

By the Committee on Children, Families, and Elder Affairs; and
Senator Legg

586-02762-14

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1 A bill to be entitled
2 An act relating to adult day care centers; amending s.
3 429.901, F.S.; defining the terms "adult day services"
4 and "respite"; amending s. 429.907, F.S.; providing
5 for operation of an adult day care center in a
6 temporary location under certain conditions; providing
7 notification requirements when a center relocates;
8 authorizing the Agency for Health Care Administration
9 to grant a conditional license to certain centers that
10 relocate; providing license renewal and inspection
11 requirements; revising exemptions for licensure;
12 amending s. 429.911, F.S.; revising a ground for
13 agency action against the owner of a center or its
14 operator or employee; amending s. 429.915, F.S.;
15 authorizing the agency to issue a conditional license
16 to a center that temporarily relocates; amending s.
17 429.917, F.S.; revising staff training requirements;
18 requiring a center to provide certain disclosures;
19 amending s. 429.931, F.S.; requiring a center to
20 notify the agency before proceeding with building
21 alterations under certain circumstances; amending s.
22 400.141, F.S.; conforming a cross-reference; providing
23 an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Present subsections (2) through (8) and (9) of
28 section 429.901, Florida Statutes, are renumbered as subsections
29 (3) through (9) and (11), respectively, and a new subsection (2)

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30 and subsection (10) are added to that section, to read:

31 429.901 Definitions.—As used in this part, the term:

32 (2) "Adult day care services" means community-based group
33 services designed to provide social, health, therapeutic,
34 recreational, nutritional, or respite services to adults who
35 need supervised care in a safe environment during the day. Adult
36 day care services offer cost-effective care while supporting
37 individual autonomy, allowing the participant to age in place,
38 and enhancing the quality of life of the participant, the
39 caregiver, and the community. These services are designed to:

40 (a) Delay or prevent institutionalization.

41 (b) Improve the ability to function independently through
42 the delivery of individualized care.

43 (c) Offer an alternative setting for adults who have
44 chronic and long-term health care needs.

45 (d) Improve or stabilize cognitive functioning.

46 (e) Educate caregivers.

47 (f) Provide respite for caregivers.

48 (g) Increase access to resources and information.

49 (10) "Respite" means short-term, temporary relief for a
50 person who is caring for a family member who might otherwise
51 require permanent placement in a facility outside the home.

52 Section 2. Section 429.907, Florida Statutes, is amended to
53 read:

54 429.907 License requirement; fee; exemption; display.—

55 (1) The requirements of part II of chapter 408 apply to the
56 provision of services that require licensure pursuant to this
57 part and part II of chapter 408 and to entities licensed by or
58 applying for such licensure from the Agency for Health Care

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59 Administration pursuant to this part. A license issued by the
60 agency is required in order to operate an adult day care center
61 in this state.

62 (2) (a) Except as otherwise provided in this subsection,
63 separate licenses are required for centers operated on separate
64 premises, even though operated under the same management.
65 Separate licenses are not required for separate buildings on the
66 same premises.

67 (b) If a licensed center becomes wholly or substantially
68 unusable due to a disaster or ~~due to~~ an emergency as those terms
69 are defined in s. 252.34 or due to alterations to the building
70 that may constitute a hazard to the safety of participants:

71 1. The licensee may continue to operate under its current
72 license in premises separate from that authorized under the
73 license if the licensee has:

74 a. Specified the location of the premises in its
75 comprehensive emergency management plan submitted to and
76 approved by the applicable county emergency management
77 authority; ~~and~~

78 b. Notified the agency and the county emergency management
79 authority within 24 hours after beginning to operate in another
80 of operating in the separate premises; or

81 c. Notified the agency within 30 days after commencement of
82 building alterations that require the licensee to temporarily
83 relocate to another premises for the safety of participants.

84 2. The licensee shall operate the separate premises only
85 while the licensed center's original location is substantially
86 unusable and for up to 180 days. The agency may extend use of
87 the alternate premises beyond the initial 180 days. The agency

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88 may also review the operation of the ~~disaster~~ premises
89 quarterly.

90 3. A center may be granted a conditional license pursuant
91 to s. 429.915 if the center has been in operation for more than
92 1 year before moving to a new location. The agency must inspect
93 the new location within 6 months after the center relocates. The
94 center must submit an application for conditional license
95 renewal at least 60 days before the conditional license expires.

96 (3) In accordance with s. 408.805, an applicant or licensee
97 shall pay a fee for each license application submitted under
98 this part and part II of chapter 408. The amount of the fee
99 shall be established by rule ~~and may not exceed \$150.~~

100 ~~(4) County-operated or municipally operated centers~~
101 ~~applying for licensure under this part are exempt from the~~
102 ~~payment of license fees.~~

103 Section 3. Paragraph (a) of subsection (2) of section
104 429.911, Florida Statutes, is amended to read:

105 429.911 Denial, suspension, revocation of license;
106 emergency action; administrative fines; investigations and
107 inspections.-

108 (2) Each of the following actions by the owner of an adult
109 day care center or by its operator or employee is a ground for
110 action by the agency against the owner of the center or its
111 operator or employee:

112 (a) An intentional or negligent act or the existence of
113 unsafe conditions at the center which materially affect
114 affecting the well-being, health, or safety of center
115 participants.

116 Section 4. Section 429.915, Florida Statutes, is amended to

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117 read:

118 429.915 Conditional license.—In addition to the license
119 categories available in part II of chapter 408, the agency may
120 issue a conditional license to an applicant for license renewal,
121 temporary relocation, or change of ownership if the applicant
122 fails to meet all standards and requirements for licensure. A
123 conditional license issued under this subsection must be limited
124 to a specific period not exceeding 6 months, as determined by
125 the agency, and must be accompanied by an approved plan of
126 correction.

127 Section 5. Paragraph (c) of subsection (1) and subsection
128 (2) of section 429.917, Florida Statutes, are amended to read:

129 429.917 Patients with Alzheimer's disease or other related
130 disorders; staff training requirements; certain disclosures.—

131 (1) An adult day care center licensed under this part must
132 provide the following staff training:

133 (c) In addition to the requirements of paragraphs (a) and
134 (b), an employee who will be providing direct care to a
135 participant who has Alzheimer's disease or a dementia-related
136 disorder must complete an additional 3 hours of training within
137 9 months after beginning employment. This training must include,
138 but is not limited to, the management of problem behaviors,
139 information about promoting the participant's independence in
140 activities of daily living, and instruction in skills for
141 working with families and caregivers, and the most current
142 information regarding Alzheimer's disease and dementia-related
143 disorders. This training must be offered annually and is
144 required for all employees providing direct care to
145 participants.

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146 (2) A center licensed under this part which claims that it
147 provides special care for persons who have Alzheimer's disease
148 or other related disorders, but does not claim to be licensed or
149 designated to provide specialized Alzheimer's disease services,
150 must disclose and document how ~~in its advertisements or in a~~
151 ~~separate document~~ those services that distinguish the care as
152 being especially applicable to, or suitable for, such persons.
153 ~~The center must give a copy of all such advertisements or a copy~~
154 ~~of the document to each person who requests information about~~
155 ~~the center and must maintain a copy of all such advertisements~~
156 ~~and documents in its records.~~ The agency shall examine all such
157 documentation ~~advertisements and documents in the center's~~
158 ~~records~~ as part of the license renewal procedure. An adult day
159 care center may not claim to be licensed or designated to
160 provide specialized Alzheimer's services unless the adult day
161 care center's license has been designated as such pursuant to s.
162 429.918.

163 Section 6. Section 429.931, Florida Statutes, is amended to
164 read:

165 429.931 Construction, repair, and renovation;
166 requirements.-

167 (1) The requirements for the construction, repair, and ~~the~~
168 renovation of a center must comply with the provisions of
169 chapter 553 which pertain to building construction standards,
170 including plumbing, electrical code, glass, manufactured
171 buildings, accessibility by physically handicapped persons, and
172 the state minimum building codes.

173 (2) The center must notify the agency 30 days before
174 commencement of building construction, repairs, or renovation to

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175 request a conditional license if the construction, repairs, or
176 renovation will require the center to temporarily relocate.

177 Section 7. Paragraph (f) of subsection (1) of section
178 400.141, Florida Statutes, is amended to read:

179 400.141 Administration and management of nursing home
180 facilities.—

181 (1) Every licensed facility shall comply with all
182 applicable standards and rules of the agency and shall:

183 (f) Be allowed and encouraged by the agency to provide
184 other needed services under certain conditions. If the facility
185 has a standard licensure status, it may provide services,
186 including, but not limited to, respite, therapeutic spa, and
187 adult day services to nonresidents of the facility. A facility
188 is not subject to any additional licensure requirements for
189 providing these services. Respite care may be offered to persons
190 in need of short-term or temporary nursing home services.
191 Respite care must be provided in accordance with this part.

192 ~~Providers of adult day services must comply with the~~
193 ~~requirements of s. 429.905(2).~~ The agency shall allow for shared
194 programming and staff in a facility which meets minimum
195 standards and offers services pursuant to this paragraph, but,
196 if the facility is cited for deficiencies in patient care, may
197 require additional staff and programs appropriate to the needs
198 of service recipients. A person who receives respite care may
199 not be counted as a resident of the facility for purposes of the
200 facility's licensed capacity unless that person receives 24-hour
201 respite care. A person receiving either respite care for 24
202 hours or longer or adult day services must be included when
203 calculating minimum staffing for the facility. Any costs and

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204 revenues generated by a nursing home facility from
205 nonresidential programs or services shall be excluded from the
206 calculations of Medicaid per diems for nursing home
207 institutional care reimbursement.

208 Section 8. This act shall take effect July 1, 2014.