



377856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2015	.	
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The Committee on Appropriations (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) As used in this section, the term "mental health



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11 resident," ~~for purposes of this section,~~ means an individual who  
12 receives social security disability income due to a mental  
13 disorder as determined by the Social Security Administration or  
14 receives supplemental security income due to a mental disorder  
15 as determined by the Social Security Administration and receives  
16 optional state supplementation.

17 (2) Medicaid managed care plans are responsible for  
18 Medicaid-enrolled mental health residents, and managing entities  
19 under contract with the department are responsible for mental  
20 health residents who are not enrolled in a Medicaid health plan.

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

23 (a) A mental health resident has been assessed by a  
24 psychiatrist, clinical psychologist, clinical social worker, or  
25 psychiatric nurse, or an individual who is supervised by one of  
26 these professionals, and determined to be appropriate to reside  
27 in an assisted living facility. The documentation must be  
28 provided to the administrator of the facility within 30 days  
29 after the mental health resident has been admitted to the  
30 facility. An evaluation completed upon discharge from a state  
31 mental hospital meets the requirements of this subsection  
32 related to appropriateness for placement as a mental health  
33 resident if it was completed within 90 days before ~~prior to~~  
34 admission to the facility.

35 (b) A cooperative agreement, as required in s. 429.075, is  
36 developed by ~~between~~ the mental health care services provider  
37 that serves a mental health resident and the administrator of  
38 the assisted living facility with a limited mental health  
39 license in which the mental health resident is living. ~~Any~~



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40 ~~entity that provides Medicaid prepaid health plan services shall~~  
41 ~~ensure the appropriate coordination of health care services with~~  
42 ~~an assisted living facility in cases where a Medicaid recipient~~  
43 ~~is both a member of the entity's prepaid health plan and a~~  
44 ~~resident of the assisted living facility. If the entity is at~~  
45 ~~risk for Medicaid targeted case management and behavioral health~~  
46 ~~services, the entity shall inform the assisted living facility~~  
47 ~~of the procedures to follow should an emergent condition arise.~~

48 (c) The community living support plan, as defined in s.  
49 429.02, has been prepared by a mental health resident and his or  
50 her a mental health case manager ~~of that resident~~ in  
51 consultation with the administrator of the facility or the  
52 administrator's designee. The plan must be completed and  
53 provided to the administrator of the assisted living facility  
54 with a limited mental health license in which the mental health  
55 resident lives upon the resident's admission. The support plan  
56 and the agreement may be in one document. The agency may not  
57 cite an assisted living facility for not possessing a resident's  
58 community living support plan if the facility can document that  
59 it has requested the plan for that resident.

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

63 (e) The mental health services provider assigns a case  
64 manager to each mental health resident for whom the entity is  
65 responsible ~~who lives in an assisted living facility with a~~  
66 ~~limited mental health license.~~ The case manager shall coordinate  
67 ~~is responsible for coordinating~~ the development ~~of~~ and  
68 implementation of the community living support plan defined in



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69 s. 429.02. The plan must be updated at least annually, or when  
70 there is a significant change in the resident's behavioral  
71 health status, such as an inpatient admission or a change in  
72 medication, level of service, or residence. Each case manager  
73 shall keep a record of the date and time of any face-to-face  
74 interaction with the resident and make the record available to  
75 the responsible entity for inspection. The record must be  
76 retained for at least 2 years after the date of the most recent  
77 interaction.

78 (f) Adequate and consistent monitoring and enforcement of  
79 community living support plans and cooperative agreements are  
80 conducted by the resident's case manager.

81 (g) Concerns are reported to the appropriate regulatory  
82 oversight organization if a regulated provider fails to deliver  
83 appropriate services or otherwise acts in a manner that has the  
84 potential to result in harm to the resident.

85 (3) The Secretary of Children and Families, in consultation  
86 with the Agency for Health Care Administration, shall ~~annually~~  
87 require each district administrator to develop, with community  
88 input, a detailed annual plan that demonstrates ~~detailed plans~~  
89 ~~that demonstrate~~ how the district will ensure the provision of  
90 state-funded mental health and substance abuse treatment  
91 services to residents of assisted living facilities that hold a  
92 limited mental health license. This plan ~~These plans~~ must be  
93 consistent with the substance abuse and mental health district  
94 plan developed pursuant to s. 394.75 and must address case  
95 management services; access to consumer-operated drop-in  
96 centers; access to services during evenings, weekends, and  
97 holidays; supervision of the clinical needs of the residents;



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98 and access to emergency psychiatric care.

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

102 400.0074 Local ombudsman council onsite administrative  
103 assessments.—

104 (1) In addition to any specific investigation conducted  
105 pursuant to a complaint, the local council shall conduct, at  
106 least annually, an onsite administrative assessment of each  
107 nursing home, assisted living facility, and adult family-care  
108 home within its jurisdiction. This administrative assessment  
109 must be comprehensive in nature and must ~~shall~~ focus on factors  
110 affecting residents' the rights, health, safety, and welfare of  
111 the residents. Each local council is encouraged to conduct a  
112 similar onsite administrative assessment of each additional  
113 long-term care facility within its jurisdiction.

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

116 (h) Upon completion of an administrative assessment, the  
117 local council shall conduct an exit consultation with the  
118 facility administrator or administrator's designee to discuss  
119 issues and concerns in areas affecting residents' rights,  
120 health, safety, and welfare and, if needed, make recommendations  
121 for improvement.

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

124 400.0078 Citizen access to State Long-Term Care Ombudsman  
125 Program services.—

126 (2) ~~Every resident or representative of a resident shall~~



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127 ~~receive,~~ Upon admission to a long-term care facility, each  
128 resident or representative of a resident must receive  
129 information regarding the purpose of the State Long-Term Care  
130 Ombudsman Program, the statewide toll-free telephone number for  
131 receiving complaints, information that retaliatory action cannot  
132 be taken against a resident for presenting grievances or for  
133 exercising any other resident right, and other relevant  
134 information regarding how to contact the program. Each resident  
135 or his or her representative ~~Residents or their representatives~~  
136 must be furnished additional copies of this information upon  
137 request.

138 Section 4. Paragraph (c) of subsection (4) of section  
139 409.212, Florida Statutes, is amended to read:

140 409.212 Optional supplementation.—

141 (4) In addition to the amount of optional supplementation  
142 provided by the state, a person may receive additional  
143 supplementation from third parties to contribute to his or her  
144 cost of care. Additional supplementation may be provided under  
145 the following conditions:

146 (c) The additional supplementation shall not exceed four  
147 ~~two~~ times the provider rate recognized under the optional state  
148 supplementation program.

149 Section 5. Subsection (13) of section 429.02, Florida  
150 Statutes, is amended to read:

151 429.02 Definitions.—When used in this part, the term:

152 (13) "Limited nursing services" means acts that may be  
153 performed by a person licensed under ~~pursuant to part I of~~  
154 ~~chapter 464 by persons licensed thereunder while carrying out~~  
155 ~~their professional duties but limited to those acts which the~~



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156 ~~department specifies by rule. Acts which may be specified by~~  
157 ~~rule as allowable~~ Limited nursing services shall be for persons  
158 who meet the admission criteria established by the department  
159 for assisted living facilities and shall not be complex enough  
160 to require 24-hour nursing supervision and may include such  
161 services as the application and care of routine dressings, and  
162 care of casts, braces, and splints.

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

165 429.07 License required; fee.—

166 (3) In addition to the requirements of s. 408.806, each  
167 license granted by the agency must state the type of care for  
168 which the license is granted. Licenses shall be issued for one  
169 or more of the following categories of care: standard, extended  
170 congregate care, limited nursing services, or limited mental  
171 health.

172 (b) An extended congregate care license shall be issued to  
173 each facility that has been licensed as an assisted living  
174 facility for 2 or more years and that provides services  
175 ~~facilities providing~~, directly or through contract, ~~services~~  
176 beyond those authorized in paragraph (a), including services  
177 performed by persons licensed under part I of chapter 464 and  
178 supportive services, as defined by rule, to persons who would  
179 otherwise be disqualified from continued residence in a facility  
180 licensed under this part. An extended congregate care license  
181 may be issued to a facility that has a provisional extended  
182 congregate care license and meets the requirements for licensure  
183 under subparagraph 2. The primary purpose of extended congregate  
184 care services is to allow residents the option of remaining in a



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185 familiar setting from which they would otherwise be disqualified  
186 for continued residency as they become more impaired. A facility  
187 licensed to provide extended congregate care services may also  
188 admit an individual who exceeds the admission criteria for a  
189 facility with a standard license if the individual is determined  
190 appropriate for admission to the extended congregate care  
191 facility.

192 1. In order for extended congregate care services to be  
193 provided, the agency must first determine that all requirements  
194 established in law and rule are met and must specifically  
195 designate, on the facility's license, that such services may be  
196 provided and whether the designation applies to all or part of  
197 the facility. This ~~Such~~ designation may be made at the time of  
198 initial licensure or licensure renewal ~~relicensure~~, or upon  
199 request in writing by a licensee under this part and part II of  
200 chapter 408. The notification of approval or the denial of the  
201 request shall be made in accordance with part II of chapter 408.  
202 Each existing facility that qualifies ~~facilities qualifying~~ to  
203 provide extended congregate care services must have maintained a  
204 standard license and may not have been subject to administrative  
205 sanctions during the previous 2 years, or since initial  
206 licensure if the facility has been licensed for less than 2  
207 years, for any of the following reasons:

- 208 a. A class I or class II violation;
- 209 b. Three or more repeat or recurring class III violations  
210 of identical or similar resident care standards from which a  
211 pattern of noncompliance is found by the agency;
- 212 c. Three or more class III violations that were not  
213 corrected in accordance with the corrective action plan approved





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214 by the agency;

215 d. Violation of resident care standards which results in  
216 requiring the facility to employ the services of a consultant  
217 pharmacist or consultant dietitian;

218 e. Denial, suspension, or revocation of a license for  
219 another facility licensed under this part in which the applicant  
220 for an extended congregate care license has at least 25 percent  
221 ownership interest; or

222 f. Imposition of a moratorium pursuant to this part or part  
223 II of chapter 408 or initiation of injunctive proceedings.

224  
225 The agency may deny or revoke a facility's extended congregate  
226 care license if it fails to meet the criteria for an extended  
227 congregate care license as provided in this subparagraph.

228 2. If an assisted living facility has been licensed for  
229 less than 2 years, the initial extended congregate care license  
230 must be provisional and may not exceed 6 months. The licensee  
231 shall notify the agency, in writing, when it admits at least one  
232 extended congregate care resident, after which an unannounced  
233 inspection shall be made to determine compliance with  
234 requirements of an extended congregate care license. A licensee  
235 that has a provisional extended congregate care license which  
236 demonstrates compliance with all of the requirements of an  
237 extended congregate care license during the inspection shall be  
238 issued an extended congregate care license. In addition to  
239 sanctions authorized under this part, if violations are found  
240 during the inspection and the licensee fails to demonstrate  
241 compliance with all assisted living requirements during a  
242 followup inspection, the licensee shall immediately suspend



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243 extended congregate care services, and the provisional extended  
244 congregate care license expires. The agency may extend the  
245 provisional license for not more than 1 month in order to  
246 complete a followup visit.

247 3.2- A facility that is licensed to provide extended  
248 congregate care services shall maintain a written progress  
249 report on each person who receives services which describes the  
250 type, amount, duration, scope, and outcome of services that are  
251 rendered and the general status of the resident's health. A  
252 registered nurse, or appropriate designee, representing the  
253 agency shall visit the facility at least twice a year ~~quarterly~~  
254 to monitor residents who are receiving extended congregate care  
255 services and to determine if the facility is in compliance with  
256 this part, part II of chapter 408, and relevant rules. One of  
257 the visits may be in conjunction with the regular survey. The  
258 monitoring visits may be provided through contractual  
259 arrangements with appropriate community agencies. A registered  
260 nurse shall serve as part of the team that inspects the  
261 facility. The agency may waive one of the required yearly  
262 monitoring visits for a facility that has:

263 a. Held an extended congregate care license for at least 24  
264 months; ~~been licensed for at least 24 months to provide extended~~  
265 ~~congregate care services, if, during the inspection, the~~  
266 ~~registered nurse determines that extended congregate care~~  
267 ~~services are being provided appropriately, and if the facility~~  
268 ~~has~~

269 b. No class I or class II violations and no uncorrected  
270 class III violations; ~~and-~~

271 c. No ombudsman council complaints that resulted in a



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272 citation for licensure ~~The agency must first consult with the~~  
273 ~~long-term care ombudsman council for the area in which the~~  
274 ~~facility is located to determine if any complaints have been~~  
275 ~~made and substantiated about the quality of services or care.~~  
276 ~~The agency may not waive one of the required yearly monitoring~~  
277 ~~visits if complaints have been made and substantiated.~~

278 4.3. A facility that is licensed to provide extended  
279 congregate care services must:

280 a. Demonstrate the capability to meet unanticipated  
281 resident service needs.

282 b. Offer a physical environment that promotes a homelike  
283 setting, provides for resident privacy, promotes resident  
284 independence, and allows sufficient congregate space as defined  
285 by rule.

286 c. Have sufficient staff available, taking into account the  
287 physical plant and firesafety features of the building, to  
288 assist with the evacuation of residents in an emergency.

289 d. Adopt and follow policies and procedures that maximize  
290 resident independence, dignity, choice, and decisionmaking to  
291 permit residents to age in place, so that moves due to changes  
292 in functional status are minimized or avoided.

293 e. Allow residents or, if applicable, a resident's  
294 representative, designee, surrogate, guardian, or attorney in  
295 fact to make a variety of personal choices, participate in  
296 developing service plans, and share responsibility in  
297 decisionmaking.

298 f. Implement the concept of managed risk.

299 g. Provide, directly or through contract, the services of a  
300 person licensed under part I of chapter 464.



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301 h. In addition to the training mandated in s. 429.52,  
302 provide specialized training as defined by rule for facility  
303 staff.

304 ~~5.4.~~ A facility that is licensed to provide extended  
305 congregate care services is exempt from the criteria for  
306 continued residency set forth in rules adopted under s. 429.41.  
307 A licensed facility must adopt its own requirements within  
308 guidelines for continued residency set forth by rule. However,  
309 the facility may not serve residents who require 24-hour nursing  
310 supervision. A licensed facility that provides extended  
311 congregate care services must also provide each resident with a  
312 written copy of facility policies governing admission and  
313 retention.

314 ~~5. The primary purpose of extended congregate care services~~  
315 ~~is to allow residents, as they become more impaired, the option~~  
316 ~~of remaining in a familiar setting from which they would~~  
317 ~~otherwise be disqualified for continued residency. A facility~~  
318 ~~licensed to provide extended congregate care services may also~~  
319 ~~admit an individual who exceeds the admission criteria for a~~  
320 ~~facility with a standard license, if the individual is~~  
321 ~~determined appropriate for admission to the extended congregate~~  
322 ~~care facility.~~

323 6. Before the admission of an individual to a facility  
324 licensed to provide extended congregate care services, the  
325 individual must undergo a medical examination as provided in s.  
326 429.26(4) and the facility must develop a preliminary service  
327 plan for the individual.

328 7. If ~~When~~ a facility can no longer provide or arrange for  
329 services in accordance with the resident's service plan and



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330 needs and the facility's policy, the facility must ~~shall~~ make  
331 arrangements for relocating the person in accordance with s.  
332 429.28(1)(k).

333 ~~8. Failure to provide extended congregate care services may~~  
334 ~~result in denial of extended congregate care license renewal.~~

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

338 1. In order for limited nursing services to be provided in  
339 a facility licensed under this part, the agency must first  
340 determine that all requirements established in law and rule are  
341 met and must specifically designate, on the facility's license,  
342 that such services may be provided. This ~~Such~~ designation may be  
343 made at the time of initial licensure or licensure renewal  
344 ~~relicensure~~, or upon request in writing by a licensee under this  
345 part and part II of chapter 408. Notification of approval or  
346 denial of such request shall be made in accordance with part II  
347 of chapter 408. An existing facility that qualifies ~~facilities~~  
348 ~~qualifying~~ to provide limited nursing services must ~~shall~~ have  
349 maintained a standard license and may not have been subject to  
350 administrative sanctions that affect the health, safety, and  
351 welfare of residents for the previous 2 years or since initial  
352 licensure if the facility has been licensed for less than 2  
353 years.

354 2. A facility ~~Facilities~~ that is ~~are~~ licensed to provide  
355 limited nursing services shall maintain a written progress  
356 report on each person who receives such nursing services. The  
357 ~~which~~ report must describe ~~describes~~ the type, amount, duration,  
358 scope, and outcome of services that are rendered and the general



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359 status of the resident's health. A registered nurse representing  
360 the agency shall visit the facility ~~such facilities~~ at least  
361 annually ~~twice a year~~ to monitor residents who are receiving  
362 limited nursing services and to determine if the facility is in  
363 compliance with applicable provisions of this part, part II of  
364 chapter 408, and related rules. The monitoring visits may be  
365 provided through contractual arrangements with appropriate  
366 community agencies. A registered nurse shall also serve as part  
367 of the team that inspects such facility. Visits may be in  
368 conjunction with other agency inspections. The agency may waive  
369 the required yearly monitoring visit for a facility that has:

370 a. Had a limited nursing services license for at least 24  
371 months;

372 b. No class I or class II violations and no uncorrected  
373 class III violations; and

374 c. No ombudsman council complaints that resulted in a  
375 citation for licensure.

376 3. A person who receives limited nursing services under  
377 this part must meet the admission criteria established by the  
378 agency for assisted living facilities. When a resident no longer  
379 meets the admission criteria for a facility licensed under this  
380 part, arrangements for relocating the person shall be made in  
381 accordance with s. 429.28(1)(k), unless the facility is licensed  
382 to provide extended congregate care services.

383 Section 7. Section 429.075, Florida Statutes, is amended to  
384 read:

385 429.075 Limited mental health license.—An assisted living  
386 facility that serves one ~~three~~ or more mental health residents  
387 must obtain a limited mental health license.



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388 (1) To obtain a limited mental health license, a facility  
389 must hold a standard license as an assisted living facility,  
390 must not have any current uncorrected ~~deficiencies or~~  
391 violations, and must ensure that, within 6 months after  
392 receiving a limited mental health license, the facility  
393 administrator and the staff of the facility who are in direct  
394 contact with mental health residents must complete training of  
395 no less than 6 hours related to their duties. This ~~Such~~  
396 designation may be made at the time of initial licensure or  
397 licensure renewal ~~relicensure~~ or upon request in writing by a  
398 licensee under this part and part II of chapter 408.  
399 Notification of approval or denial of such request shall be made  
400 in accordance with this part, part II of chapter 408, and  
401 applicable rules. This training must ~~will~~ be provided by or  
402 approved by the Department of Children and Families.

403 (2) A facility that is ~~Facilities~~ licensed to provide  
404 services to mental health residents must ~~shall~~ provide  
405 appropriate supervision and staffing to provide for the health,  
406 safety, and welfare of such residents.

407 (3) A facility that has a limited mental health license  
408 must:

409 (a) Have a copy of each mental health resident's community  
410 living support plan and the cooperative agreement with the  
411 mental health care services provider or provide written evidence  
412 that a request for the community living support plan and the  
413 cooperative agreement was sent to the Medicaid managed care plan  
414 or managing entity under contract with the Department of  
415 Children and Families within 72 hours after admission. The  
416 support plan and the agreement may be combined.



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417 (b) Have documentation ~~that is~~ provided by the Department  
418 of Children and Families that each mental health resident has  
419 been assessed and determined to be able to live in the community  
420 in an assisted living facility that has ~~with~~ a limited mental  
421 health license or provide written evidence that a request for  
422 documentation was sent to the department within 72 hours after  
423 admission.

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

428 (d) Assist the mental health resident in carrying out the  
429 activities identified in the resident's ~~individual's~~ community  
430 living support plan.

431 (4) A facility that has ~~with~~ a limited mental health  
432 license may enter into a cooperative agreement with a private  
433 mental health provider. For purposes of the limited mental  
434 health license, the private mental health provider may act as  
435 the case manager.

436 Section 8. Section 429.14, Florida Statutes, is amended to  
437 read:

438 429.14 Administrative penalties.—

439 (1) In addition to the requirements of part II of chapter  
440 408, the agency may deny, revoke, and suspend any license issued  
441 under this part and impose an administrative fine in the manner  
442 provided in chapter 120 against a licensee for a violation of  
443 ~~any provision of~~ this part, part II of chapter 408, or  
444 applicable rules, or for any of the following actions by a  
445 licensee, ~~for the actions of~~ any person subject to level 2





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446 background screening under s. 408.809, or ~~for the actions of~~ any  
447 facility staff ~~employee~~:

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

450 (b) A ~~The~~ determination by the agency that the owner lacks  
451 the financial ability to provide continuing adequate care to  
452 residents.

453 (c) Misappropriation or conversion of the property of a  
454 resident of the facility.

455 (d) Failure to follow the criteria and procedures provided  
456 under part I of chapter 394 relating to the transportation,  
457 voluntary admission, and involuntary examination of a facility  
458 resident.

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

- 461 1. One or more cited class I violations ~~deficiencies~~.  
462 2. Three or more cited class II violations ~~deficiencies~~.  
463 3. Five or more cited class III violations ~~deficiencies~~  
464 that have been cited on a single survey and have not been  
465 corrected within the times specified.

466 (f) Failure to comply with the background screening  
467 standards of this part, s. 408.809(1), or chapter 435.

468 (g) Violation of a moratorium.

469 (h) Failure of the license applicant, the licensee during  
470 licensure renewal ~~relicensure~~, or a licensee that holds a  
471 provisional license to meet the minimum license requirements of  
472 this part, or related rules, at the time of license application  
473 or renewal.

474 (i) An intentional or negligent life-threatening act in



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475 violation of the uniform firesafety standards for assisted  
476 living facilities or other firesafety standards which ~~that~~  
477 threatens the health, safety, or welfare of a resident of a  
478 facility, as communicated to the agency by the local authority  
479 having jurisdiction or the State Fire Marshal.

480 (j) Knowingly operating any unlicensed facility or  
481 providing without a license any service that must be licensed  
482 under this chapter or chapter 400.

483 (k) Any act constituting a ground upon which application  
484 for a license may be denied.

485 (2) Upon notification by the local authority having  
486 jurisdiction or by the State Fire Marshal, the agency may deny  
487 or revoke the license of an assisted living facility that fails  
488 to correct cited fire code violations that affect or threaten  
489 the health, safety, or welfare of a resident of a facility.

490 (3) The agency may deny or revoke a license of an ~~to any~~  
491 applicant or controlling interest as defined in part II of  
492 chapter 408 which has or had a 25 percent ~~25-percent~~ or greater  
493 financial or ownership interest in any other facility that is  
494 licensed under this part, or in any entity licensed by this  
495 state or another state to provide health or residential care, if  
496 that ~~which~~ facility or entity during the 5 years before ~~prior to~~  
497 the application for a license closed due to financial inability  
498 to operate; had a receiver appointed or a license denied,  
499 suspended, or revoked; was subject to a moratorium; or had an  
500 injunctive proceeding initiated against it.

501 (4) The agency shall deny or revoke the license of an  
502 assisted living facility if any of the following apply:

503 (a) There are two moratoria, issued pursuant to this part



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504 or part II of chapter 408, within a 2-year period which are  
505 imposed by final order.

506 (b) The facility is cited for two or more class I  
507 violations arising from unrelated circumstances during the same  
508 survey or investigation.

509 (c) The facility is cited for two or more class I  
510 violations arising from separate surveys or investigations  
511 within a 2-year period ~~that has two or more class I violations~~  
512 ~~that are similar or identical to violations identified by the~~  
513 ~~agency during a survey, inspection, monitoring visit, or~~  
514 ~~complaint investigation occurring within the previous 2 years.~~

515 (5) An action taken by the agency to suspend, deny, or  
516 revoke a facility's license under this part or part II of  
517 chapter 408, in which the agency claims that the facility owner  
518 or an employee of the facility has threatened the health,  
519 safety, or welfare of a resident of the facility, shall be heard  
520 by the Division of Administrative Hearings of the Department of  
521 Management Services within 120 days after receipt of the  
522 facility's request for a hearing, unless that time limitation is  
523 waived by both parties. The administrative law judge shall ~~must~~  
524 render a decision within 30 days after receipt of a proposed  
525 recommended order.

526 (6) As provided under s. 408.814, the agency shall impose  
527 an immediate moratorium on an assisted living facility that  
528 fails to provide the agency access to the facility or prohibits  
529 the agency from conducting a regulatory inspection. The licensee  
530 may not restrict agency staff in accessing and copying records  
531 or in conducting confidential interviews with facility staff or  
532 any individual who receives services from the facility. If



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533 requested by the facility, the agency must reimburse the  
534 facility for all reasonable costs related to the accessing and  
535 copying of records required under this subsection ~~provide to the~~  
536 ~~Division of Hotels and Restaurants of the Department of Business~~  
537 ~~and Professional Regulation, on a monthly basis, a list of those~~  
538 ~~assisted living facilities that have had their licenses denied,~~  
539 ~~suspended, or revoked or that are involved in an appellate~~  
540 ~~proceeding pursuant to s. 120.60 related to the denial,~~  
541 ~~suspension, or revocation of a license.~~

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

545 (8) If a facility is required to relocate some or all of  
546 its residents due to agency action, that facility is exempt from  
547 the 45 days' notice requirement imposed under s. 429.28(1)(k).  
548 This subsection does not exempt the facility from any deadline  
549 for corrective action set by the agency.

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

552 429.178 Special care for persons with Alzheimer's disease  
553 or other related disorders.—

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



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562 (b) A direct caregiver who is employed by a facility that  
563 provides special care for residents who have ~~with~~ Alzheimer's  
564 disease or other related disorders, and who provides direct care  
565 to such residents, must complete the required initial training  
566 and 4 additional hours of training developed or approved by the  
567 department. The training must ~~shall~~ be completed within 9 months  
568 after beginning employment and ~~shall~~ satisfy the core training  
569 requirements of s. 429.52(3)(g) ~~s. 429.52(2)(g)~~.

570 Section 10. Paragraphs (e) and (f) are added to subsection  
571 (2) of section 429.19, Florida Statutes, to read:

572 429.19 Violations; imposition of administrative fines;  
573 grounds.—

574 (2) Each violation of this part and adopted rules shall be  
575 classified according to the nature of the violation and the  
576 gravity of its probable effect on facility residents. The agency  
577 shall indicate the classification on the written notice of the  
578 violation as follows:

579 (e) Any fine imposed by the agency for a cited class I or  
580 class II violation must be doubled if the agency finds that such  
581 violation has not been corrected within six months of the  
582 citation being issued.

583 (f) Regardless of the class of violation cited, instead of  
584 the fine amounts listed in paragraphs (a)-(d), the agency shall  
585 impose an administrative fine of \$500 if a facility is found not  
586 to be in compliance with the background screening requirements  
587 as provided in s. 408.809.

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

590 429.256 Assistance with self-administration of medication.—



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591 (3) Assistance with self-administration of medication  
592 includes:

593 (a) Taking the medication, in its previously dispensed,  
594 properly labeled container, including an insulin syringe that is  
595 prefilled with the proper dosage by a pharmacist and an insulin  
596 pen that is prefilled by the manufacturer, from where it is  
597 stored, and bringing it to the resident.

598 (b) In the presence of the resident, reading the label,  
599 opening the container, removing a prescribed amount of  
600 medication from the container, and closing the container.

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

604 (d) Applying topical medications.

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

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

608 (g) Assisting with the use of a nebulizer, including  
609 removing the cap of a nebulizer, opening the unit dose of  
610 nebulizer solution, and pouring the prescribed premeasured dose  
611 of medication into the dispensing cup of the nebulizer.

612 (h) Using a glucometer to perform blood-glucose level  
613 checks.

614 (i) Assisting with putting on and taking off antiembolism  
615 stockings.

616 (j) Assisting with applying and removing an oxygen cannula,  
617 but not with titrating the prescribed oxygen settings.

618 (k) Assisting with the use of a continuous positive airway  
619 pressure (CPAP) device, but not with titrating the prescribed



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620 setting of the device.

621 (l) Assisting with measuring vital signs.

622 (m) Assisting with colostomy bags.

623 (4) Assistance with self-administration does not include:

624 ~~(c) Administration of medications through intermittent~~  
625 ~~positive pressure breathing machines or a nebulizer.~~

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

628 429.27 Property and personal affairs of residents.—

629 (3) A facility, upon mutual consent with the resident,  
630 shall provide for the safekeeping in the facility of personal  
631 effects not in excess of \$500 and funds of the resident not in  
632 excess of \$500 ~~\$200~~ cash, and shall keep complete and accurate  
633 records of all such funds and personal effects received. If a  
634 resident is absent from a facility for 24 hours or more, the  
635 facility may provide for the safekeeping of the resident's  
636 personal effects in excess of \$500.

637 Section 13. Subsections (2), (5), and (6) of section  
638 429.28, Florida Statutes, are amended to read:

639 429.28 Resident bill of rights.—

640 (2) The administrator of a facility shall ensure that a  
641 written notice of the rights, obligations, and prohibitions set  
642 forth in this part is posted in a prominent place in each  
643 facility and read or explained to residents who cannot read. The  
644 ~~This~~ notice must ~~shall~~ include the name, address, and telephone  
645 numbers of the local ombudsman council, the ~~and~~ central abuse  
646 hotline, and, if ~~when~~ applicable, Disability Rights Florida ~~the~~  
647 ~~Advocacy Center for Persons with Disabilities, Inc., and the~~  
648 ~~Florida local advocacy council~~, where complaints may be lodged.



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649 The notice must state that a complaint made to the Office of  
650 State Long-Term Care Ombudsman or a local long-term care  
651 ombudsman council, the names and identities of the residents  
652 involved in the complaint, and the identity of complainants are  
653 kept confidential pursuant to s. 400.0077 and that retaliatory  
654 action cannot be taken against a resident for presenting  
655 grievances or for exercising any other resident right. The  
656 facility must ensure a resident's access to a telephone to call  
657 the local ombudsman council, central abuse hotline, and  
658 Disability Rights Florida Advocacy Center for Persons with  
659 Disabilities, Inc., and the Florida local advocacy council.

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

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

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

666 (c) Files a civil action alleging a violation of the  
667 provisions of this part or notifies a state attorney or the  
668 Attorney General of a possible violation of such provisions.

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

675 Section 14. Section 429.34, Florida Statutes, is amended to  
676 read:

677 429.34 Right of entry and inspection.-





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678           (1) In addition to the requirements of s. 408.811, any duly  
679 designated officer or employee of the department, the Department  
680 of Children and Families, the Medicaid Fraud Control Unit of the  
681 Office of the Attorney General, the state or local fire marshal,  
682 or a member of the state or local long-term care ombudsman  
683 council has ~~shall have~~ the right to enter unannounced upon and  
684 into the premises of any facility licensed pursuant to this part  
685 in order to determine the state of compliance with ~~the~~  
686 ~~provisions of~~ this part, part II of chapter 408, and applicable  
687 rules. Data collected by the state or local long-term care  
688 ombudsman councils or the state or local advocacy councils may  
689 be used by the agency in investigations involving violations of  
690 regulatory standards. A person specified in this section who  
691 knows or has reasonable cause to suspect that a vulnerable adult  
692 has been or is being abused, neglected, or exploited shall  
693 immediately report such knowledge or suspicion to the central  
694 abuse hotline pursuant to chapter 415.

695           (2) The agency shall inspect each licensed assisted living  
696 facility at least once every 24 months to determine compliance  
697 with this chapter and related rules. If an assisted living  
698 facility is cited for one or more class I violations or two or  
699 more class II violations arising from separate surveys within a  
700 60-day period or due to unrelated circumstances during the same  
701 survey, the agency must conduct an additional licensure  
702 inspection within 6 months.

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

705           429.41 Rules establishing standards.—

706           (2) In adopting any rules pursuant to this part, the



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707 department, in conjunction with the agency, shall make distinct  
708 standards for facilities based upon facility size; the types of  
709 care provided; the physical and mental capabilities and needs of  
710 residents; the type, frequency, and amount of services and care  
711 offered; and the staffing characteristics of the facility. Rules  
712 developed pursuant to this section may ~~shall~~ not restrict the  
713 use of shared staffing and shared programming in facilities that  
714 are part of retirement communities that provide multiple levels  
715 of care and otherwise meet the requirements of law and rule. If  
716 a continuing care facility licensed under chapter 651 or a  
717 retirement community offering multiple levels of care obtains a  
718 license pursuant to this chapter for a building or part of a  
719 building designated for independent living, staffing  
720 requirements established in rule apply only to residents who  
721 receive personal services, limited nursing services, or extended  
722 congregate care services under this part. Such facilities shall  
723 retain a log listing the names and unit number for residents  
724 receiving these services. The log must be available to surveyors  
725 upon request. Except for uniform firesafety standards, the  
726 department shall adopt by rule separate and distinct standards  
727 for facilities with 16 or fewer beds and for facilities with 17  
728 or more beds. The standards for facilities with 16 or fewer beds  
729 must ~~shall~~ be appropriate for a noninstitutional residential  
730 environment; however, provided that the structure may not be ~~is~~  
731 ~~no~~ more than two stories in height and all persons who cannot  
732 exit the facility unassisted in an emergency must reside on the  
733 first floor. The department, in conjunction with the agency, may  
734 make other distinctions among types of facilities as necessary  
735 to enforce the provisions of this part. Where appropriate, the



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736 agency shall offer alternate solutions for complying with  
737 established standards, based on distinctions made by the  
738 department and the agency relative to the physical  
739 characteristics of facilities and the types of care offered  
740 therein.

741 Section 16. Present subsections (1) through (11) of section  
742 429.52, Florida Statutes, are redesignated as subsections (2)  
743 through (12), respectively, a new subsection (1) is added to  
744 that section, and present subsections (5) and (9) of that  
745 section are amended, to read:

746 429.52 Staff training and educational programs; core  
747 educational requirement.—

748 (1) Effective October 1, 2015, each new assisted living  
749 facility employee who has not previously completed core training  
750 must attend a preservice orientation provided by the facility  
751 before interacting with residents. The preservice orientation  
752 must be at least 2 hours in duration and cover topics that help  
753 the employee provide responsible care and respond to the needs  
754 of facility residents. Upon completion, the employee and the  
755 administrator of the facility must sign a statement that the  
756 employee completed the required preservice orientation. The  
757 facility must keep the signed statement in the employee's  
758 personnel record.

759 (6)-(5) Staff involved with the management of medications  
760 and assisting with the self-administration of medications under  
761 s. 429.256 must complete a minimum of 6 4 additional hours of  
762 training provided by a registered nurse, licensed pharmacist, or  
763 department staff. The department shall establish by rule the  
764 minimum requirements of this additional training.



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765           ~~(10)(9)~~ The training required by this section other than  
766 the preservice orientation must shall be conducted by persons  
767 registered with the department as having the requisite  
768 experience and credentials to conduct the training. A person  
769 seeking to register as a trainer must provide the department  
770 with proof of completion of the minimum core training education  
771 requirements, successful passage of the competency test  
772 established under this section, and proof of compliance with the  
773 continuing education requirement in subsection ~~(5)(4)~~.

774           Section 17. Section 429.55, Florida Statutes, is created to  
775 read:

776           429.55 Consumer information website.—The Legislature finds  
777 that consumers need additional information on the quality of  
778 care and service in assisted living facilities in order to  
779 select the best facility for themselves or their loved ones.  
780 Therefore, the Agency for Health Care Administration shall  
781 create content that is easily accessible through the home page  
782 of the agency's website either directly or indirectly through  
783 links to one or more other established websites of the agency's  
784 choosing. The website must be searchable by facility name,  
785 license type, city, or zip code. By November 1, 2015, the agency  
786 shall include all content in its possession on the website and  
787 add content when received from facilities. At a minimum, the  
788 content must include:

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

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

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

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



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- 794        (d) The types of licenses held by the facility.
- 795        (e) The facility's license expiration date and status.
- 796        (f) The total number of clients that the facility is  
797 licensed to serve and the most recently available occupancy  
798 levels.
- 799        (g) The number of private and semiprivate rooms offered.
- 800        (h) The bed-hold policy.
- 801        (i) The religious affiliation, if any, of the assisted  
802 living facility.
- 803        (j) The languages spoken by the staff.
- 804        (k) Availability of nurses.
- 805        (l) Forms of payment accepted, including, but not limited  
806 to, Medicaid, Medicaid long-term managed care, private  
807 insurance, health maintenance organization, United States  
808 Department of Veterans Affairs, CHAMPUS program, or workers'  
809 compensation coverage.
- 810        (m) Indication if the licensee is operating under  
811 bankruptcy protection.
- 812        (n) Recreational and other programs available.
- 813        (o) Special care units or programs offered.
- 814        (p) Whether the facility is a part of a retirement  
815 community that offers other services pursuant to this part or  
816 part III of this chapter, part II or part III of chapter 400, or  
817 chapter 651.
- 818        (q) Links to the State Long-Term Care Ombudsman Program  
819 website and the program's statewide toll-free telephone number.
- 820        (r) Links to the websites of the providers.
- 821        (s) Other relevant information that the agency currently  
822 collects.



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823       (2) Survey and violation information for the facility,  
824 including a list of the facility's violations committed during  
825 the previous 60 months, which on July 1, 2015, may include  
826 violations committed on or after July 1, 2010. The list shall be  
827 updated monthly and include for each violation:

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

831       (b) Any sanctions imposed by final order.

832       (c) The date the corrective action was confirmed by the  
833 agency.

834       (3) Links to inspection reports that the agency has on  
835 file.

836       (4) The agency may adopt rules to administer this section.  
837 Section 18. This act shall take effect July 1, 2015.

838  
839 ===== T I T L E   A M E N D M E N T =====

840 And the title is amended as follows:

841       Delete everything before the enacting clause  
842 and insert:

843                               A bill to be entitled  
844       An act relating to assisted living facilities;  
845       amending s. 394.4574, F.S.; providing that Medicaid  
846       managed care plans are responsible for enrolled mental  
847       health residents; providing that managing entities  
848       under contract with the Department of Children and  
849       Families are responsible for mental health residents  
850       who are not enrolled with a Medicaid managed care  
851       plan; requiring that a community living support plan



852 be completed and provided to the administrator of a  
853 facility within a specified period after the  
854 resident's admission; restricting the agency from  
855 imposing a fine if the facility has requested the  
856 community living support plan; requiring that the  
857 community living support plan be updated when there is  
858 a significant change to the mental health resident's  
859 behavioral health; requiring a mental health resident  
860 case manager to keep certain records of interactions  
861 with the resident and to make the records available  
862 for inspection; requiring retention of the records for  
863 a specified period; requiring the responsible entity  
864 to ensure monitoring and implementation of community  
865 living support plans and cooperative agreements;  
866 amending s. 400.0074, F.S.; requiring a local  
867 ombudsman council to conduct comprehensive onsite  
868 administrative assessments; requiring a local council  
869 to conduct an exit consultation with the facility  
870 administrator or administrator designee; amending s.  
871 400.0078, F.S.; requiring that a long-term care  
872 resident or resident representative be informed of  
873 resident immunity from retaliatory action for  
874 presenting grievances or exercising resident rights;  
875 amending s. 409.212, F.S.; increasing the cap on  
876 additional supplementation that a person may receive  
877 under certain conditions; amending s. 429.02, F.S.;;  
878 revising the definition of the term "limited nursing  
879 services"; amending s. 429.07, F.S.; requiring that an  
880 extended congregate care license be issued to certain



881 facilities licensed as assisted living facilities  
882 under certain circumstances and authorizing the  
883 issuance of such license if a specified condition is  
884 met; providing that the initial extended congregate  
885 care license is provisional under certain  
886 circumstances; requiring a licensee to notify the  
887 agency of acceptance of a resident who qualifies for  
888 extended congregate care services; requiring the  
889 agency to inspect the facility for compliance with  
890 license requirements; requiring the licensee to  
891 suspend extended congregate care services under  
892 certain circumstances; revising the frequency of  
893 monitoring visits to a facility by a registered nurse  
894 representing the agency; authorizing the agency to  
895 waive a required yearly monitoring visit under certain  
896 circumstances; authorizing the agency to deny or  
897 revoke a facility's extended congregate care license;  
898 authorizing the agency to waive the required yearly  
899 monitoring visit for a facility that is licensed to  
900 provide limited nursing services under certain  
901 circumstances; amending s. 429.075, F.S.; requiring an  
902 assisted living facility that serves mental health  
903 residents to obtain a limited mental health license;  
904 requiring a limited mental health facility to provide  
905 written evidence that certain documentation was sent  
906 to the department within a specified period; amending  
907 s. 429.14, F.S.; requiring the agency to deny or  
908 revoke the license of an assisted living facility  
909 under certain circumstances; requiring the agency to





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910 impose an immediate moratorium on the license of an  
911 assisted living facility under certain circumstances;  
912 deleting a requirement that the agency provide a list  
913 of facilities with denied, suspended, or revoked  
914 licenses to the Department of Business and  
915 Professional Regulation; exempting a facility from the  
916 45-day notice requirement if it is required to  
917 relocate residents; amending s. 429.178, F.S.;  
918 conforming cross-references; amending s. 429.19, F.S.;  
919 requiring the agency to levy a fine for violations  
920 that are corrected before an inspection if  
921 noncompliance occurred within a specified period of  
922 time; requiring the agency to double fine amounts  
923 under certain circumstances; amending s. 429.256,  
924 F.S.; revising the term "assistance with self-  
925 administration of medication" as it relates to the  
926 Assisted Living Facilities Act; amending s. 429.27,  
927 F.S.; revising the amount of cash for which a facility  
928 may provide safekeeping for a resident; amending s.  
929 429.28, F.S.; providing notice requirements regarding  
930 confidentiality of resident identity in a complaint  
931 made to the State Long-Term Care Ombudsman Program or  
932 a local long-term care ombudsman council and immunity  
933 from retaliatory action for presenting grievances or  
934 exercising resident rights; requiring the agency to  
935 adopt rules; providing a fine if a facility terminates  
936 an individual's residency after the filing of a  
937 complaint if good cause is not shown for the  
938 termination; amending s. 429.34, F.S.; requiring



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939 certain persons to report elder abuse in assisted  
940 living facilities; requiring the agency to regularly  
941 inspect a licensed assisted living facility; requiring  
942 the agency to conduct periodic inspections; amending  
943 s. 429.41, F.S.; providing that certain staffing  
944 requirements apply only to residents in continuing  
945 care facilities who are receiving certain services;  
946 amending s. 429.52, F.S.; requiring each newly hired  
947 employee of an assisted living facility to attend a  
948 preservice orientation; requiring the employee and  
949 administrator to sign a statement of completion and  
950 keep the statement in the employee's personnel record;  
951 requiring additional hours of training for assistance  
952 with medication; creating s. 429.55, F.S.; directing  
953 the agency to create an assisted living facility  
954 consumer information website; providing criteria for  
955 webpage content; providing content requirements;  
956 authorizing the agency to adopt rules; providing an  
957 effective date.