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LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: WD	.	
04/29/2013 10:45 AM	.	
	.	

Senator Gibson moved the following:

Senate Amendment (with title amendment)

Delete lines 2815 - 3039
and insert:

(6) The agency shall provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, on a monthly basis, a list of those assisted living facilities that have had their licenses denied, suspended, or revoked or that are involved in an appellate proceeding pursuant to s. 120.60 related to the denial, suspension, or revocation of a license.

(7) Agency notification of a license suspension or revocation, or denial of a license renewal, shall be posted and



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14 visible to the public at the facility.

15 (8) If a facility is required to relocate some or all of
16 its residents due to agency action, that facility is exempt from
17 the 45 days' notice requirement in s. 429.28(1)(k). This
18 provision does not exempt the facility from any deadlines for
19 corrective action set by the agency.

20 Section 61. Paragraphs (a) and (b) of subsection (2) of
21 section 429.178, Florida Statutes, are amended to read:

22 429.178 Special care for persons with Alzheimer's disease
23 or other related disorders.—

24 (2) (a) An individual who is employed by a facility that
25 provides special care for residents with Alzheimer's disease or
26 other related disorders, and who has regular contact with such
27 residents, must complete up to 4 hours of initial dementia-
28 specific training developed or approved by the department. The
29 training must ~~shall~~ be completed within 3 months after beginning
30 employment and satisfy ~~shall satisfy~~ the core training
31 requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

32 (b) A direct caregiver who is employed by a facility that
33 provides special care for residents with Alzheimer's disease or
34 other related disorders, and who provides direct care to such
35 residents, must complete the required initial training and 4
36 additional hours of training developed or approved by the
37 department. The training must ~~shall~~ be completed within 9 months
38 after beginning employment and satisfy ~~shall satisfy~~ the core
39 training requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

40 Section 62. Subsection (1) of section 429.26, Florida
41 Statutes, is amended to read:

42 429.26 Appropriateness of placements; examinations of



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43 residents.-

44 (1) The owner or administrator of a facility is responsible
45 for determining the appropriateness of admission of an
46 individual to the facility and for determining the continued
47 appropriateness of residence of an individual in the facility. A
48 determination shall be based upon an assessment of the
49 strengths, needs, and preferences of the resident, the care and
50 services offered or arranged for by the facility in accordance
51 with facility policy, and any limitations in law or rule related
52 to admission criteria or continued residency for the type of
53 license held by the facility under this part. A resident who
54 requires assistance with portable oxygen, colostomy care, and
55 antiembolism stockings or hosiery, and who otherwise meets the
56 admission criteria, may be admitted to a standard licensed
57 assisted living facility as long as the facility has a licensed
58 nurse on staff or is under contract to perform the services. A
59 resident may not be moved from one facility to another without
60 consultation with and agreement from the resident or, if
61 applicable, the resident's representative or designee or the
62 resident's family, guardian, surrogate, or attorney in fact. In
63 the case of a resident who has been placed by the department or
64 the Department of Children and Family Services, the
65 administrator must notify the appropriate contact person in the
66 applicable department.

67 Section 63. Subsections (2) and (6) of section 429.28,
68 Florida Statutes, are amended to read:

69 429.28 Resident bill of rights.-

70 (2) The administrator of a facility shall ensure that a
71 written notice of the rights, obligations, and prohibitions set



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72 forth in this part is posted in a prominent place in each
73 facility and read or explained to residents who cannot read. The
74 ~~This~~ notice must ~~shall~~ include the name, address, and telephone
75 numbers of the local ombudsman council and central abuse hotline
76 and, if when applicable, Disability Rights Florida the Advocacy
77 ~~Center for Persons with Disabilities, Inc., and the Florida~~
78 ~~local advocacy council~~, where complaints may be lodged. The
79 notice must state that a complaint made to the Office of State
80 Long-Term Care Ombudsman or a local long-term care ombudsman
81 council, the names and identities of the residents involved in
82 the complaint, and the identity of complainants are kept
83 confidential pursuant to s. 400.0077 and that retaliatory action
84 cannot be taken against a resident for presenting grievances or
85 for exercising any other resident right. The facility must
86 ensure a resident's access to a telephone to call the local
87 ombudsman council, central abuse hotline, and Disability Rights
88 ~~Florida Advocacy Center for Persons with Disabilities, Inc., and~~
89 ~~the Florida local advocacy council.~~

90 (6) A Any facility that ~~which~~ terminates the residency of
91 an individual who participated in activities specified in
92 subsection (5) must ~~shall~~ show good cause in a court of
93 competent jurisdiction.

94
95 ===== T I T L E A M E N D M E N T =====

96 And the title is amended as follows:

97 Delete lines 250 - 278

98 and insert:

99 the license of an assisted living facility; exempting
100 a facility from the 45-day notice requirement if the



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101 facility is required to relocate some or all of its
102 residents; amending s. 429.178, F.S.; conforming
103 cross-references; amending s. 429.26, F.S.; providing
104 that certain residents may be admitted to a standard
105 licensed assisted living facility under certain
106 circumstances; amending s. 429.28, F.S.; requiring
107 that residents of facilities be informed that the
108 identity of the resident and complainant in a
109 complaint made to the State Long-Term Care Ombudsman
110 Program is confidential and that retaliatory action
111 may not be taken against a resident for presenting
112 grievances or for exercising any other resident right;
113 amending s. 429.34, F.S.; requiring