in an assisted living facility or another long-term care
 1034 setting after receiving certification in core courses; or
 1035 (i) Meet other qualification criteria as defined by rule
 1036 of the board.

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1037 (3) The board shall provide oversight of the assisted
1038 living training providers. The board shall adopt rules to
1039 establish requirements for trainer certification, disciplinary
1040 action that may be taken against a trainer, and a trainer
1041 decertification process.

1042 (4) If funding is available, by January 1, 2014, the board
1043 shall develop and maintain an electronic database, accessible to
1044 the public, which lists all persons holding certification as an
1045 assisted living trainer, including any history of violations.
1046 Assisted living trainers shall keep a record of individuals who
1047 complete training and shall submit the record to the board
1048 within 24 hours after the completion of a course in order for
1049 the board to include the information in the database.

1050 Section 21. Section 429.523, Florida Statutes, is created
1051 to read:

1052 429.523 Training and testing centers.—In addition to
1053 certified assisted living trainers under s. 429.522, training
1054 and testing centers approved by the board may conduct assisted
1055 living training or examinations under this part.

1056 (1) The board shall consider the following when reviewing
1057 a center applicant:

1058 (a) Whether the center will provide sufficient space for
1059 training.

1060 (b) The location of the center and whether another center
1061 already provides assisted living training or testing in the
1062 approximate area.

1063 (c) The fee to be charged by the center for providing such
1064 services.

1065 (d) Whether the center has sufficient staff who meet the
 1066 qualifications for assisted living training providers under s.
 1067 429.522.

1068 (e) Any other consideration that the board deems necessary
 1069 to approve a center.

1070 (2) The board shall provide a certificate of approval to
 1071 an applicant that meets with the board's approval. The training
 1072 and testing center shall keep the certificate on file as long as
 1073 it provides assisted living training or examination services.

1074 (3) The board or the agency may inspect a center to
 1075 determine whether the training or testing center meets law and
 1076 rule requirements and may decertify a training and testing
 1077 center that does not continue to meet such requirements.

1078 (4) An assisted living trainer employed by the training or
 1079 testing center must perform the recordkeeping and reporting
 1080 required under s. 429.522(4).

1081 Section 22. Section 429.54, Florida Statutes, is amended
 1082 to read:

1083 429.54 Collection of information; local subsidy;
 1084 interagency communication; facility reporting.-

1085 (1) To enable the department to collect the information
 1086 requested by the Legislature regarding the actual cost of
 1087 providing room, board, and personal care in assisted living
 1088 facilities, the department may ~~is authorized to~~ conduct field
 1089 visits and audits of facilities as ~~may be~~ necessary. The owners
 1090 of randomly sampled facilities shall submit such reports,
 1091 audits, and accountings of cost as the department may require by
 1092 rule; however, ~~provided that~~ such reports, audits, and

1093 | accountings may not be more than ~~shall be~~ the minimum necessary
 1094 | to implement the provisions of this subsection ~~section~~. Any
 1095 | facility selected to participate in the study shall cooperate
 1096 | with the department by providing cost of operation information
 1097 | to interviewers.

1098 | (2) Local governments or organizations may contribute to
 1099 | the cost of care of local facility residents by further
 1100 | subsidizing the rate of state-authorized payment to such
 1101 | facilities. Implementation of local subsidy shall require
 1102 | departmental approval and may ~~shall~~ not result in reductions in
 1103 | the state supplement.

1104 | (3) Subject to the availability of funds, the agency, the
 1105 | Department of Elderly Affairs, the Department of Children and
 1106 | Families, and the Agency for Persons with Disabilities shall
 1107 | develop or modify electronic systems of communication among
 1108 | state-supported automated systems to ensure that relevant
 1109 | information pertaining to the regulation of assisted living
 1110 | facilities and facility staff is timely and effectively
 1111 | communicated among agencies in order to facilitate the
 1112 | protection of residents.

1113 | (4) All assisted living facilities shall submit twice a
 1114 | year electronic reports to the agency.

1115 | (a) The reports must include the following information and
 1116 | must be submitted in accordance with a reporting cycle
 1117 | established by the agency by rule:

- 1118 | 1. The number of beds in the facility;
- 1119 | 2. The number of beds being occupied;
- 1120 | 3. The number of residents who are younger than 65 years

1121 of age, from 65 to 74 years of age, from 75 to 84 years of age,
 1122 and 85 years of age or older;

1123 4. The number of residents who are mental health
 1124 residents, who are receiving extended congregate care, who are
 1125 receiving limited nursing services, and who are receiving
 1126 hospice care;

1127 5. If there is a facility waiting list, the number of
 1128 individuals on the waiting list and the type of services or care
 1129 that they require, if known;

1130 6. The number of residents receiving optional state
 1131 supplementation; and

1132 7. The number of residents who are Medicaid recipients and
 1133 the type of waiver used to fund each such resident's care.

1134 (b) The agency must maintain electronically the
 1135 information it receives and, at a minimum, use such information
 1136 to track trends in resident populations and needs.

1137 (c) This subsection expires July 1, 2018.

1138 Section 23. Section 429.55, Florida Statutes, is created
 1139 to read:

1140 429.55 Assisted living facility rating system.-

1141 (1) The agency, in consultation with the department, the
 1142 Department of Children and Families, and the Office of State
 1143 Long-Term Care Ombudsman, shall develop and adopt by rule a
 1144 user-friendly assisted living facility rating system.

1145 (2) The rating system must be publicly available on the
 1146 Internet in order to assist consumers in evaluating assisted
 1147 living facilities and the services provided by such facilities.

1148 (3) The rating system must be based on resident

1149 satisfaction, the number and class of deficiencies for which the
 1150 facility has been cited, agency inspection reports, the
 1151 inspection reports of any other regulatory agency, assessments
 1152 conducted by the ombudsman program pursuant to part of chapter
 1153 400, and other criteria as determined by the agency.

1154 (4) The Internet home page for the rating system must
 1155 include a link that allows consumers to complete a voluntary
 1156 survey that provides feedback on whether the rating system is
 1157 helpful and suggestions for improvement.

1158 (5) The agency may adopt rules as necessary to administer
 1159 this section.

1160 Section 24. The Division of Law Revision and Information
 1161 is directed to rename part II of chapter 468, Florida Statutes,
 1162 consisting of ss. 468.1635-468.1756, Florida Statutes, as
 1163 "Nursing Home and Assisted Living Facility Administration."

1164 Section 25. Section 468.1635, Florida Statutes, is amended
 1165 to read:

1166 468.1635 Purpose.—The sole legislative purpose for
 1167 enacting this part ~~chapter~~ is to ensure that every nursing home
 1168 administrator and assisted living facility administrator
 1169 practicing in this state meets minimum requirements for safe
 1170 practice. It is ~~the~~ legislative intent that nursing home
 1171 administrators and assisted living facility administrators who
 1172 fall below minimum competency or who otherwise present a danger
 1173 to the public ~~shall~~ be prohibited from practicing in this state.

1174 Section 26. Section 468.1645, Florida Statutes, is amended
 1175 to read:

1176 468.1645 Administrator license required.—

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1177 (1) A ~~No~~ nursing home ~~in the state~~ may not operate in this
1178 state unless it is under the management of a nursing home
1179 administrator, and, effective July 1, 2014, an assisted living
1180 facility may not operate in this state unless it is under the
1181 management of an assisted living facility administrator, who
1182 holds a currently valid license, provisional license, or
1183 temporary license.

1184 (2) Nothing in this part or in the rules adopted hereunder
1185 ~~shall~~ require an administrator of any facility or institution
1186 operated by and for persons who rely exclusively upon treatment
1187 by spiritual means through prayer, in accordance with the creed
1188 or tenets of any organized church or religious denomination, to
1189 be licensed as a nursing home or assisted living facility
1190 administrator if the administrator is employed only to
1191 administer in such facilities or institutions for the care and
1192 treatment of the sick.

1193 Section 27. Section 468.1655, Florida Statutes, is
1194 reordered and amended to read:

1195 468.1655 Definitions.—As used in this part:

1196 (1) "Assisted living facility" means a facility licensed
1197 under part I of chapter 429.

1198 (2) "Assisted living facility administrator" means a
1199 person who is licensed to engage in the practice of assisted
1200 living facility administration in this state under the authority
1201 of this part.

1202 (3) "Assisted living facility administrator certification"
1203 means a professional credential awarded by a board-approved
1204 third-party credentialing entity to individuals who demonstrate

1205 core competency in the practice of assisted living facility
 1206 administration and who meet the education, background screening,
 1207 and other criteria specified by the board for licensure as an
 1208 assisted living facility administrator.

1209 (4)-(1) "Board" means the Board of Nursing Home and
 1210 Assisted Living Facility Administrators.

1211 (5)-(2) "Department" means the Department of Health.

1212 (7)-(3) "Nursing home administrator" means a person who is
 1213 licensed to engage in the practice of nursing home
 1214 administration in this state under the authority of this part.

1215 (8) "Practice of assisted living facility administration"
 1216 means any service requiring assisted living facility
 1217 administration education, training, or experience and the
 1218 application of such to the planning, organizing, staffing,
 1219 directing, and controlling of the total management of an
 1220 assisted living facility. A person is practicing or offering to
 1221 practice assisted living facility administration if such person:

1222 (a) Practices any of the above services.

1223 (b) Holds himself or herself out as able to perform, or
 1224 does perform, any form of assisted living facility
 1225 administration by written or verbal claim, sign, advertisement,
 1226 letterhead, or card; or in any other way represents himself or
 1227 herself to be, or implies that he or she is, an assisted living
 1228 facility administrator.

1229 (9)-(4) "Practice of nursing home administration" means any
 1230 service requiring nursing home administration education,
 1231 training, or experience and the application of such to the
 1232 planning, organizing, staffing, directing, and controlling of

1233 the total management of a nursing home. A person is practicing
 1234 or offering ~~shall be construed to practice or to offer to~~
 1235 practice nursing home administration if such person ~~who~~:

1236 (a) Practices any of the above services.

1237 (b) Holds himself or herself out as able to perform, or
 1238 does perform, any form of nursing home administration by written
 1239 or verbal claim, sign, advertisement, letterhead, or card; or in
 1240 any other way represents himself or herself to be, or implies
 1241 that he or she is, a nursing home administrator.

1242 (6)~~(5)~~ "Nursing home" means an institution or facility
 1243 licensed as such under part II of chapter 400.

1244 Section 28. Section 468.1665, Florida Statutes, is amended
 1245 to read:

1246 468.1665 Board of Nursing Home and Assisted Living
 1247 Facility Administrators; membership; appointment; terms.-

1248 (1) The Board of Nursing Home and Assisted Living Facility
 1249 Administrators is created within the department and shall
 1250 consist of eleven ~~seven~~ members, to be appointed by the Governor
 1251 and confirmed by the Senate to a term of 4 years or for a term
 1252 to complete an unexpired vacancy.

1253 (2) Three members of the board must be licensed nursing
 1254 home administrators. Three members of the board must be licensed
 1255 assisted living facility administrators. Two members of the
 1256 board must be health care practitioners. Three ~~The remaining two~~
 1257 members of the board must be laypersons who are not, and have
 1258 never been, nursing home or assisted living facility
 1259 administrators or members of any health care profession or
 1260 occupation, and at least one of these laypersons must be a

1261 resident of an assisted living facility. At least one member of
 1262 the board must be 60 years of age or older.

1263 (3) A person may not be appointed as a member of the board
 1264 if a conflict of interest exists, except that a nursing home
 1265 administrator or an assisted living facility administrator who
 1266 is appointed to the board may retain a financial interest in the
 1267 institution or facility he or she administers at the time of
 1268 appointment ~~Only board members who are nursing home~~
 1269 ~~administrators may have a direct financial interest in any~~
 1270 ~~nursing home.~~

1271 (4) All provisions of chapter 456 relating to activities
 1272 of regulatory boards shall apply.

1273 Section 29. Section 468.1685, Florida Statutes, is amended
 1274 to read:

1275 468.1685 Powers and duties of board and department.—It is
 1276 the function and duty of the board, together with the
 1277 department, to:

1278 (1) Adopt rules ~~pursuant to ss. 120.536(1) and 120.54~~ to
 1279 implement the provisions of this part conferring duties upon the
 1280 board.

1281 (2) Develop, impose, and enforce specific standards within
 1282 the scope of the general qualifications established by this part
 1283 which must be met by individuals in order to receive licenses as
 1284 nursing home or assisted living facility administrators. These
 1285 standards shall be designed to ensure that nursing home and
 1286 assisted living facility administrators are individuals of good
 1287 character and otherwise suitable and, by training or experience
 1288 in the field of health care facility ~~institutional~~

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1289 administration, qualified to serve as nursing home or assisted
1290 living facility administrators.

1291 (3) Develop by appropriate techniques, including
1292 examinations and investigations, a method for determining
1293 whether an individual meets such standards.

1294 (a) The board shall approve one or more third-party
1295 credentialing entities for the purpose of developing and
1296 administering assisted living facility administrator
1297 certification programs. A third-party credentialing entity must
1298 be a nonprofit organization that has met nationally recognized
1299 standards for developing and administering professional
1300 certification programs.

1301 (b) In order to obtain approval, a third-party
1302 credentialing entity must also:

1303 1. Establish professional requirements and standards that
1304 applicants must achieve in order to obtain an assisted living
1305 facility administrator certification and to maintain such
1306 certification. At a minimum, these requirements and standards
1307 must include completion of the requirements for assisted living
1308 facility administrators required in this part and in rules
1309 adopted by the board, including all education and continuing
1310 education requirements;

1311 2. Develop and apply core competencies and examination
1312 instruments according to nationally recognized certification and
1313 psychometric standards, and agree to assist the board with
1314 developing the training and testing materials under subsections
1315 (9), (10), and (11);

1316 3. Maintain a professional code of ethics and a

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1317 disciplinary process that applies to all persons holding
1318 certification as an assisted living facility administrator;

1319 4. Maintain an Internet-based database, accessible to the
1320 public, of all persons holding an assisted living facility
1321 administrator certification, including any history of ethical
1322 violations; and

1323 5. Require continuing education and, at least, biennial
1324 certification renewal for persons holding an assisted living
1325 facility administrator certification.

1326 (4) Issue licenses to qualified individuals meeting the
1327 standards of the board and revoke or suspend licenses previously
1328 issued by the board if ~~when~~ the individual holding such license
1329 is determined to have failed to ~~conform~~ substantially conform to
1330 the requirements of such standards.

1331 (5) Establish by rule and carry out procedures, ~~by rule,~~
1332 designed to ensure that licensed nursing home or assisted living
1333 facility administrators ~~will~~ comply with the standards adopted
1334 by the board.

1335 (6) Receive, investigate, and take appropriate action with
1336 respect to any charge or complaint filed with the department ~~to~~
1337 ~~the effect~~ that a licensed nursing home or assisted living
1338 facility administrator has failed to comply with the
1339 requirements or standards adopted by the board.

1340 (7) Conduct a continuing study and investigation of
1341 nursing homes and assisted living facilities and the
1342 administrators of nursing homes and assisted living facilities
1343 in order to improve the standards imposed for the licensing of
1344 such administrators and the procedures and methods for enforcing

1345 such standards with respect to licensed administrators ~~of~~
 1346 ~~nursing homes who have been licensed as such.~~

1347 (8) Set up procedures by rule for advising and acting
 1348 together with the department ~~of Health~~ and other boards of other
 1349 health professions in matters affecting procedures and methods
 1350 for effectively enforcing the purpose of this part and the
 1351 administration of chapters 400 and 429.

1352 (9) In consultation with the Agency for Health Care
 1353 Administration, the Department of Elderly Affairs, and the
 1354 Department of Children and Families, develop the following,
 1355 which must be completed by an applicant for licensure as an
 1356 assisted living facility administrator:

1357 (a) Assisted living facility administrator core training
 1358 that includes at least 40 hours of training, is offered in
 1359 English and Spanish, is reviewed at least annually by the board
 1360 or its agent, and updated as needed to reflect changes in the
 1361 law, rules, and best practices. The curriculum, at a minimum,
 1362 must cover the following topics:

- 1363 1. State law and rules relating to assisted living
 1364 facilities.
- 1365 2. Resident rights and the identification and reporting of
 1366 abuse, neglect, and exploitation.
- 1367 3. The special needs of elderly persons, persons who have
 1368 mental illness, and persons who have developmental disabilities
 1369 and how to meet those needs.
- 1370 4. Nutrition and food service, including acceptable
 1371 sanitation practices for preparing, storing, and serving food.
- 1372 5. Medication management, recordkeeping, and proper

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1373 techniques for assisting residents who self-administer
1374 medication.

1375 6. Firesafety requirements, including procedures for fire
1376 evacuation drills and other emergency procedures.

1377 7. The care of persons who have Alzheimer's disease and
1378 related disorders.

1379 8. Elopement prevention.

1380 9. Aggression and behavior management, deescalation
1381 techniques, and proper protocols and procedures relating to the
1382 Baker Act as provided in part I of chapter 394.

1383 10. Do-not-resuscitate orders.

1384 11. Infection control.

1385 12. Admission and continued residency.

1386 13. Phases of care and interacting with residents.

1387 14. Best practices in the industry.

1388 15. Business operations, including, but not limited to,
1389 human resources, financial management, and supervision of staff.

1390 (b) An assisted living facility administrator examination
1391 that tests the applicant's knowledge and training of the core
1392 training topics listed in paragraph (a). The examination must be
1393 offered in English and Spanish, reviewed at least annually by
1394 the board or its agent, and updated as needed to reflect changes
1395 in the law, rules, and best practices. A minimum score of 80
1396 percent is required to demonstrate successful completion of the
1397 training requirements.

1398 (10) In consultation with the Agency for Health Care
1399 Administration, the Department of Elderly Affairs, and the
1400 Department of Children and Families, develop a continuing

1401 education curriculum, for licensed assisted living facility
 1402 administrators. Administrators who are employed by extended
 1403 congregate care, limited nursing services, or limited mental
 1404 health licensees must complete additional credit hours as
 1405 determined by the board. The board or its agent shall also
 1406 develop a short examination that corresponds with each
 1407 continuing education course and must be offered in English and
 1408 Spanish. The board or its agent must review the continuing
 1409 education curriculum and each examination at least annually, and
 1410 update the curriculum and examinations as needed to reflect
 1411 changes in the law, rules, and best practices. Continuing
 1412 education must include topics similar to those of the core
 1413 training in paragraph (9), and may include additional subject
 1414 matter that enhances the knowledge, skills, and abilities of
 1415 assisted living facility administrators, as adopted by rule.

1416 (11) In consultation with a panel of at least three mental
 1417 health professionals, develop a limited mental health curriculum
 1418 and examination, which must be completed by an assisted living
 1419 facility administrator within 30 days after being employed by a
 1420 limited mental health licensee. The examination must be offered
 1421 in English and Spanish and must be available online. The board
 1422 or its agent shall review the examination at least annually and
 1423 update as needed.

1424 (12) In consultation with stakeholders, develop the
 1425 standardized staff training curriculum required under s. 429.52
 1426 for assisted living facility staff members, other than an
 1427 administrator, who provide regular or direct care to residents.
 1428 The curriculum must be reviewed at least annually by the board

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1429 | or its agent, and updated as needed to reflect changes in the
1430 | law, rules, and best practices. The curriculum must include at
1431 | least 20 hours of inservice training, with at least 1 hour of
1432 | training per topic, covering at least the following topics:

- 1433 | (a) Reporting major incidents.
- 1434 | (b) Reporting adverse incidents.
- 1435 | (c) Facility emergency procedures, including chain-of-
1436 | command and staff member roles relating to emergency evacuation.
- 1437 | (d) Resident rights in an assisted living facility.
- 1438 | (e) Recognizing and reporting resident abuse, neglect, and
1439 | exploitation.
- 1440 | (f) Resident behavior and needs.
- 1441 | (g) Providing assistance with the activities of daily
1442 | living.
- 1443 | (h) Infection control.
- 1444 | (i) Aggression and behavior management and deescalation
1445 | techniques.

1446 | (13) In consultation with the Agency for Health Care
1447 | Administration, the Department of Elderly Affairs, the
1448 | Department of Children and Families, and stakeholders, develop
1449 | the interactive online tutorial required under s. 429.52, which
1450 | must be completed by assisted living facility staff members who
1451 | provide regular or direct care to assisted living facility
1452 | residents. The tutorial must be based on the training required
1453 | under subsection (12). The board must offer the tutorial in
1454 | English and Spanish and update the tutorial as needed, but at
1455 | least annually.

1456 | (14) In consultation with the Agency for Health Care

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1457 Administration, the Department of Elderly Affairs, and the
1458 Department of Children and Families, develop the continuing
1459 education curriculum required under s. 429.52 for staff members
1460 of an assisted living facility who provide regular or direct
1461 care to assisted living facility residents. The board shall
1462 require additional credit hours for assisted living facility
1463 staff who are employed by extended congregate care, limited
1464 nursing services, or limited mental health licensees. The board
1465 or its agent must review the continuing education curriculum at
1466 least annually and update the curriculum as needed. Continuing
1467 education must include topics similar to those listed in
1468 subsection (12), and may include additional subject matter that
1469 enhances the knowledge, skills, and abilities of assisted living
1470 facility staff, as adopted by rule.

1471 (15) In consultation with a panel of at least three mental
1472 health professionals, develop the limited mental health
1473 curriculum and online interactive tutorial required under s.
1474 429.521(3), which must be completed by assisted living facility
1475 staff, other than the administrator, who provide regular and
1476 direct care to mental health residents. The board or its agents
1477 must ensure that the tutorial is offered in English and Spanish,
1478 and must be updated as needed, but at least annually.

1479 (16) Require and provide, or cause to be provided, the
1480 training or education of staff members of an assisted living
1481 facility beyond that which is required under this part if the
1482 board or department determines that there are problems in a
1483 facility which could be reduced through specific staff training
1484 or education.

1485 (17) Certify assisted living training providers who meet
 1486 the qualifications under s. 429.522.

1487 (18) Approve testing and training centers pursuant to s.
 1488 429.523.

1489 Section 30. Subsection (2) of section 468.1695, Florida
 1490 Statutes, is amended and subsections (5) through (9) are added
 1491 to that section, to read:

1492 468.1695 Licensure by examination; licensure by
 1493 certification.—

1494 (2) The department shall examine each applicant for a
 1495 nursing home administrator license who the board certifies has
 1496 completed the application form and remitted an examination fee
 1497 set by the board not to exceed \$250 and who:

1498 (a)1. Holds a baccalaureate degree from an accredited
 1499 college or university and majored in health care administration,
 1500 health services administration, or an equivalent major, or has
 1501 credit for at least 60 semester hours in subjects, as prescribed
 1502 by rule of the board, which prepare the applicant for total
 1503 management of a nursing home; and

1504 2. Has fulfilled the requirements of a college-affiliated
 1505 or university-affiliated internship in nursing home
 1506 administration or of a 1,000-hour nursing home administrator-in-
 1507 training program prescribed by the board; or

1508 (b)1. Holds a baccalaureate degree from an accredited
 1509 college or university; and

1510 2.a. Has fulfilled the requirements of a 2,000-hour
 1511 nursing home administrator-in-training program prescribed by the
 1512 board; or

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1513 b. Has 1 year of management experience allowing for the
1514 application of executive duties and skills, including the
1515 staffing, budgeting, and directing of resident care, dietary,
1516 and bookkeeping departments within a skilled nursing facility,
1517 hospital, hospice, assisted living facility with a minimum of 60
1518 licensed beds, or geriatric residential treatment program and,
1519 if such experience is not in a skilled nursing facility, has
1520 fulfilled the requirements of a 1,000-hour nursing home
1521 administrator-in-training program prescribed by the board.

1522 (5) Any person desiring to be licensed as an assisted
1523 living facility administrator must apply to the department,
1524 remit a fee set by the board not to exceed \$500, and provide
1525 proof of a current and valid assisted living facility
1526 administrator certification.

1527 (6) An assisted living facility administrator
1528 certification must be issued by a board-approved third-party
1529 credentialing entity that certifies the individual:

1530 (a) Is at least 21 years old;

1531 (b) Holds a 4-year baccalaureate degree from an accredited
1532 college or university which includes some coursework in health
1533 care, gerontology, or geriatrics; a 4-year baccalaureate degree
1534 from an accredited college or university and has at least 2
1535 years of experience in direct care in an assisted living
1536 facility or nursing home; or a 2-year associate degree that
1537 includes coursework in health care, gerontology, or geriatrics
1538 and has at least 2 years of experience in direct care in an
1539 assisted living facility or nursing home;

1540 (c) Has completed a least 40 hours of core training;

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1541 (d) Has passed an examination that documents core
1542 competencies in the training required for assisted living
1543 facility administrators before licensure with a minimum score of
1544 80 percent;

1545 (e) Has completed background screening pursuant to ss.
1546 429.174 and 456.0365; and

1547 (f) Otherwise meets the requirements of this part and part
1548 I of chapter 429.

1549 (7) An assisted living facility administrator who is
1550 continuously employed as a facility administrator, or a nursing
1551 home administrator who is continuously employed as a nursing
1552 home administrator, for at least the 2 years before July 1,
1553 2013, is eligible for certification as an assisted living
1554 facility administrator without meeting the educational
1555 requirements of this section or taking the licensure examination
1556 if:

1557 (a) The core training under this part has been completed.

1558 (b) All continuing education requirements have been
1559 completed.

1560 (c) The applicant was not the administrator of a facility
1561 or nursing home that was cited for a class I or class II
1562 violation within the 2 years before July 1, 2013.

1563 (8) Other licensed professionals may be exempted from some
1564 or all of the training requirements of this section to be
1565 eligible for assisted living facility administrator
1566 certification, as determined by the board by rule.

1567 (9) A licensed assisted living facility administrator
1568 applying for relicensure must submit an application, remit

1569 applicable fees, and demonstrate that he or she has maintained
 1570 his or her assisted living facility administrator certification
 1571 that substantiates the individual has completed all continuing
 1572 education and other requirements under this part to obtain
 1573 licensure renewal.

1574 Section 31. Subsection (1) of section 468.1705, Florida
 1575 Statutes, is amended to read:

1576 468.1705 Licensure by endorsement; temporary license.—

1577 (1) The department shall issue a nursing home
 1578 administrator license by endorsement to an ~~any~~ applicant who,
 1579 upon applying to the department and remitting a fee set by the
 1580 board not to exceed \$500, demonstrates to the board that he or
 1581 she:

1582 (a) Meets one of the following requirements:

1583 1. Holds a valid active license to practice nursing home
 1584 administration in another state of the United States if
 1585 ~~provided that~~ the current requirements for licensure in that
 1586 state are substantially equivalent to, or more stringent than,
 1587 current requirements in this state; or

1588 2. Meets the qualifications for licensure in s. 468.1695;
 1589 and

1590 (b)1. Has successfully completed a national examination
 1591 which is substantially equivalent to, or more stringent than,
 1592 the examination given by the department;

1593 2. Has passed an examination on the laws and rules of this
 1594 state governing the administration of nursing homes; and

1595 3. Has worked as a fully licensed nursing home
 1596 administrator for 2 years within the 5-year period immediately

1597 preceding the application by endorsement.

1598 Section 32. Section 468.1725, Florida Statutes, is amended
 1599 to read:

1600 468.1725 Inactive status.—An administrator's license may
 1601 become inactive if an administrator applies for inactive
 1602 licensure status, does not pay licensure renewal fees on time,
 1603 or does not complete continuing education courses within the
 1604 requisite time.

1605 (1) If a license becomes inactive because:

1606 (a) The administrator applied for and was granted inactive
 1607 licensure status, he or she must pay a reactivation fee in order
 1608 to reactive the license.

1609 (b) The administrator failed to timely pay licensure
 1610 renewal fees, he or she must pay the biennial renewal fee, a
 1611 delinquency fee, and a reactivation fee.

1612 (c) The administrator did not timely complete continuing
 1613 education requirements, his or her license may not be
 1614 reactivated until satisfactory completion of the continuing
 1615 education requirements.

1616 (2)~~(1)~~ Unless otherwise prescribed in law, the board shall
 1617 prescribe by rule continuing education requirements as a
 1618 condition of reactivating a license. The continuing education
 1619 requirements for reactivating a license may not exceed 20
 1620 classroom hours for each year the license was inactive, in
 1621 addition to completing ~~completion~~ of the number of hours
 1622 required for renewal on the date the license became inactive.
 1623 The board may not reactivate the license until he or she
 1624 completes the continuing education requirements and pays a

1625 | delinquency and reactivation fee.

1626 | ~~(3)(2)~~ The board shall adopt rules relating to application
 1627 | procedures for inactive status, for the renewal of inactive
 1628 | licenses, and for the reactivation of licenses. The board shall
 1629 | prescribe by rule an application fee for inactive status, a
 1630 | ~~renewal fee for inactive status,~~ a delinquency fee, and a fee
 1631 | for the reactivation of a license. ~~None of~~ These fees may not
 1632 | exceed the biennial renewal fee established by the board for an
 1633 | active license.

1634 | ~~(3) The department may not reactivate a license unless the~~
 1635 | ~~inactive or delinquent licensee has paid any applicable biennial~~
 1636 | ~~renewal or delinquency fee, or both, and a reactivation fee.~~

1637 | Section 33. Section 468.1735, Florida Statutes, is amended
 1638 | to read:

1639 | 468.1735 Provisional license.—The board may establish by
 1640 | rule requirements for issuance of a provisional license. A
 1641 | provisional license shall be issued only to fill a position of
 1642 | nursing home administrator that unexpectedly becomes vacant due
 1643 | to illness, sudden death of the administrator, or abandonment of
 1644 | position and shall be issued for one single period as provided
 1645 | by rule not to exceed 6 months. The department shall not issue a
 1646 | provisional license to any applicant who is under investigation
 1647 | in this state or another jurisdiction for an offense which would
 1648 | constitute a violation of s. 468.1745, ~~or~~ s. 468.1755, or s.
 1649 | 429.55(4)(a), as applicable. Upon completion of the
 1650 | investigation relating to a nursing home administrator, the
 1651 | provisions of s. 468.1755 shall apply. The provisional license
 1652 | may be issued to a person who does not meet all of the licensing

1653 requirements established by this part, but the board shall by
 1654 rule establish minimal requirements to ensure protection of the
 1655 public health, safety, and welfare. The provisional license
 1656 shall be issued to the person who is designated as the
 1657 responsible person next in command in the event of the
 1658 administrator's departure. The board may set an application fee
 1659 not to exceed \$500 for a provisional license.

1660 Section 34. Section 468.1745, Florida Statutes, is amended
 1661 to read:

1662 468.1745 Prohibitions; penalties.—

1663 (1) A ~~No~~ person may not ~~shall~~:

1664 (a) Practice nursing home administration unless the person
 1665 holds an active license to practice nursing home administration.

1666 (b) Use the name or title "nursing home administrator" if
 1667 ~~when~~ the person has not been licensed pursuant to this part ~~act~~.

1668 (c) Present as his or her own the license of another.

1669 (d) Give false or forged evidence to the board or a member
 1670 thereof for the purpose of obtaining a license.

1671 (e) Use or attempt to use a nursing home administrator's
 1672 license that ~~which~~ has been suspended or revoked.

1673 (f) Knowingly employ unlicensed persons in the practice of
 1674 nursing home administration.

1675 (g) Knowingly conceal information relative to violations
 1676 of this part.

1677 (2) A person may not:

1678 (a) Practice assisted living facility administration
 1679 unless the person holds an active license to practice assisted
 1680 living facility administration.

1681 (b) Use the name or title "assisted living facility
 1682 administrator" if the person has not been licensed pursuant to
 1683 this part.

1684 (c) Present as his or her own the license of another.

1685 (d) Give false or forged evidence to the board or a member
 1686 thereof for the purpose of obtaining a license.

1687 (e) Use or attempt to use an assisted living facility
 1688 administrator's license that has been suspended or revoked.

1689 (f) Knowingly employ unlicensed persons in the practice of
 1690 assisted living facility administration.

1691 (g) Knowingly conceal information relative to violations
 1692 of this part.

1693 (3)-(2) Any person who violates the provisions of this
 1694 section is guilty of a misdemeanor of the second degree,
 1695 punishable as provided in s. 775.082 or s. 775.083.

1696 Section 35. Section 468.1755, Florida Statutes, is amended
 1697 to read:

1698 468.1755 Disciplinary proceedings.—

1699 (1) The following acts constitute grounds for denial of a
 1700 nursing home administrator license or disciplinary action, as
 1701 specified in s. 456.072(2):

1702 (a) Violation of any provision of s. 456.072(1) or s.
 1703 468.1745(1).

1704 (b) Attempting to procure a license to practice nursing
 1705 home administration by bribery, by fraudulent misrepresentation,
 1706 or through an error of the department or the board.

1707 (c) Having a license to practice nursing home
 1708 administration revoked, suspended, or otherwise acted against,

1709 including the denial of licensure, by the licensing authority of
 1710 another state, territory, or country.

1711 (d) Being convicted or found guilty, regardless of
 1712 adjudication, of a crime in any jurisdiction which relates to
 1713 the practice of nursing home administration or the ability to
 1714 practice nursing home administration. Any plea of nolo
 1715 contendere shall be considered a conviction for purposes of this
 1716 part.

1717 (e) Making or filing a report or record which the licensee
 1718 knows to be false, intentionally failing to file a report or
 1719 record required by state or federal law, willfully impeding or
 1720 obstructing such filing, or inducing another person to impede or
 1721 obstruct such filing. Such reports or records shall include only
 1722 those which are signed in the capacity of a licensed nursing
 1723 home administrator.

1724 (f) Authorizing the discharge or transfer of a resident
 1725 for a reason other than those provided in ss. 400.022 and
 1726 400.0255.

1727 (g) Advertising goods or services in a manner which is
 1728 fraudulent, false, deceptive, or misleading in form or content.

1729 (h) Fraud or deceit, negligence, incompetence, or
 1730 misconduct in the practice of nursing home administration.

1731 (i) Violation of a lawful order of the board or department
 1732 previously entered in a disciplinary hearing or failing to
 1733 comply with a lawfully issued subpoena of the board or
 1734 department.

1735 (j) Practicing with a revoked, suspended, inactive, or
 1736 delinquent license.

1737 (k) Repeatedly acting in a manner inconsistent with the
 1738 health, safety, or welfare of the patients of the facility in
 1739 which he or she is the administrator.

1740 (l) Being unable to practice nursing home administration
 1741 with reasonable skill and safety to patients by reason of
 1742 illness, drunkenness, use of drugs, narcotics, chemicals, or any
 1743 other material or substance or as a result of any mental or
 1744 physical condition. In enforcing this paragraph, upon a finding
 1745 of the State Surgeon General or his or her designee that
 1746 probable cause exists to believe that the licensee is unable to
 1747 serve as a nursing home administrator due to the reasons stated
 1748 in this paragraph, the department shall have the authority to
 1749 issue an order to compel the licensee to submit to a mental or
 1750 physical examination by a physician designated by the
 1751 department. If the licensee refuses to comply with such order,
 1752 the department's order directing such examination may be
 1753 enforced by filing a petition for enforcement in the circuit
 1754 court where the licensee resides or serves as a nursing home
 1755 administrator. The licensee against whom the petition is filed
 1756 shall not be named or identified by initials in any public court
 1757 records or documents, and the proceedings shall be closed to the
 1758 public. The department shall be entitled to the summary
 1759 procedure provided in s. 51.011. A licensee affected under this
 1760 paragraph shall have the opportunity, at reasonable intervals,
 1761 to demonstrate that he or she can resume the competent practice
 1762 of nursing home administration with reasonable skill and safety
 1763 to patients.

1764 (m) Willfully or repeatedly violating any of the

1765 provisions of the law, code, or rules of the licensing or
 1766 supervising authority or agency of the state or political
 1767 subdivision thereof having jurisdiction of the operation and
 1768 licensing of nursing homes.

1769 (n) Paying, giving, causing to be paid or given, or
 1770 offering to pay or to give to any person a commission or other
 1771 valuable consideration for the solicitation or procurement,
 1772 either directly or indirectly, of nursing home usage.

1773 (o) Willfully permitting unauthorized disclosure of
 1774 information relating to a patient or his or her records.

1775 (p) Discriminating with respect to patients, employees, or
 1776 staff on account of race, religion, color, sex, or national
 1777 origin.

1778 (q) Failing to implement an ongoing quality assurance
 1779 program directed by an interdisciplinary team that meets at
 1780 least every other month.

1781 (r) Violating any provision of this chapter or chapter
 1782 456, or any rules adopted pursuant thereto.

1783 (2) The board may enter an order denying nursing home
 1784 administrator licensure or imposing any of the penalties in s.
 1785 456.072(2) against any applicant for licensure or licensee who
 1786 is found guilty of violating any provision of subsection (1) of
 1787 this section or who is found guilty of violating any provision
 1788 of s. 456.072(1).

1789 (3) The board may enter an order denying licensure or
 1790 license renewal and may suspend or revoke the license of an
 1791 assisted living facility administrator who is under
 1792 investigation for, or who has committed, in this state or

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1793 another jurisdiction, any of the following:

1794 (a) Attempting to procure a license to practice assisted
1795 living facility administration by bribery, fraudulent
1796 misrepresentation, or through an error of the agency or the
1797 board.

1798 (b) Having an license to practice assisted living facility
1799 administration revoked, suspended, or otherwise acted against,
1800 including the denial of licensure by the licensing authority of
1801 another state, territory, or country.

1802 (c) Being convicted or found guilty of, or entered a plea
1803 of nolo contendere, regardless of adjudication, to a crime in
1804 any jurisdiction which relates to the practice of assisted
1805 living facility administration.

1806 (d) Making or filing a report or record that the licensee
1807 knows to be false, intentionally failing to file a report or
1808 record required by state or federal law, willfully impeding or
1809 obstructing such filing, or inducing another person to impede or
1810 obstruct such filing. Such reports or records include only those
1811 that are signed in the capacity of a licensed assisted living
1812 facility administrator.

1813 (e) Advertising goods or services in a manner that is
1814 fraudulent, false, deceptive, or misleading in form or content.

1815 (f) Committing fraud or deceit or exhibiting negligence,
1816 incompetence, or misconduct in the practice of assisted living
1817 facility administration.

1818 (g) Violating a lawful order of the board or agency
1819 previously entered in a disciplinary hearing or failing to
1820 comply with a lawfully issued subpoena of the board or agency.

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1821 (h) Repeatedly acting in a manner that is inconsistent
1822 with the health, safety, or welfare of the residents of the
1823 assisted living facility in which he or she is the
1824 administrator.

1825 (i) Being unable to practice assisted living facility
1826 administration with reasonable skill and safety to residents by
1827 reason of illness, drunkenness, use of drugs, narcotics,
1828 chemicals, or any other material or substance or as a result of
1829 any mental or physical condition. To enforce this subparagraph,
1830 upon a finding of the Secretary of Health Care Administration or
1831 his or her designee that probable cause exists to believe that
1832 the licensee is unable to serve as an assisted living facility
1833 administrator due to the reasons stated in this subparagraph,
1834 the agency may issue an order to compel the licensee to submit
1835 to a mental or physical examination by a physician designated by
1836 the agency. If the licensee refuses to comply with such order,
1837 the order may be enforced by filing a petition for enforcement
1838 in the circuit court where the licensee resides or serves as a
1839 facility administrator. The licensee against whom the petition
1840 is filed may not be named or identified by initials in any
1841 public court records or documents and the proceedings shall be
1842 closed to the public. The agency is entitled to the summary
1843 procedure pursuant to s. 51.011. At reasonable intervals, the
1844 licensee affected must be provided an opportunity to demonstrate
1845 that he or she can resume the competent practice of assisted
1846 living facility administration with reasonable skill and safety
1847 to residents.

1848 (j) Paying, giving, causing to be paid or given, or

1849 offering to pay or to give to any person a commission or other
 1850 valuable consideration for the solicitation or procurement,
 1851 directly or indirectly, of assisted living facility usage.

1852 (k) Willfully permitting unauthorized disclosure of
 1853 information relating to a resident or his or her records.

1854 (l) Discriminating with respect to residents, employees,
 1855 or staff members on account of race, religion, sex, or national
 1856 origin.

1857 (m) Violating any provision of this part, part II of
 1858 chapter 408, or rules adopted pursuant to this part.

1859 (4) The board shall revoke the license of an assisted
 1860 living facility administrator who knowingly participates in
 1861 intentional misconduct, or engages in conduct that constitutes
 1862 gross negligence, and contributes to the death of a resident.

1863 (5)~~(3)~~ The department shall reissue the license of a
 1864 disciplined licensee upon certification by the board that the
 1865 disciplined licensee has complied with all of the terms and
 1866 conditions set forth in the final order.

1867 Section 36. Section 468.1756, Florida Statutes, is amended
 1868 to read:

1869 468.1756 Statute of limitations.—An administrative
 1870 complaint may only be filed pursuant to s. 456.073 for an act
 1871 listed in s. 468.1755~~(1)(c)~~~~—(g)~~ within 4 years after ~~from~~ the
 1872 time of the incident giving rise to the complaint, or within 4
 1873 years after ~~from~~ the time the incident is discovered or should
 1874 have been discovered.

1875 Section 37. Assisted living facility streamlining task
 1876 force.—

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1877 (1) The Agency for Health Care Administration shall create
1878 a task force consisting of at least one representative from the
1879 agency, the Department of Elderly Affairs, the Department of
1880 Children and Families, the Department of Health, and the Office
1881 of State Long-Term Care Ombudsman.

1882 (2) The purpose of the task force is to determine whether
1883 agencies currently have overlapping regulatory responsibilities
1884 over assisted living facilities and whether increased efficiency
1885 and effectiveness may be realized by transferring,
1886 consolidating, eliminating, or modifying such oversight between
1887 agencies.

1888 (3) The task force shall meet at least three times and
1889 submit a report to the Governor, the President of the Senate,
1890 and the Speaker of the House of Representatives by January 1,
1891 2014, which includes the task force's findings and
1892 recommendations pertaining to streamlining agency oversight and
1893 improving the effectiveness of regulatory functions.

1894 (4) The task force is terminated effective March 1, 2014.

1895 Section 38. By January 1, 2014, the Agency for Health Care
1896 Administration shall submit copies of all of its inspection
1897 forms used to inspect assisted living facilities to the Office
1898 of State Long-Term Care Ombudsman. The office shall create and
1899 act as the chair of a task force of up to 11 members, consisting
1900 of an ombudsman, one representative of a nonprofit assisted
1901 living facility, one representative of a for-profit assisted
1902 living facility, at least one resident or family member of a
1903 resident, other stakeholders, and one representative of the
1904 agency, the Department of Elderly Affairs, the Department of

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1905 Children and Families, and the Department of Health, to review
1906 the inspection forms. The task force shall provide
1907 recommendations, if any, to modify the forms in order to ensure
1908 that inspections adequately assess whether the assisted living
1909 facilities are in compliance with the law, meet the needs of
1910 residents, and ensure resident safety. The task force must
1911 provide its recommendations, including explanations of its
1912 recommendations, to the agency within 90 days after receiving
1913 the inspection forms. The task force is terminated July 1, 2014.

1914 Section 39. This act shall take effect July 1, 2013.