

By Senator Jones

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1                   A bill to be entitled  
2       An act relating to assisted living facilities;  
3       amending s. 409.982, F.S.; using funds appropriated by  
4       the Legislature, requiring long-term care managed care  
5       plans to pay assisted living facilities certain rates  
6       and to calculate and make special payments for certain  
7       residents; requiring plans to pay assisted living  
8       facilities for claims within a specified timeframe;  
9       amending s. 429.02, F.S.; defining the term  
10      "medication technician"; amending s. 429.52, F.S.;  
11      providing minimum requirements and specifications for  
12      training of medication technicians; requiring the  
13      agency to authorize online materials and courses to be  
14      used for such training; providing for examination and  
15      certification of medication technicians after they  
16      complete an online training course; providing an  
17      effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

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21       Section 1. Subsection (5) of section 409.982, Florida  
22       Statutes, is amended to read:

23       409.982 Long-term care managed care plan accountability.—In  
24       addition to the requirements of s. 409.967, plans and providers  
25       participating in the long-term care managed care program must  
26       comply with the requirements of this section.

27       (5) PROVIDER PAYMENT.—Managed care plans and providers  
28       shall negotiate mutually acceptable rates, methods, and terms of  
29       payment. Plans shall pay nursing homes an amount equal to the

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30 nursing facility-specific payment rates set by the agency;  
31 however, mutually acceptable higher rates may be negotiated for  
32 medically complex care. Plans shall pay hospice providers  
33 through a prospective system for each enrollee an amount equal  
34 to the per diem rate set by the agency. For recipients residing  
35 in a nursing facility and receiving hospice services, the plan  
36 shall pay the hospice provider the per diem rate set by the  
37 agency minus the nursing facility component and shall pay the  
38 nursing facility the applicable state rate. Using funds  
39 appropriated by the Legislature, plans shall pay assisted living  
40 facilities a rate that reflects the medical acuity and  
41 complexity of each resident which must be based on a three-  
42 tiered reimbursement payment system for care. Plans shall ensure  
43 that they calculate and make special payments for residents who  
44 are diagnosed with serious mental illness and for those who  
45 require complex care due to dementia or require more supervision  
46 for their own safety. Plans also shall ~~must~~ ensure that  
47 electronic nursing home, ~~and~~ hospice, and assisted living  
48 facility claims that contain sufficient information for  
49 processing are paid within 10 business days after receipt.

50 Section 2. Present subsections (16) through (28) of section  
51 429.02, Florida Statutes, are redesignated as subsections (17)  
52 through (29), respectively, a new subsection (16) is added to  
53 that section, and subsection (12) of that section is amended, to  
54 read:

55 429.02 Definitions.—When used in this part, the term:

56 (12) "Extended congregate care" means acts beyond those  
57 authorized in subsection (19) ~~(18)~~ which may be performed  
58 pursuant to part I of chapter 464 by persons licensed thereunder

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59 while carrying out their professional duties, and other  
60 supportive services that may be specified by rule. The purpose  
61 of such services is to enable residents to age in place in a  
62 residential environment despite mental or physical limitations  
63 that might otherwise disqualify them from residency in a  
64 facility licensed under this part.

65 (16) "Medication technician" means an unlicensed staff  
66 member who has completed 6 hours of training approved by the  
67 agency and provided by an agency-certified trainer. A medication  
68 technician may provide assistance with a resident's self-  
69 administration of medications and with his or her use of point-  
70 of-care devices.

71 Section 3. Subsection (6) of section 429.52, Florida  
72 Statutes, is amended to read:

73 429.52 Staff training and educational requirements.—

74 (6) Medication technicians shall ~~Staff assisting with the~~  
75 ~~self-administration of medications under s. 429.256 must~~  
76 complete a minimum of 6 additional hours of training provided by  
77 a registered nurse or a licensed pharmacist before providing  
78 assistance. Two hours of continuing education are required  
79 annually thereafter. The agency shall establish by rule the  
80 minimum requirements of medication technician ~~this~~ training,  
81 which must address infection control, safe handling and use of  
82 assistive care devices, communicating with case managers and  
83 health care providers, standard of care protocols for the  
84 provision of care in licensed assisted living facilities,  
85 identification of nursing standards, and methods of assisting  
86 residents with the self-administration of medications. The  
87 agency shall authorize approved training for medication

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88 technicians to be conducted using online materials and courses  
89 approved by the agency. An online training course must conclude  
90 with the trainee taking an end-of-course exam. The course must  
91 provide a certificate with a passing exam score on the document  
92 and provide a unique certification number for each trainee.

93 Section 4. This act shall take effect July 1, 2021.