



RICK SCOTT
GOVERNOR

ELIZABETH DUDEK
SECRETARY

June 29, 2015

All Licensed Assisted Living Facilities

Re: Assisted Living Facility Legislation Effective July 1, 2015

Dear Administrator/Operator:

The Governor has signed into law HB 1001 regarding assisted living facility regulation. The new law includes several provisions affecting the regulation and enforcement of assisted living facilities (ALF) and is effective July 1, 2015. Full text of the bill can be found at:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h1001er.docx&DocumentType=Bill&BillNumber=1001&Session=2015>

The bill makes changes to chapters 394, 400 and 429, F.S., relating to assisted living facilities (ALFs) in the areas of coordination of services for mental health residents, the State Long-Term Care Ombudsman Program and ALF licensure. The bill will rebalance the Agency for Health Care Administration's (AHCA) inspection resources to spend more time in facilities with the most serious violations and increases the amount and type of ALF information provided to the public.

Additional key components contained in the bill:

- Requires a Limited Mental Health license for assisted living facilities that serve one or more (from three) residents who meet the definition of a mental health resident. Providers will be required to submit an application for the specialty license. Application may be obtained at:
<http://ahca.myflorida.com/mchq/HQALicensureForms/index.shtml>
- Increases training for unlicensed staff who assist residents with self-administration of medication (from 4 to 6 hours) and adds duties that unlicensed staff are allowed to perform in providing assistance with self-administration of medication to include assistance with: Prefilled insulin syringes, nebulizer including filling premeasured doses, glucometers, anti-embolism (T.E.D.) hose, applying and removing oxygen cannula but not titrating the prescribed oxygen setting, use of a continuous positive airway pressure device – but not titrating prescribed setting, measuring vital signs, and assisting with colostomy bags.



- The Department of Elder Affairs will be establishing the training by rule for these expanded duties; **therefore unlicensed staff are not permitted** to perform the duties until 58A-5.0191, F.A.C. is updated. Providers may continue with the 4 hour and 2 hour courses that do not include the expanded allowable duties.

*429.256-defines (b) "Unlicensed person" means an individual not currently licensed to practice nursing or medicine who is employed by or under contract to an assisted living facility and who has received training with respect to assisting with the self-administration of medication in an assisted living facility as provided under s. 429.52, F.S. **prior** to providing such assistance as described in this section.*

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

- Clarifies that a resident may be admitted to an Extended Congregate Care (ECC) ALF if they exceed the initial admission criteria for a standard ALF, as long as they can be served within ECC criteria.
- Requires a 6-month provisional ECC license for ALFs in operation for less than two years (must pass survey during provisional period).
- Amends definition of Limited Nursing Services (LNS) by removing the ability to limit nursing services performed in rule. Nursing services authorized within the nurses' scope of practice may be provided to persons who meet ALF eligibility criteria.
- Requires the Agency to deny or revoke a license if the ALF has:
Two moratoria within a two-year period, citations for two or more class I violations from unrelated circumstances during a single survey, or citations for two or more class I violations on separate surveys within two years.
- The bill requires the Agency to impose a moratorium on an ALF that fails to provide the Agency access during an inspection and clarifies that ALFs may not restrict Agency staff from accessing and copying records, or conducting confidential interviews with staff or residents. Also eliminates the requirement for a 45-day notice of discharge if the ALF is closing or must relocate residents due to the Agency's action.
- Effective 10/1/15, new employees (who have not completed core training) must attend a two-hour pre-service orientation before interacting with residents. Topics must help employees provide responsible care and respect resident needs. Employees and the administrator must sign a statement of completion and the statement must be maintained in each employee's file.

- Consumer Information - by November 1, 2015, the Agency must expand ALF information available for consumers on the Agency's website. Additional information will include: Occupancy, number of private and semi-private rooms, bed-hold policy, religious affiliation, language spoken, availability of nurses, payment accepted, bankruptcy indication, recreational and other programs, special care units, part of a retirement community, other relevant information collected by the Agency.

If you have any questions please contact the Assisted Living Unit at 850-412-4304 or email: assistedliving@ahca.myflorida.com

Sincerely,

Catherine Anne Avery
Catherine Anne Avery. RN. LNC
Assisted Living Unit Manager