

1                   A bill to be entitled  
2           An act relating to assisted living facilities;  
3           amending s. 429.02, F.S.; providing definitions;  
4           amending s. 429.26, F.S.; revising the  
5           responsibilities of an owner or administrator of an  
6           assisted living facility to include arranging medical  
7           evaluations and reevaluations of individuals admitted  
8           to or residing in the facility; requiring that a  
9           medical examination report be completed and submitted  
10          by certain health care practitioners within a  
11          specified timeframe; requiring the medical examination  
12          report to be recorded on a specified form provided by  
13          the Agency for Health Care Administration; amending s.  
14          429.52, F.S.; providing minimum training requirements  
15          for medication technicians in assisted living  
16          facilities; authorizing the agency to establish and  
17          evaluate pilot projects to test consultative health  
18          quality initiatives in the state; providing criteria  
19          for such pilot projects; providing an effective date.

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

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23           Section 1. Subsections (15) through (18) of section  
24   429.02, Florida Statutes, are renumbered as subsections (16)  
25   through (19), respectively, subsections (19) through (27) are

26 | renumbered as subsections (21) through (29), respectively,  
 27 | subsection (11) is amended, and new subsections (15) and (20)  
 28 | are added to that section, to read:

29 |       429.02 Definitions.—When used in this part, the term:

30 |       (11) "Extended congregate care" means services ~~acts~~ beyond  
 31 | those authorized in subsection (18) ~~(17)~~ that may be performed  
 32 | pursuant to part I of chapter 464 by persons licensed thereunder  
 33 | while carrying out their professional duties, and other  
 34 | supportive services which may be specified by rule. The purpose  
 35 | of such services is to enable residents to age in place in a  
 36 | residential environment despite mental or physical limitations  
 37 | that might otherwise disqualify them from residency in a  
 38 | facility licensed under this part.

39 |       (15) "Medication technician" means an unlicensed staff  
 40 | member who has completed 6 hours of training approved by the  
 41 | department and provided by a trainer who is certified by the  
 42 | department. A medication technician is authorized to provide  
 43 | assistance with the self-administration of medications and  
 44 | provide assistance with point-of-care devices.

45 |       (20) "Point-of-care devices" means testing equipment  
 46 | designed and approved to be used by the resident with assistance  
 47 | and supervision from trained staff to help gather, collect, and  
 48 | record information regarding the resident's condition.

49 |       Section 2. Subsections (1) and (4) of section 429.26,  
 50 | Florida Statutes, are amended to read:

51           429.26 Appropriateness of placements; examinations of  
52 residents.—

53           (1) The owner or administrator of a facility is  
54 responsible for arranging a medical evaluation to determine  
55 ~~determining~~ the appropriateness of admission of an individual to  
56 the facility and for arranging a medical reevaluation at least  
57 annually or when a significant change in condition is observed  
58 and reported to the administrator regarding ~~determining~~ the  
59 continued appropriateness of residence of an individual in the  
60 facility. A determination shall be based upon an assessment of  
61 the strengths, needs, and preferences of the resident, the care  
62 and services offered or arranged for by the facility in  
63 accordance with facility policy, and any limitations in law or  
64 rule related to admission criteria or continued residency for  
65 the type of license held by the facility under this part. The  
66 owner or administrator shall base his or her determination of  
67 the initial and continuing appropriateness of placement of an  
68 individual in a facility on a medical examination report, which  
69 must be completed within 60 days before admission by a  
70 physician, a physician assistant, or an advanced practice  
71 registered nurse. A resident may not be moved from one facility  
72 to another without consultation with and agreement from the  
73 resident or, if applicable, the resident's representative or  
74 designee or the resident's family, guardian, surrogate, or  
75 attorney in fact. In the case of a resident who has been placed

76 | by the department or the Department of Children and Families,  
77 | the administrator must notify the appropriate contact person in  
78 | the applicable department.

79 |       (4) If possible, each resident shall have been examined by  
80 | a licensed physician, a licensed physician assistant, or a  
81 | licensed advanced practice registered nurse ~~practitioner~~ within  
82 | 60 days before admission to the facility. The signed and  
83 | completed medical examination report, which must be recorded on  
84 | AHCA form 1823, the Resident Health Assessment for Assisted  
85 | Living Facilities, as required by rule 58A-5.0181(2)(b), Florida  
86 | Administrative Code, shall be submitted to the owner or  
87 | administrator of the facility who shall use the information  
88 | contained therein to assist in the determination of the  
89 | appropriateness of the resident's admission and continued stay  
90 | in the facility. The owner or administrator is required to  
91 | ensure that the AHCA Form 1823 is thoroughly completed. The  
92 | medical examination report shall become a permanent part of the  
93 | record of the resident at the facility and shall be made  
94 | available to the agency during inspection or upon request. An  
95 | assessment that has been completed through the Comprehensive  
96 | Assessment and Review for Long-Term Care Services (CARES)  
97 | Program fulfills the requirements for a medical examination  
98 | under this subsection and s. 429.07(3)(b)6.

99 |       Section 3. Subsection (6) of section 429.52, Florida  
100 | Statutes, is amended to read:

101           429.52 Staff training and educational programs; core  
102 educational requirement.—

103           (6) A medication technician, as defined in s. 429.02,  
104 ~~Staff involved with the management of medications and assisting~~  
105 ~~with the self-administration of medications under s. 429.256~~  
106 must complete a minimum of 6 additional hours of training  
107 provided by a registered nurse, a licensed pharmacist, or agency  
108 staff. The agency shall establish by rule the minimum  
109 requirements of medication technician ~~this additional~~ training,  
110 which shall address infection control, safe handling and use of  
111 point-of-care devices, communicating with case managers and  
112 health care providers, and methods of assistance with the self-  
113 administration of medications. The department shall authorize  
114 approved training for medication technicians to be conducted  
115 using online materials and courses approved by the department.  
116 An online training course must administer a test to trainees and  
117 provide a certificate to each trainee who passes the test. The  
118 certificate must include a trainee's passing score and a unique  
119 identification number that has been assigned to the trainee. The  
120 department shall post on its website approved courses and  
121 certified trainers approved to offer medication technician  
122 training. The department shall maintain a list of approved  
123 devices as new technologies make point-of-care devices more  
124 accessible. The department shall establish requirements for the  
125 training of staff and supervision of point-of-care devices used

126 by residents in a licensed facility.

127       Section 4. The Agency for Health Care Administration may  
128 establish and evaluate pilot projects to test consultative  
129 health quality initiatives in the state. The pilot projects  
130 shall include criteria for quality improvement plans and a means  
131 of measuring progress towards implementation of the plans. The  
132 pilot projects shall include data collection requirements  
133 regarding resident satisfaction, quality-of-care indicators, and  
134 use of best practices by frontline caregivers. The pilot  
135 projects shall examine how the use of quality improvement teams  
136 reduce reliance on state-funded health quality assurance  
137 programs and how such teams improve the quality of care for  
138 residents. Participation in the pilot projects must be open to  
139 any core certified trainer or not-for-profit trade association  
140 that has represented assisted living facilities and adult  
141 family-care homes.

142       Section 5. This act shall take effect July 1, 2020.