

A bill to be entitled

An act relating to pediatric subacute care units; creating s. 395.1028, F.S.; providing definitions; providing requirements for pediatric subacute care units relating to admission, assessment, and care of patients; requiring the unit to collaborate with the local education agency to develop and implement an education plan for patients above a certain age; providing educational requirements for and responsibilities of nursing staff; requiring the Agency for Health Care Administration, in collaboration with the Division of Children's Medical Services of the Department of Health, to adopt rules for the operation of pediatric subacute care units; providing an effective date.

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

Section 1. Section 395.1028, Florida Statutes, is created to read:

395.1028 Pediatric subacute care units; admission requirements; staffing.—

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

(a) "Pediatric subacute care services" means health care services required by a person less than 21 years of age who uses a medical technology that compensates for the loss of a vital

27 bodily function.

28 (c) "Pediatric subacute care unit" means an identifiable
29 unit of a certified nursing facility that is licensed as a
30 skilled nursing facility under this chapter.

31 (b) "Pediatric subacute patient" means a patient who is
32 less than 21 years of age, is medically fragile, and requires
33 special services, including, but not limited to, respiratory
34 therapy; tracheostomy care, including, but not limited to,
35 intravenous feeding; or complex wound management care.

36 (d) "Subacute care" means a level of care required by a
37 patient who does not require hospital acute care, but who
38 requires more intensive licensed skilled nursing care than is
39 provided to the majority of patients in a skilled nursing
40 facility.

41 (2) A pediatric subacute care unit shall:

42 (a) Accept and retain only patients for whom it can
43 provide appropriate care pursuant to this section.

44 (b) Provide a safe, clean, comfortable, and nurturing
45 home-like environment designed to promote normal child
46 development.

47 (c) Serve patients based on age, gender, developmental
48 level, and social needs in a manner designed to promote their
49 growth and development.

50 (d) Designate a resident care manager, whose staffing time
51 equals one full-time position for every 20 patients. This
52 position shall be dedicated to the pediatric subacute care unit

53 and be separate from other nurse staffing hours required by the
54 facility. The resident care manager shall be a registered nurse
55 who possesses the knowledge and ability to assess and meet the
56 current needs of each pediatric subacute patient. The resident
57 care manager's responsibilities include, but are not limited to:

58 1. Coordinating patient admissions.

59 2. Acting as a liaison between the patient, family
60 members, the interdisciplinary team, and the community to ensure
61 that services to meet the patient's needs are initiated and
62 delivered in accordance with an individualized plan of care and
63 treatment.

64 3. Referring patients who qualify for special educational
65 services pursuant to the Individuals with Disabilities Education
66 Act, 20 U.S.C. ss. 1400 et seq., early intervention programs,
67 and special education programs offered under the Florida K-20
68 Education Code.

69 4. Coordinating with local and state agencies and programs
70 that provide services to children.

71 5. Coordinating patient and family education.

72 6. Preparing and implementing a discharge plan for each
73 patient.

74 7. Organizing quarterly care plan meetings with the
75 patient and the patient's parent or legal representative to
76 determine the appropriate time for discharge to the least
77 restrictive environment.

78 (e) Provide for a comprehensive developmental assessment

79 for each pediatric subacute care patient who is under 36 months
80 of age. The assessment shall be performed by a qualified
81 professional with training and expertise specific to the
82 assessment of, and program planning for, infant and child
83 development. The professional who performs the developmental
84 assessment shall:

85 1. Assess the patient's abilities and needs in at least
86 the following areas, where applicable, within 14 calendar days
87 after the patient is admitted to the pediatric subacute care
88 unit:

89 a. Sensorimotor development, including gross motor skills,
90 fine motor skills, and visual motor perception.

91 b. Social development and cognitive development.

92 c. Self-help development, including developmentally
93 appropriate feeding, toileting, dressing, and grooming.

94 d. Language and communication skills.

95 e. Play and recreation needs.

96 2. Prepare a developmental program for each patient with
97 specific goals and activity plans to reach each goal.

98 3. Provide direct developmental services to patients in
99 accordance with the developmental program.

100 4. Provide ongoing instruction to pediatric subacute
101 direct patient care unit staff on the daily activities required
102 to facilitate continuity of the developmental program.

103 5. Monitor the progress of the patient in reaching the
104 goals of the developmental program, reassess the patient and

105 revise the developmental program at least quarterly.

106 6. Maintain a record of the developmental program in the
107 patient's medical chart, including regular progress notes.

108 7. Participate in interdisciplinary team conferences.

109 8. Provide family education and advocacy to meet the
110 medical and educational needs of the patient.

111 9. Make recommendations to the resident care manager
112 regarding the provision of continuing developmental services
113 before the patient is discharged to a lower level of care.

114 (f) Incorporate each patient's developmental program into
115 his or her comprehensive nursing care plan. The nursing care
116 plan shall be revised based on changes in the developmental
117 program.

118 (g) Work with the local education agency to develop and
119 implement an individual education plan for each pediatric
120 subacute care patient who is 36 months of age or older. The
121 facility shall incorporate activities identified in the
122 individual education plan, as appropriate, into the patient's
123 comprehensive nursing care plan. To facilitate the continuity of
124 educational goals, the local education agency shall instruct
125 facility staff on strategies to incorporate individual education
126 plan goals into after-school activities.

127 (h) For each pediatric subacute patient who is under 36
128 months of age, incorporate activities identified in the
129 individual family service plan, as appropriate, in the patient's
130 comprehensive nursing plan. To facilitate continuity of

131 services, the local education agency shall instruct facility
132 staff on strategies to incorporate the goals of the individual
133 family service plan in such activities.

134 (i) Implement and maintain a system for determining
135 patient requirements for nursing care based on patient needs
136 with goals that are time limited, as provided in each patient's
137 comprehensive care plan.

138 (j) Maintain documentation of compliance with this section
139 and provide such documentation to the agency upon request.

140 (3) The agency shall adopt rules providing minimum
141 staffing requirements for pediatric subacute care units. These
142 requirements must include, for each unit:

143 (a) Maintenance of a nursing staff level sufficient to
144 ensure prompt recognition of any untoward change in patient
145 condition and facilitate appropriate nursing, medical, or other
146 intervention.

147 (b) Designation of a head nurse, who shall be a registered
148 nurse and shall manage the nursing staff of the unit. A head
149 nurse must submit proof of completion of at least 10 continuing
150 education units specific to the physical and psychosocial
151 assessment of, and provision of care to, critically ill children
152 within 1 year after the date of hire.

153 (c) A minimum daily average of 7.0 actual, unduplicated
154 licensed nursing hours per patient day, including 24 hours of
155 registered nurse care, 1.5 hours of certified nursing assistant
156 care per patient day, and 2.5 hours of respiratory care per

157 patient day.

158 (d) A minimum of one registered nurse per shift, not
159 including the head nurse, unless at least 80 percent of the head
160 nurse's time is spent in direct patient care. In such a case,
161 the remaining 20 percent of the head nurse's time must be spent
162 performing managerial duties.

163 (4) Each licensed nurse employed in the unit shall provide
164 evidence of an acquired competency, which shall be documented in
165 the nurse's personnel records, including:

166 (a) Proof of completion of at least 10 continuing
167 education units specific to the provision of care to critically
168 ill children, within 1 year after date of hire. These units are
169 to be included in the continuing education total that is
170 currently required and are not in addition to the continuing
171 education requirement.

172 (b) Proof of completion of at least 40 hours of direct
173 practical experience and training in providing nursing services
174 to the types of pediatric patients with technology dependency
175 for whom the facility provides care, within 2 months after date
176 of hire. The training must be provided by a registered nurse and
177 may be provided during the licensed nurse's normal working
178 hours.

179 (c) Cardiopulmonary resuscitation certification. A
180 registered nurse, a licensed practical nurse, or a respiratory
181 therapist shall have upon date of hire, or shall obtain and
182 subsequently maintain within 90 calendar days after date of

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183 hire, pediatric advanced cardiopulmonary resuscitation life
184 support certification.

185 (5) To serve as a nursing assistant in a pediatric
186 subacute care unit, a person must be certified as a nursing
187 assistant under part II of chapter 464, unless the person is a
188 registered nurse or practical nurse licensed in accordance with
189 part I of chapter 464 or an applicant for such licensure who is
190 permitted to practice nursing in accordance with rules adopted
191 by the Board of Nursing pursuant to part I of chapter 464.

192 (6) A nurse who provides direct care and is assigned to
193 the pediatric subacute care unit, including the head nurse, may
194 not be assigned duties outside of the unit.

195 (7) The agency, in collaboration with the Division of
196 Children's Medical Services of the Department of Health, shall
197 adopt rules for the operation of pediatric subacute care units.

198 Section 2. This act shall take effect July 1, 2014.