

1 A bill to be entitled

2 An act relating to assisted living facilities;  
3 amending s. 394.4574, F.S.; providing that Medicaid  
4 managed care plans are responsible for enrolled mental  
5 health residents; providing that managing entities  
6 under contract with the Department of Children and  
7 Families are responsible for mental health residents  
8 who are not enrolled with a Medicaid managed care  
9 plan; requiring that a community living support plan  
10 be completed and provided to the administrator of a  
11 facility within a specified period after the  
12 resident's admission; requiring that the community  
13 living support plan be updated when there is a  
14 significant change to the mental health resident's  
15 behavioral health; requiring a mental health resident  
16 case manager to keep certain records of interactions  
17 with the resident and to make the records available  
18 for inspection; requiring retention of the records for  
19 a specified period; requiring the responsible entity  
20 to ensure monitoring and implementation of community  
21 living support plans and cooperative agreements;  
22 amending s. 400.0074, F.S.; requiring a local  
23 ombudsman council to conduct comprehensive onsite  
24 administrative assessments; requiring a local council  
25 to conduct an exit consultation with the facility  
26 administrator or administrator designee; amending s.

27 400.0078, F.S.; requiring that a long-term care  
28 resident or resident representative be informed of  
29 resident immunity from retaliatory action for  
30 presenting grievances or exercising resident rights;  
31 amending s. 409.212, F.S.; increasing the cap on  
32 additional supplementation that a person may receive  
33 under certain conditions; amending s. 429.02, F.S.;  
34 revising the definition of the term "limited nursing  
35 services"; amending s. 429.07, F.S.; requiring that an  
36 extended congregate care license be issued to certain  
37 facilities licensed as assisted living facilities  
38 under certain circumstances and authorizing the  
39 issuance of such license if a specified condition is  
40 met; providing that the initial extended congregate  
41 care license is provisional under certain  
42 circumstances; requiring a licensee to notify the  
43 agency of acceptance of a resident who qualifies for  
44 extended congregate care services; requiring the  
45 agency to inspect the facility for compliance with  
46 license requirements; requiring the licensee to  
47 suspend extended congregate care services under  
48 certain circumstances; revising the frequency of  
49 monitoring visits to a facility by a registered nurse  
50 representing the agency; authorizing the agency to  
51 waive a required yearly monitoring visit under certain  
52 circumstances; authorizing the agency to deny or

53 | revoke a facility's extended congregate care license;  
54 | authorizing the agency to waive the required yearly  
55 | monitoring visit for a facility that is licensed to  
56 | provide limited nursing services under certain  
57 | circumstances; amending s. 429.075, F.S.; requiring an  
58 | assisted living facility that serves mental health  
59 | residents to obtain a limited mental health license;  
60 | requiring a limited mental health facility to provide  
61 | written evidence that certain documentation was sent  
62 | to the department within a specified period; amending  
63 | s. 429.14, F.S.; requiring the agency to deny or  
64 | revoke the license of an assisted living facility  
65 | under certain circumstances; requiring the agency to  
66 | impose an immediate moratorium on the license of an  
67 | assisted living facility under certain circumstances;  
68 | deleting a requirement that the agency provide a list  
69 | of facilities with denied, suspended, or revoked  
70 | licenses to the Department of Business and  
71 | Professional Regulation; exempting a facility from the  
72 | 45-day notice requirement if it is required to  
73 | relocate residents; amending s. 429.178, F.S.;  
74 | conforming cross-references; amending s. 429.19, F.S.;  
75 | requiring the agency to levy a fine for violations  
76 | that are corrected before an inspection if  
77 | noncompliance occurred within a specified period of  
78 | time; amending s. 429.256, F.S.; revising the term

79 "assistance with self-administration of medication" as  
80 it relates to the Assisted Living Facilities Act;  
81 amending s. 429.27, F.S.; revising the amount of cash  
82 for which a facility may provide safekeeping for a  
83 resident; amending s. 429.28, F.S.; providing notice  
84 requirements regarding confidentiality of resident  
85 identity in a complaint made to the State Long-Term  
86 Care Ombudsman Program or a local long-term care  
87 ombudsman council and immunity from retaliatory action  
88 for presenting grievances or exercising resident  
89 rights; providing a fine if a facility terminates an  
90 individual's residency after the filing of a complaint  
91 if good cause is not shown for the termination;  
92 requiring the agency to adopt rules; amending s.  
93 429.34, F.S.; requiring certain persons to report  
94 elder abuse in assisted living facilities; requiring  
95 the agency to regularly inspect a licensed assisted  
96 living facility; requiring the agency to conduct  
97 periodic inspections; amending s. 429.41, F.S.;  
98 providing that certain staffing requirements apply  
99 only to residents in continuing care facilities who  
100 are receiving certain services; amending s. 429.52,  
101 F.S.; requiring each newly hired employee of an  
102 assisted living facility to attend a preservice  
103 orientation; requiring the employee and administrator  
104 to sign a statement of completion and keep the

105 statement in the employee's personnel record;  
 106 requiring additional hours of training for assistance  
 107 with medication; creating s. 429.55, F.S.; directing  
 108 the agency to create an assisted living facility  
 109 consumer information website; providing criteria for  
 110 webpage content; providing content requirements;  
 111 authorizing the agency to adopt rules; requiring the  
 112 Office of Program Policy Analysis and Government  
 113 Accountability to study the reliability of facility  
 114 surveys and submit to the Governor and the Legislature  
 115 its findings and recommendations; providing  
 116 appropriations and authorizing positions; providing an  
 117 effective date.

118  
 119 Be It Enacted by the Legislature of the State of Florida:  
 120

121 Section 1. Section 394.4574, Florida Statutes, is amended  
 122 to read:

123 394.4574 ~~Department~~ Responsibilities for coordination of  
 124 services for a mental health resident who resides in an assisted  
 125 living facility that holds a limited mental health license.—

126 (1) As used in this section, the term "mental health  
 127 resident," ~~for purposes of this section,~~ means an individual who  
 128 receives social security disability income due to a mental  
 129 disorder as determined by the Social Security Administration or  
 130 receives supplemental security income due to a mental disorder

131 as determined by the Social Security Administration and receives  
 132 optional state supplementation.

133 (2) Medicaid managed care plans are responsible for  
 134 Medicaid enrolled mental health residents, and managing entities  
 135 under contract with the department are responsible for mental  
 136 health residents who are not enrolled in a Medicaid health plan.

137 A Medicaid managed care plan or a managing entity shall ~~The~~  
 138 ~~department must~~ ensure that:

139 (a) A mental health resident has been assessed by a  
 140 psychiatrist, clinical psychologist, clinical social worker, or  
 141 psychiatric nurse, or an individual who is supervised by one of  
 142 these professionals, and determined to be appropriate to reside  
 143 in an assisted living facility. The documentation must be  
 144 provided to the administrator of the facility within 30 days  
 145 after the mental health resident has been admitted to the  
 146 facility. An evaluation completed upon discharge from a state  
 147 mental hospital meets the requirements of this subsection  
 148 related to appropriateness for placement as a mental health  
 149 resident if it was completed within 90 days before ~~prior to~~  
 150 admission to the facility.

151 (b) A cooperative agreement, as required in s. 429.075, is  
 152 developed by ~~between~~ the mental health care services provider  
 153 that serves a mental health resident and the administrator of  
 154 the assisted living facility with a limited mental health  
 155 license in which the mental health resident is living. ~~Any~~  
 156 ~~entity that provides Medicaid prepaid health plan services shall~~

157 ~~ensure the appropriate coordination of health care services with~~  
158 ~~an assisted living facility in cases where a Medicaid recipient~~  
159 ~~is both a member of the entity's prepaid health plan and a~~  
160 ~~resident of the assisted living facility. If the entity is at~~  
161 ~~risk for Medicaid targeted case management and behavioral health~~  
162 ~~services, the entity shall inform the assisted living facility~~  
163 ~~of the procedures to follow should an emergent condition arise.~~

164 (c) The community living support plan, as defined in s.  
165 429.02, has been prepared by a mental health resident and his or  
166 her a mental health case manager ~~of that resident~~ in  
167 consultation with the administrator of the facility or the  
168 administrator's designee. The plan must be completed and  
169 provided to the administrator of the assisted living facility  
170 with a limited mental health license in which the mental health  
171 resident lives within 30 days after the resident's admission.  
172 The support plan and the agreement may be in one document.

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

176 (e) The mental health services provider assigns a case  
177 manager to each mental health resident for whom the entity is  
178 responsible ~~who lives in an assisted living facility with a~~  
179 ~~limited mental health license.~~ The case manager shall coordinate  
180 ~~is responsible for coordinating~~ the development ~~of~~ and  
181 implementation of the community living support plan defined in  
182 s. 429.02. The plan must be updated at least annually, or when

183 there is a significant change in the resident's behavioral  
184 health status. Each case manager shall keep a record of the date  
185 and time of any face-to-face interaction with the resident and  
186 make the record available to the responsible entity for  
187 inspection. The record must be retained for at least 2 years  
188 after the date of the most recent interaction.

189 (f) Consistent monitoring and implementation of community  
190 living support plans and cooperative agreements are conducted by  
191 the resident's case manager.

192 (g) Concerns are reported to the appropriate regulatory  
193 oversight organization if a regulated provider fails to deliver  
194 appropriate services or otherwise acts in a manner that has the  
195 potential to result in harm to the resident.

196 (3) The Secretary of Children and Families, in  
197 consultation with the Agency for Health Care Administration,  
198 shall ~~annually~~ require each district administrator to develop,  
199 with community input, a detailed annual plan that demonstrates  
200 ~~detailed plans that demonstrate~~ how the district will ensure the  
201 provision of state-funded mental health and substance abuse  
202 treatment services to residents of assisted living facilities  
203 that hold a limited mental health license. This plan ~~These plans~~  
204 must be consistent with the substance abuse and mental health  
205 district plan developed pursuant to s. 394.75 and must address  
206 case management services; access to consumer-operated drop-in  
207 centers; access to services during evenings, weekends, and  
208 holidays; supervision of the clinical needs of the residents;



209 and access to emergency psychiatric care.

210 Section 2. Subsection (1) of section 400.0074, Florida  
 211 Statutes, is amended, and paragraph (h) is added to subsection  
 212 (2) of that section, to read:

213 400.0074 Local ombudsman council onsite administrative  
 214 assessments.—

215 (1) In addition to any specific investigation conducted  
 216 pursuant to a complaint, the local council shall conduct, at  
 217 least annually, an onsite administrative assessment of each  
 218 nursing home, assisted living facility, and adult family-care  
 219 home within its jurisdiction. This administrative assessment  
 220 must be comprehensive in nature and must ~~shall~~ focus on factors  
 221 affecting residents' ~~the~~ rights, health, safety, and welfare ~~of~~  
 222 ~~the residents~~. Each local council is encouraged to conduct a  
 223 similar onsite administrative assessment of each additional  
 224 long-term care facility within its jurisdiction.

225 (2) An onsite administrative assessment conducted by a  
 226 local council shall be subject to the following conditions:

227 (h) Upon completion of an administrative assessment, the  
 228 local council shall conduct an exit consultation with the  
 229 facility administrator or a designee representing the facility  
 230 to discuss issues and concerns in areas affecting residents'  
 231 rights, health, safety, and welfare and, if needed, make  
 232 recommendations for improvement.

233 Section 3. Subsection (2) of section 400.0078, Florida  
 234 Statutes, is amended to read:

235 400.0078 Citizen access to State Long-Term Care Ombudsman  
 236 Program services.—

237 ~~(2) Every resident or representative of a resident shall~~  
 238 ~~receive,~~ Upon admission to a long-term care facility, each  
 239 resident or representative of a resident must receive  
 240 information regarding the purpose of the State Long-Term Care  
 241 Ombudsman Program, the statewide toll-free telephone number for  
 242 receiving complaints, information that retaliatory action cannot  
 243 be taken against a resident for presenting grievances or for  
 244 exercising any other resident right, and other relevant  
 245 information regarding how to contact the program. Each resident  
 246 or his or her representative ~~Residents or their representatives~~  
 247 must be furnished additional copies of this information upon  
 248 request.

249 Section 4. Paragraph (c) of subsection (4) of section  
 250 409.212, Florida Statutes, is amended to read:

251 409.212 Optional supplementation.—

252 (4) In addition to the amount of optional supplementation  
 253 provided by the state, a person may receive additional  
 254 supplementation from third parties to contribute to his or her  
 255 cost of care. Additional supplementation may be provided under  
 256 the following conditions:

257 (c) The additional supplementation shall not exceed four  
 258 ~~two~~ times the provider rate recognized under the optional state  
 259 supplementation program.

260 Section 5. Subsection (13) of section 429.02, Florida

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261 Statutes, is amended to read:

262 429.02 Definitions.—When used in this part, the term:

263 (13) "Limited nursing services" means acts that may be  
264 performed by a person licensed under ~~pursuant to~~ part I of  
265 chapter 464 ~~by persons licensed thereunder while carrying out~~  
266 ~~their professional duties but limited to those acts which the~~  
267 ~~department specifies by rule. Acts which may be specified by~~  
268 ~~rule as allowable~~ Limited nursing services shall be for persons  
269 who meet the admission criteria established by the department  
270 for assisted living facilities and shall not be complex enough  
271 to require 24-hour nursing supervision and may include such  
272 services as the application and care of routine dressings, and  
273 care of casts, braces, and splints.

274 Section 6. Paragraphs (b) and (c) of subsection (3) of  
275 section 429.07, Florida Statutes, are amended to read:

276 429.07 License required; fee.—

277 (3) In addition to the requirements of s. 408.806, each  
278 license granted by the agency must state the type of care for  
279 which the license is granted. Licenses shall be issued for one  
280 or more of the following categories of care: standard, extended  
281 congregate care, limited nursing services, or limited mental  
282 health.

283 (b) An extended congregate care license shall be issued to  
284 each facility that has been licensed as an assisted living  
285 facility for 2 or more years and that provides services  
286 ~~facilities providing, directly or through contract, services~~

287 beyond those authorized in paragraph (a), including services  
288 performed by persons licensed under part I of chapter 464 and  
289 supportive services, as defined by rule, to persons who would  
290 otherwise be disqualified from continued residence in a facility  
291 licensed under this part. An extended congregate care license  
292 may be issued to a facility that has a provisional extended  
293 congregate care license and meets the requirements for licensure  
294 under subparagraph 2. The primary purpose of extended congregate  
295 care services is to allow residents the option of remaining in a  
296 familiar setting from which they would otherwise be disqualified  
297 for continued residency as they become more impaired. A facility  
298 licensed to provide extended congregate care services may also  
299 admit an individual who exceeds the admission criteria for a  
300 facility with a standard license, if he or she is determined  
301 appropriate for admission to the extended congregate care  
302 facility.

303 1. In order for extended congregate care services to be  
304 provided, the agency must first determine that all requirements  
305 established in law and rule are met and must specifically  
306 designate, on the facility's license, that such services may be  
307 provided and whether the designation applies to all or part of  
308 the facility. This ~~Such~~ designation may be made at the time of  
309 initial licensure or relicensure, or upon request in writing by  
310 a licensee under this part and part II of chapter 408. The  
311 notification of approval or the denial of the request shall be  
312 made in accordance with part II of chapter 408. Each existing

313 facility that qualifies ~~facilities qualifying~~ to provide  
314 extended congregate care services must have maintained a  
315 standard license and may not have been subject to administrative  
316 sanctions during the previous 2 years, or since initial  
317 licensure if the facility has been licensed for less than 2  
318 years, for any of the following reasons:

- 319 a. A class I or class II violation;
- 320 b. Three or more repeat or recurring class III violations  
321 of identical or similar resident care standards from which a  
322 pattern of noncompliance is found by the agency;
- 323 c. Three or more class III violations that were not  
324 corrected in accordance with the corrective action plan approved  
325 by the agency;
- 326 d. Violation of resident care standards which results in  
327 requiring the facility to employ the services of a consultant  
328 pharmacist or consultant dietitian;
- 329 e. Denial, suspension, or revocation of a license for  
330 another facility licensed under this part in which the applicant  
331 for an extended congregate care license has at least 25 percent  
332 ownership interest; or
- 333 f. Imposition of a moratorium pursuant to this part or  
334 part II of chapter 408 or initiation of injunctive proceedings.

335

336 The agency may deny or revoke a facility's extended congregate  
337 care license for not meeting the criteria for an extended  
338 congregate care license as provided in this subparagraph.

339        2. If an assisted living facility has been licensed for  
340 less than 2 years, the initial extended congregate care license  
341 must be provisional and may not exceed 6 months. The licensee  
342 shall notify the agency, in writing, when it has admitted at  
343 least one extended congregate care resident, after which an  
344 unannounced inspection shall be made to determine compliance  
345 with the requirements of an extended congregate care license. A  
346 licensee with a provisional extended congregate care license  
347 that demonstrates compliance with all the requirements of an  
348 extended congregate care license during the inspection shall be  
349 issued an extended congregate care license. In addition to  
350 sanctions authorized under this part, if violations are found  
351 during the inspection and the licensee fails to demonstrate  
352 compliance with all assisted living facility requirements during  
353 a followup inspection, the licensee shall immediately suspend  
354 extended congregate care services, and the provisional extended  
355 congregate care license expires. The agency may extend the  
356 provisional license for not more than 1 month in order to  
357 complete a followup visit.

358        3.2. A facility that is licensed to provide extended  
359 congregate care services shall maintain a written progress  
360 report on each person who receives services which describes the  
361 type, amount, duration, scope, and outcome of services that are  
362 rendered and the general status of the resident's health. A  
363 registered nurse, or appropriate designee, representing the  
364 agency shall visit the facility at least twice a year ~~quarterly~~

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365 to monitor residents who are receiving extended congregate care  
366 services and to determine if the facility is in compliance with  
367 this part, part II of chapter 408, and relevant rules. One of  
368 the visits may be in conjunction with the regular survey. The  
369 monitoring visits may be provided through contractual  
370 arrangements with appropriate community agencies. A registered  
371 nurse shall serve as part of the team that inspects the  
372 facility. The agency may waive one of the required yearly  
373 monitoring visits for a facility that has:

374 a. Held an extended congregate care license for at least  
375 24 months; ~~been licensed for at least 24 months to provide~~  
376 ~~extended congregate care services, if, during the inspection,~~  
377 ~~the registered nurse determines that extended congregate care~~  
378 ~~services are being provided appropriately, and if the facility~~  
379 ~~has~~

380 b. No class I or class II violations and no uncorrected  
381 class III violations; ~~and-~~

382 c. No ombudsman council complaints that resulted in a  
383 citation for licensure. ~~The agency must first consult with the~~  
384 ~~long-term care ombudsman council for the area in which the~~  
385 ~~facility is located to determine if any complaints have been~~  
386 ~~made and substantiated about the quality of services or care.~~  
387 ~~The agency may not waive one of the required yearly monitoring~~  
388 ~~visits if complaints have been made and substantiated.~~

389 4.3. A facility that is licensed to provide extended  
390 congregate care services must:

- 391 a. Demonstrate the capability to meet unanticipated  
392 resident service needs.
- 393 b. Offer a physical environment that promotes a homelike  
394 setting, provides for resident privacy, promotes resident  
395 independence, and allows sufficient congregate space as defined  
396 by rule.
- 397 c. Have sufficient staff available, taking into account  
398 the physical plant and firesafety features of the building, to  
399 assist with the evacuation of residents in an emergency.
- 400 d. Adopt and follow policies and procedures that maximize  
401 resident independence, dignity, choice, and decisionmaking to  
402 permit residents to age in place, so that moves due to changes  
403 in functional status are minimized or avoided.
- 404 e. Allow residents or, if applicable, a resident's  
405 representative, designee, surrogate, guardian, or attorney in  
406 fact to make a variety of personal choices, participate in  
407 developing service plans, and share responsibility in  
408 decisionmaking.
- 409 f. Implement the concept of managed risk.
- 410 g. Provide, directly or through contract, the services of  
411 a person licensed under part I of chapter 464.
- 412 h. In addition to the training mandated in s. 429.52,  
413 provide specialized training as defined by rule for facility  
414 staff.
- 415 5.4. A facility that is licensed to provide extended  
416 congregate care services is exempt from the criteria for



417 continued residency set forth in rules adopted under s. 429.41.  
418 A licensed facility must adopt its own requirements within  
419 guidelines for continued residency set forth by rule. However,  
420 the facility may not serve residents who require 24-hour nursing  
421 supervision. A licensed facility that provides extended  
422 congregate care services must also provide each resident with a  
423 written copy of facility policies governing admission and  
424 retention.

425 ~~5. The primary purpose of extended congregate care~~  
426 ~~services is to allow residents, as they become more impaired,~~  
427 ~~the option of remaining in a familiar setting from which they~~  
428 ~~would otherwise be disqualified for continued residency. A~~  
429 ~~facility licensed to provide extended congregate care services~~  
430 ~~may also admit an individual who exceeds the admission criteria~~  
431 ~~for a facility with a standard license, if the individual is~~  
432 ~~determined appropriate for admission to the extended congregate~~  
433 ~~care facility.~~

434 6. Before the admission of an individual to a facility  
435 licensed to provide extended congregate care services, the  
436 individual must undergo a medical examination as provided in s.  
437 429.26(4) and the facility must develop a preliminary service  
438 plan for the individual.

439 7. If ~~When~~ a facility can no longer provide or arrange for  
440 services in accordance with the resident's service plan and  
441 needs and the facility's policy, the facility must ~~shall~~ make  
442 arrangements for relocating the person in accordance with s.

443 429.28(1)(k).

444 ~~8. Failure to provide extended congregate care services~~  
445 ~~may result in denial of extended congregate care license~~  
446 ~~renewal.~~

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

450 1. In order for limited nursing services to be provided in  
451 a facility licensed under this part, the agency must first  
452 determine that all requirements established in law and rule are  
453 met and must specifically designate, on the facility's license,  
454 that such services may be provided. This ~~Such~~ designation may be  
455 made at the time of initial licensure or licensure renewal  
456 ~~relicensure~~, or upon request in writing by a licensee under this  
457 part and part II of chapter 408. Notification of approval or  
458 denial of such request shall be made in accordance with part II  
459 of chapter 408. An existing facility that qualifies ~~facilities~~  
460 ~~qualifying~~ to provide limited nursing services must ~~shall~~ have  
461 maintained a standard license and may not have been subject to  
462 administrative sanctions that affect the health, safety, and  
463 welfare of residents for the previous 2 years or since initial  
464 licensure if the facility has been licensed for less than 2  
465 years.

466 2. A facility ~~Facilities~~ that is ~~are~~ licensed to provide  
467 limited nursing services shall maintain a written progress  
468 report on each person who receives such nursing services. The ~~r~~

469 ~~which~~ report must describe ~~describes~~ the type, amount, duration,  
470 scope, and outcome of services that are rendered and the general  
471 status of the resident's health. A registered nurse representing  
472 the agency shall visit the facility ~~such facilities~~ at least  
473 annually ~~twice a year~~ to monitor residents who are receiving  
474 limited nursing services and to determine if the facility is in  
475 compliance with applicable provisions of this part, part II of  
476 chapter 408, and related rules. The monitoring visits may be  
477 provided through contractual arrangements with appropriate  
478 community agencies. A registered nurse shall also serve as part  
479 of the team that inspects such facility. Visits may be in  
480 conjunction with other agency inspections. The agency may waive  
481 the required yearly monitoring visit for a facility that has:  
482 a. Had a limited nursing services license for at least 24  
483 months;  
484 b. No class I or class II violations and no uncorrected  
485 class III violations; and  
486 c. No ombudsman council complaints that resulted in a  
487 citation for licensure.  
488 3. A person who receives limited nursing services under  
489 this part must meet the admission criteria established by the  
490 agency for assisted living facilities. When a resident no longer  
491 meets the admission criteria for a facility licensed under this  
492 part, arrangements for relocating the person shall be made in  
493 accordance with s. 429.28(1)(k), unless the facility is licensed  
494 to provide extended congregate care services.

495 Section 7. Section 429.075, Florida Statutes, is amended  
 496 to read:

497 429.075 Limited mental health license.—An assisted living  
 498 facility that serves one ~~three~~ or more mental health residents  
 499 must obtain a limited mental health license.

500 (1) To obtain a limited mental health license, a facility  
 501 must hold a standard license as an assisted living facility,  
 502 must not have any current uncorrected ~~deficiencies or~~  
 503 violations, and must ensure that, within 6 months after  
 504 receiving a limited mental health license, the facility  
 505 administrator and the staff of the facility who are in direct  
 506 contact with mental health residents must complete training of  
 507 no less than 6 hours related to their duties. This ~~Such~~  
 508 designation may be made at the time of initial licensure or  
 509 relicensure or upon request in writing by a licensee under this  
 510 part and part II of chapter 408. Notification of approval or  
 511 denial of such request shall be made in accordance with this  
 512 part, part II of chapter 408, and applicable rules. This  
 513 training must ~~will~~ be provided by or approved by the Department  
 514 of Children and Families.

515 (2) A facility that is ~~Facilities~~ licensed to provide  
 516 services to mental health residents must ~~shall~~ provide  
 517 appropriate supervision and staffing to provide for the health,  
 518 safety, and welfare of such residents.

519 (3) A facility that has a limited mental health license  
 520 must:

521 (a) Have a copy of each mental health resident's community  
522 living support plan and the cooperative agreement with the  
523 mental health care services provider or provide written evidence  
524 that a request for the community living support plan and the  
525 cooperative agreement was sent to the Medicaid managed care plan  
526 or managing entity under contract with the Department of  
527 Children and Families within 72 hours after admission. The  
528 support plan and the agreement may be combined.

529 (b) Have documentation ~~that is~~ provided by the department  
530 ~~of Children and Families~~ that each mental health resident has  
531 been assessed and determined to be able to live in the community  
532 in an assisted living facility that has ~~with~~ a limited mental  
533 health license or provide written evidence that a request for  
534 documentation was sent to the department within 72 hours after  
535 admission.

536 (c) Make the community living support plan available for  
537 inspection by the resident, the resident's legal guardian or  
538 ~~the resident's~~ health care surrogate, and other individuals who  
539 have a lawful basis for reviewing this document.

540 (d) Assist the mental health resident in carrying out the  
541 activities identified in the resident's ~~individual's~~ community  
542 living support plan.

543 (4) A facility that has ~~with~~ a limited mental health  
544 license may enter into a cooperative agreement with a private  
545 mental health provider. For purposes of the limited mental  
546 health license, the private mental health provider may act as

547 the case manager.

548 Section 8. Section 429.14, Florida Statutes, is amended to  
549 read:

550 429.14 Administrative penalties.—

551 (1) In addition to the requirements of part II of chapter  
552 408, the agency may deny, revoke, and suspend any license issued  
553 under this part and impose an administrative fine in the manner  
554 provided in chapter 120 against a licensee for a violation of  
555 any provision of this part, part II of chapter 408, or  
556 applicable rules, or for any of the following actions by a  
557 licensee, ~~for the actions of~~ any person subject to level 2  
558 background screening under s. 408.809, or ~~for the actions of~~ any  
559 facility staff ~~employee~~:

560 (a) An intentional or negligent act seriously affecting  
561 the health, safety, or welfare of a resident of the facility.

562 (b) A ~~The~~ determination by the agency that the owner lacks  
563 the financial ability to provide continuing adequate care to  
564 residents.

565 (c) Misappropriation or conversion of the property of a  
566 resident of the facility.

567 (d) Failure to follow the criteria and procedures provided  
568 under part I of chapter 394 relating to the transportation,  
569 voluntary admission, and involuntary examination of a facility  
570 resident.

571 (e) A citation for ~~of~~ any of the following violations  
572 ~~deficiencies~~ as specified in s. 429.19:

- 573 1. One or more cited class I violations ~~deficiencies~~.
- 574 2. Three or more cited class II violations ~~deficiencies~~.
- 575 3. Five or more cited class III violations ~~deficiencies~~
- 576 that have been cited on a single survey and have not been
- 577 corrected within the times specified.
- 578 (f) Failure to comply with the background screening
- 579 standards of this part, s. 408.809(1), or chapter 435.
- 580 (g) Violation of a moratorium.
- 581 (h) Failure of the license applicant, the licensee during
- 582 relicensure, or a licensee that holds a provisional license to
- 583 meet the minimum license requirements of this part, or related
- 584 rules, at the time of license application or renewal.
- 585 (i) An intentional or negligent life-threatening act in
- 586 violation of the uniform firesafety standards for assisted
- 587 living facilities or other firesafety standards which ~~that~~
- 588 threatens the health, safety, or welfare of a resident of a
- 589 facility, as communicated to the agency by the local authority
- 590 having jurisdiction or the State Fire Marshal.
- 591 (j) Knowingly operating any unlicensed facility or
- 592 providing without a license any service that must be licensed
- 593 under this chapter or chapter 400.
- 594 (k) Any act constituting a ground upon which application
- 595 for a license may be denied.
- 596 (2) Upon notification by the local authority having
- 597 jurisdiction or by the State Fire Marshal, the agency may deny
- 598 or revoke the license of an assisted living facility that fails

599 | to correct cited fire code violations that affect or threaten  
 600 | the health, safety, or welfare of a resident of a facility.

601 |       (3) The agency may deny a license of an ~~to any~~ applicant  
 602 | or a controlling interest as defined in part II of chapter 408  
 603 | which has or had a 25 percent ~~25-percent~~ or greater financial or  
 604 | ownership interest in any other facility that is licensed under  
 605 | this part, or in any entity licensed by this state or another  
 606 | state to provide health or residential care, if that ~~which~~  
 607 | facility or entity during the 5 years prior to the application  
 608 | for a license closed due to financial inability to operate; had  
 609 | a receiver appointed or a license denied, suspended, or revoked;  
 610 | was subject to a moratorium; or had an injunctive proceeding  
 611 | initiated against it.

612 |       (4) The agency shall deny or revoke the license of an  
 613 | assisted living facility if:

614 |       (a) There are two moratoria, issued pursuant to this part  
 615 | or part II of chapter 408, within a 2-year period which are  
 616 | imposed by final order;

617 |       (b) The facility is cited for two or more class I  
 618 | violations arising from unrelated circumstances during the same  
 619 | survey or investigation; or

620 |       (c) The facility is cited for two or more class I  
 621 | violations arising from separate surveys or investigations  
 622 | within a 2-year period ~~that has two or more class I violations~~  
 623 | ~~that are similar or identical to violations identified by the~~  
 624 | ~~agency during a survey, inspection, monitoring visit, or~~



625 ~~complaint investigation occurring within the previous 2 years.~~

626 (5) An action taken by the agency to suspend, deny, or  
627 revoke a facility's license under this part or part II of  
628 chapter 408, in which the agency claims that the facility owner  
629 or an employee of the facility has threatened the health,  
630 safety, or welfare of a resident of the facility, shall be heard  
631 by the Division of Administrative Hearings of the Department of  
632 Management Services within 120 days after receipt of the  
633 facility's request for a hearing, unless that time limitation is  
634 waived by both parties. The administrative law judge shall ~~must~~  
635 render a decision within 30 days after receipt of a proposed  
636 recommended order.

637 (6) As provided under s. 408.814, the agency shall impose  
638 an immediate moratorium on an assisted living facility that  
639 fails to provide the agency with access to the facility or  
640 prohibits the agency from conducting a regulatory inspection.  
641 The licensee may not restrict agency staff from accessing and  
642 copying records at the agency's expense or from conducting  
643 confidential interviews with facility staff or any individual  
644 who receives services from the facility ~~provide to the Division~~  
645 ~~of Hotels and Restaurants of the Department of Business and~~  
646 ~~Professional Regulation, on a monthly basis, a list of those~~  
647 ~~assisted living facilities that have had their licenses denied,~~  
648 ~~suspended, or revoked or that are involved in an appellate~~  
649 ~~proceeding pursuant to s. 120.60 related to the denial,~~  
650 ~~suspension, or revocation of a license.~~

651 (7) Agency notification of a license suspension or  
 652 revocation, or denial of a license renewal, shall be posted and  
 653 visible to the public at the facility.

654 (8) If a facility is required to relocate some or all of  
 655 its residents due to agency action, that facility is exempt from  
 656 the 45-day notice requirement imposed under s. 429.28(1)(k).  
 657 This subsection does not exempt the facility from any deadlines  
 658 for corrective action set by the agency.

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

661 429.178 Special care for persons with Alzheimer's disease  
 662 or other related disorders.—

663 (2)(a) An individual who is employed by a facility that  
 664 provides special care for residents who have ~~with~~ Alzheimer's  
 665 disease or other related disorders, and who has regular contact  
 666 with such residents, must complete up to 4 hours of initial  
 667 dementia-specific training developed or approved by the  
 668 department. The training must ~~shall~~ be completed within 3 months  
 669 after beginning employment and satisfy ~~shall satisfy~~ the core  
 670 training requirements of s. 429.52(3)(g) ~~429.52(2)(g)~~.

671 (b) A direct caregiver who is employed by a facility that  
 672 provides special care for residents who have ~~with~~ Alzheimer's  
 673 disease or other related disorders, ~~and who~~ provides direct care  
 674 to such residents, ~~must~~ complete the required initial training  
 675 and 4 additional hours of training developed or approved by the  
 676 department. The training must ~~shall~~ be completed within 9 months

677 after beginning employment and satisfy ~~shall satisfy~~ the core  
 678 training requirements of s. 429.52(3)(g) ~~429.52(2)(g)~~.

679 Section 10. Paragraph (e) is added to subsection (2) of  
 680 section 429.19, Florida Statutes, to read:

681 429.19 Violations; imposition of administrative fines;  
 682 grounds.—

683 (2) Each violation of this part and adopted rules shall be  
 684 classified according to the nature of the violation and the  
 685 gravity of its probable effect on facility residents. The agency  
 686 shall indicate the classification on the written notice of the  
 687 violation as follows:

688 (e) Regardless of the class of violation cited, instead of  
 689 the fine amounts listed in paragraphs (a)-(d), the agency shall  
 690 impose an administrative fine of \$500 if a facility is found not  
 691 to be in compliance with the background screening requirements  
 692 as provided in s. 408.809.

693 Section 11. Subsection (3) and paragraph (c) of subsection  
 694 (4) of section 429.256, Florida Statutes, are amended to read:

695 429.256 Assistance with self-administration of  
 696 medication.—

697 (3) Assistance with self-administration of medication  
 698 includes:

699 (a) Taking the medication, in its previously dispensed,  
 700 properly labeled container, including an insulin syringe that is  
 701 prefilled with the proper dosage by a pharmacist and an insulin  
 702 pen that is prefilled by the manufacturer, from where it is

703 stored, and bringing it to the resident.

704 (b) In the presence of the resident, reading the label,  
705 opening the container, removing a prescribed amount of  
706 medication from the container, and closing the container.

707 (c) Placing an oral dosage in the resident's hand or  
708 placing the dosage in another container and helping the resident  
709 by lifting the container to his or her mouth.

710 (d) Applying topical medications.

711 (e) Returning the medication container to proper storage.

712 (f) Keeping a record of when a resident receives  
713 assistance with self-administration under this section.

714 (g) Assisting with the use of a nebulizer, including  
715 removing the cap of a nebulizer, opening the unit dose of  
716 nebulizer solution, and pouring the prescribed premeasured dose  
717 of medication into the dispensing cup of the nebulizer.

718 (h) Using a glucometer to perform blood-glucose level  
719 checks.

720 (i) Assisting with putting on and taking off antiembolism  
721 stockings.

722 (j) Assisting with applying and removing an oxygen cannula  
723 but not with titrating the prescribed oxygen settings.

724 (k) Assisting with the use of a continuous positive airway  
725 pressure device but not with titrating the prescribed setting of  
726 the device.

727 (l) Assisting with measuring vital signs.

728 (m) Assisting with colostomy bags.

729 (4) Assistance with self-administration does not include:  
 730 ~~(c) Administration of medications through intermittent~~  
 731 ~~positive pressure breathing machines or a nebulizer.~~

732 Section 12. Subsection (3) of section 429.27, Florida  
 733 Statutes, is amended to read:

734 429.27 Property and personal affairs of residents.—

735 (3) A facility, upon mutual consent with the resident,  
 736 shall provide for the safekeeping in the facility of personal  
 737 effects not in excess of \$500 and funds of the resident not in  
 738 excess of \$500 ~~\$200~~ cash, and shall keep complete and accurate  
 739 records of all such funds and personal effects received. If a  
 740 resident is absent from a facility for 24 hours or more, the  
 741 facility may provide for the safekeeping of the resident's  
 742 personal effects in excess of \$500.

743 Section 13. Paragraph (a) of subsection (3) and  
 744 subsections (2), (5), and (6) of section 429.28, Florida  
 745 Statutes, are amended to read:

746 429.28 Resident bill of rights.—

747 (2) The administrator of a facility shall ensure that a  
 748 written notice of the rights, obligations, and prohibitions set  
 749 forth in this part is posted in a prominent place in each  
 750 facility and read or explained to residents who cannot read. The  
 751 ~~This~~ notice must ~~shall~~ include the name, address, and telephone  
 752 numbers of the local ombudsman council, the ~~and~~ central abuse  
 753 hotline, and, if ~~when~~ applicable, Disability Rights Florida ~~the~~  
 754 ~~Advocacy Center for Persons with Disabilities, Inc., and the~~

755 ~~Florida local advocacy council~~, where complaints may be lodged.  
 756 The notice must state that a complaint made to the Office of  
 757 State Long-Term Care Ombudsman or a local long-term care  
 758 ombudsman council, the names and identities of the residents  
 759 involved in the complaint, and the identity of complainants are  
 760 kept confidential pursuant to s. 400.0077 and that retaliatory  
 761 action cannot be taken against a resident for presenting  
 762 grievances or for exercising any other resident right. The  
 763 facility must ensure a resident's access to a telephone to call  
 764 the local ombudsman council, central abuse hotline, and  
 765 Disability Rights Florida Advocacy Center for Persons with  
 766 Disabilities, Inc., and the Florida local advocacy council.

767 (3) (a) The agency shall conduct a survey to determine  
 768 general compliance with facility standards and compliance with  
 769 residents' rights as a prerequisite to initial licensure or  
 770 licensure renewal. The agency shall adopt rules for uniform  
 771 standards and criteria that will be used to determine compliance  
 772 with facility standards and compliance with residents' rights.

773 (5) A ~~No~~ facility or employee of a facility may not serve  
 774 notice upon a resident to leave the premises or take any other  
 775 retaliatory action against any person who:

776 (a) Exercises any right set forth in this section.

777 (b) Appears as a witness in any hearing, inside or outside  
 778 the facility.

779 (c) Files a civil action alleging a violation of the  
 780 provisions of this part or notifies a state attorney or the

781 Attorney General of a possible violation of such provisions.

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

788 Section 14. Section 429.34, Florida Statutes, is amended  
 789 to read:

790 429.34 Right of entry and inspection.—

791 (1) In addition to the requirements of s. 408.811, any  
 792 duly designated officer or employee of the department, the  
 793 Department of Children and Families, the Medicaid Fraud Control  
 794 Unit of the Office of the Attorney General, the state or local  
 795 fire marshal, or a member of the state or local long-term care  
 796 ombudsman council has ~~shall have~~ the right to enter unannounced  
 797 upon and into the premises of any facility licensed pursuant to  
 798 this part in order to determine the state of compliance with ~~the~~  
 799 ~~provisions of~~ this part, part II of chapter 408, and applicable  
 800 rules. Data collected by the state or local long-term care  
 801 ombudsman councils or the state or local advocacy councils may  
 802 be used by the agency in investigations involving violations of  
 803 regulatory standards. A person specified in this section who  
 804 knows or has reasonable cause to suspect that a vulnerable adult  
 805 has been or is being abused, neglected, or exploited shall  
 806 immediately report such knowledge or suspicion to the central

807 abuse hotline pursuant to chapter 415.

808 (2) The agency shall inspect each licensed assisted living  
 809 facility at least once every 24 months to determine compliance  
 810 with this chapter and related rules. If an assisted living  
 811 facility is cited for a class I violation or two or more class  
 812 II violations arising from separate surveys within a 60-day  
 813 period or due to unrelated circumstances during the same survey,  
 814 the agency must conduct an additional licensure inspection  
 815 within 6 months.

816 Section 15. Subsection (2) of section 429.41, Florida  
 817 Statutes, is amended to read:

818 429.41 Rules establishing standards.-

819 (2) In adopting any rules pursuant to this part, the  
 820 department, in conjunction with the agency, shall make distinct  
 821 standards for facilities based upon facility size; the types of  
 822 care provided; the physical and mental capabilities and needs of  
 823 residents; the type, frequency, and amount of services and care  
 824 offered; and the staffing characteristics of the facility. Rules  
 825 developed pursuant to this section may ~~shall~~ not restrict the  
 826 use of shared staffing and shared programming in facilities that  
 827 are part of retirement communities that provide multiple levels  
 828 of care and otherwise meet the requirements of law and rule. If  
 829 a continuing care facility licensed under chapter 651 or a  
 830 retirement community offering multiple levels of care licenses a  
 831 building or part of a building designated for independent living  
 832 for assisted living, staffing requirements established in rule



833 apply only to residents who receive personal, limited nursing,  
 834 or extended congregate care services under this part. Such  
 835 facilities shall retain a log listing the names and unit number  
 836 for residents receiving these services. The log must be  
 837 available to surveyors upon request. Except for uniform  
 838 firesafety standards, the department shall adopt by rule  
 839 separate and distinct standards for facilities with 16 or fewer  
 840 beds and for facilities with 17 or more beds. The standards for  
 841 facilities with 16 or fewer beds must ~~shall~~ be appropriate for a  
 842 noninstitutional residential environment; however, ~~provided that~~  
 843 the structure may not be ~~is no~~ more than two stories in height  
 844 and all persons who cannot exit the facility unassisted in an  
 845 emergency must reside on the first floor. The department, in  
 846 conjunction with the agency, may make other distinctions among  
 847 types of facilities as necessary to enforce ~~the provisions of~~  
 848 this part. Where appropriate, the agency shall offer alternate  
 849 solutions for complying with established standards, based on  
 850 distinctions made by the department and the agency relative to  
 851 the physical characteristics of facilities and the types of care  
 852 offered ~~therein~~.

853 Section 16. Subsections (1) through (11) of section  
 854 429.52, Florida Statutes, are renumbered as subsections (2)  
 855 through (12), respectively, present subsections (5) and (9) are  
 856 amended, and a new subsection (1) is added to that section, to  
 857 read:

858 429.52 Staff training and educational programs; core

859 educational requirement.—

860 (1) Effective October 1, 2015, each new assisted living  
861 facility employee who has not previously completed core training  
862 must attend a preservice orientation provided by the facility  
863 before interacting with residents. The preservice orientation  
864 must be at least 2 hours in duration and cover topics that help  
865 the employee provide responsible care and respond to the needs  
866 of facility residents. Upon completion, the employee and the  
867 administrator of the facility must sign a statement that the  
868 employee completed the required preservice orientation. The  
869 facility must keep the signed statement in the employee's  
870 personnel record.

871 (6)~~(5)~~ Staff involved with the management of medications  
872 and assisting with the self-administration of medications under  
873 s. 429.256 must complete a minimum of 6 ~~4~~ additional hours of  
874 training provided by a registered nurse, licensed pharmacist, or  
875 department staff. The department shall establish by rule the  
876 minimum requirements of this additional training.

877 (10)~~(9)~~ The training required by this section other than  
878 the preservice orientation must ~~shall~~ be conducted by persons  
879 registered with the department as having the requisite  
880 experience and credentials to conduct the training. A person  
881 seeking to register as a trainer must provide the department  
882 with proof of completion of the minimum core training education  
883 requirements, successful passage of the competency test  
884 established under this section, and proof of compliance with the

885 continuing education requirement in subsection (5) ~~(4)~~.

886 Section 17. Section 429.55, Florida Statutes, is created  
887 to read:

888 429.55 Consumer information website.—The Legislature finds  
889 that consumers need additional information on the quality of  
890 care and service in assisted living facilities in order to  
891 select the best facility for themselves or their loved ones.  
892 Therefore, the Agency for Health Care Administration shall  
893 create content that is easily accessible through the home page  
894 of the agency's website either directly or indirectly through  
895 links to one or more other established websites of the agency's  
896 choosing. The website must be searchable by facility name,  
897 license type, city, or zip code. By November 1, 2015, the agency  
898 shall include all content in its possession on the website and  
899 add content when received from facilities. At a minimum, the  
900 content must include:

901 (1) Information on each licensed assisted living facility,  
902 including, but not limited to:

903 (a) The name and address of the facility.

904 (b) The name of the owner or operator of the facility.

905 (c) The number and type of licensed beds in the facility.

906 (d) The types of licenses held by the facility.

907 (e) The facility's license expiration date and status.

908 (f) The total number of clients that the facility is  
909 licensed to serve and the most recently available occupancy  
910 levels.

- 911 (g) The number of private and semiprivate rooms offered.
- 912 (h) The bed-hold policy.
- 913 (i) The religious affiliation, if any, of the assisted
- 914 living facility.
- 915 (j) The languages spoken by the staff.
- 916 (k) Availability of nurses.
- 917 (l) Forms of payment accepted, including, but not limited
- 918 to, Medicaid, Medicaid long-term managed care, private
- 919 insurance, health maintenance organization, United States
- 920 Department of Veterans Affairs, CHAMPUS program, or workers'
- 921 compensation coverage.
- 922 (m) Indication if the licensee is operating under
- 923 bankruptcy protection.
- 924 (n) Recreational and other programs available.
- 925 (o) Special care units or programs offered.
- 926 (p) Whether the facility is a part of a retirement
- 927 community that offers other services pursuant to this part or
- 928 part III of this chapter, part II or part III of chapter 400, or
- 929 chapter 651.
- 930 (q) Links to the State Long-Term Care Ombudsman Program
- 931 website and the program's statewide toll-free telephone number.
- 932 (r) Links to the websites of the providers.
- 933 (s) Other relevant information that the agency currently
- 934 collects.
- 935 (2) Survey and violation information for the facility,
- 936 including a list of the facility's violations committed during

937 the previous 60 months, which on July 1, 2015, may include  
938 violations committed on or after July 1, 2010. The list shall be  
939 updated monthly and include for each violation:

940 (a) A summary of the violation, including all licensure,  
941 revisit, and complaint survey information, presented in a manner  
942 understandable by the general public.

943 (b) Any sanctions imposed by final order.

944 (c) The date the corrective action was confirmed by the  
945 agency.

946 (3) Links to inspection reports that the agency has on  
947 file.

948 (4) The agency may adopt rules to administer this section.

949 Section 18. The Legislature finds that consistent  
950 regulation of assisted living facilities benefits residents and  
951 operators of such facilities. To determine whether surveys are  
952 consistent between surveys and surveyors, the Office of Program  
953 Policy Analysis and Government Accountability shall conduct a  
954 study of intersurveyor reliability for assisted living  
955 facilities. By January 1, 2016, the Office of Program Policy  
956 Analysis and Government Accountability shall submit a report of  
957 its findings to the Governor, the President of the Senate, and  
958 the Speaker of the House of Representatives and make any  
959 recommendations for improving intersurveyor reliability.

960 Section 19. For fiscal year 2015-2016, the sums of  
961 \$151,322 in recurring funds and \$7,986 in nonrecurring funds  
962 from the Health Care Trust Fund are appropriated to the Agency

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963 for Health Care Administration, and two full-time equivalent  
964 positions with associated salary rate are authorized, for the  
965 purpose of carrying out the regulatory activities provided in  
966 this act.

967 Section 20. This act shall take effect July 1, 2015.