

1 A bill to be entitled

2 An act relating to adult day care centers; amending s.
3 429.901, F.S.; defining the terms "adult day services"
4 and "respite"; amending s. 429.905, F.S.; revising
5 exemptions from licensure and regulation; amending s.
6 429.907, F.S.; providing for operation of an adult day
7 care center in a temporary location under certain
8 conditions; providing notification requirements when a
9 center relocates; authorizing the Agency for Health
10 Care Administration to grant a conditional license to
11 certain centers that relocate; providing license
12 renewal and inspection requirements; amending s.
13 429.911, F.S.; adding a ground for agency action
14 against the owner of a center or its operator or
15 employee; amending s. 429.915, F.S.; authorizing the
16 agency to issue a conditional license to a center that
17 temporarily relocates; amending s. 429.917, F.S.;
18 revising staff training requirements; requiring a
19 center to provide certain disclosures; amending s.
20 429.931, F.S.; requiring a center to notify the agency
21 before proceeding with building alterations under
22 certain circumstances; amending s. 400.141, F.S.;
23 conforming a reference; providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. Subsections (2) through (8) and (9) of section
28 429.901, Florida Statutes, are renumbered as subsections (3)
29 through (9) and (11), respectively, and new subsections (2) and
30 (10) are added to that section to read:

31 429.901 Definitions.—As used in this part, the term:

32 (2) "Adult day care services" means community-based group
33 services designed to provide social, health, therapeutic,
34 recreational, nutritional, or respite services to adults who
35 need supervised care in a safe environment during the day. Adult
36 day care services offer cost-effective care while supporting
37 individual autonomy, allowing the participant to age in place,
38 and enhancing the quality of life of the participant, the
39 caregiver, and the community. These services are designed to:

40 (a) Delay or prevent institutionalization.

41 (b) Improve the ability to function independently through
42 the delivery of individualized care.

43 (c) Offer an alternative setting for adults who have
44 chronic and long-term health care needs.

45 (d) Improve or stabilize cognitive functioning.

46 (e) Educate caregivers.

47 (f) Provide respite for caregivers.

48 (g) Increase access to resources and information.

49 (10) "Respite" means short-term, temporary relief for a
50 person who is caring for a family member who might otherwise
51 require permanent placement in a facility outside the home.

52 Section 2. Section 429.905, Florida Statutes, is amended

53 to read:

54 429.905 Exemptions; ~~monitoring of adult day care center~~
55 ~~programs colocated with assisted living facilities or licensed~~
56 ~~nursing home facilities.~~ A

57 ~~(1) The following are exempt from this part:~~

58 ~~(a) Any facility, institution, or other place that is~~
59 ~~operated by the Federal Government or any agency thereof~~ is
60 exempt from this part.

61 ~~(b) Any freestanding inpatient hospice facility that is~~
62 ~~licensed by the state and which provides day care services to~~
63 ~~hospice patients only.~~

64 ~~(2) A licensed assisted living facility, a licensed~~
65 ~~hospital, or a licensed nursing home facility may provide~~
66 ~~services during the day which include, but are not limited to,~~
67 ~~social, health, therapeutic, recreational, nutritional, and~~
68 ~~respite services, to adults who are not residents. Such a~~
69 ~~facility need not be licensed as an adult day care center;~~
70 ~~however, the agency must monitor the facility during the regular~~
71 ~~inspection and at least biennially to ensure adequate space and~~
72 ~~sufficient staff. If an assisted living facility, a hospital, or~~
73 ~~a nursing home holds itself out to the public as an adult day~~
74 ~~care center, it must be licensed as such and meet all standards~~
75 ~~prescribed by statute and rule. For the purpose of this~~
76 ~~subsection, the term "day" means any portion of a 24-hour day.~~

77 Section 3. Section 429.907, Florida Statutes, is amended
78 to read:

79 429.907 License requirement; fee; exemption; display.—

80 (1) The requirements of part II of chapter 408 apply to
 81 the provision of services that require licensure pursuant to
 82 this part and part II of chapter 408 and to entities licensed by
 83 or applying for such licensure from the Agency for Health Care
 84 Administration pursuant to this part. A license issued by the
 85 agency is required in order to operate an adult day care center
 86 in this state.

87 (2) (a) Except as otherwise provided in this subsection,
 88 separate licenses are required for centers operated on separate
 89 premises, even though operated under the same management.
 90 Separate licenses are not required for separate buildings on the
 91 same premises.

92 (b) If a licensed center becomes wholly or substantially
 93 unusable due to a disaster or ~~due to~~ an emergency as those terms
 94 are defined in s. 252.34 or due to alterations to the building
 95 that may constitute a hazard to the safety of participants:

96 1. The licensee may continue to operate under its current
 97 license in premises separate from that authorized under the
 98 license if the licensee has:

99 a. Specified the location of the premises in its
 100 comprehensive emergency management plan submitted to and
 101 approved by the applicable county emergency management
 102 authority; ~~and~~

103 b. Notified the agency and the county emergency management
 104 authority within 24 hours after beginning to operate in another

105 ~~of operating in the separate premises; or~~

106 c. Notified the agency within 30 days after commencement
107 of building alterations that require the licensee to temporarily
108 relocate to another premises for the safety of participants.

109 2. The licensee shall operate the separate premises only
110 while the licensed center's original location is substantially
111 unusable and for up to 180 days. The agency may extend use of
112 the alternate premises beyond the initial 180 days. The agency
113 may also review the operation of the ~~disaster~~ premises
114 quarterly.

115 3. A center may be granted a conditional license pursuant
116 to s. 409.915 if the center has been in operation for more than
117 1 year before moving to a new location. The agency must inspect
118 the new location within 6 months after the center relocates. The
119 center must submit an application for conditional license
120 renewal at least 60 days before the conditional license expires.

121 (3) In accordance with s. 408.805, an applicant or
122 licensee shall pay a fee for each license application submitted
123 under this part and part II of chapter 408. The amount of the
124 fee shall be established by rule ~~and may not exceed \$150.~~

125 ~~(4) County-operated or municipally operated centers~~
126 ~~applying for licensure under this part are exempt from the~~
127 ~~payment of license fees.~~

128 Section 4. Paragraph (a) of subsection (2) of section
129 429.911, Florida Statutes, is amended to read:

130 429.911 Denial, suspension, revocation of license;

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131 emergency action; administrative fines; investigations and
132 inspections.—

133 (2) Each of the following actions by the owner of an adult
134 day care center or by its operator or employee is a ground for
135 action by the agency against the owner of the center or its
136 operator or employee:

137 (a) An intentional or negligent act or the existence of
138 unsafe conditions at the center which materially affect
139 ~~affecting~~ the well-being, health, or safety of center
140 participants.

141 Section 5. Section 429.915, Florida Statutes, is amended
142 to read:

143 429.915 Conditional license.—In addition to the license
144 categories available in part II of chapter 408, the agency may
145 issue a conditional license to an applicant for license renewal,
146 temporary relocation, or change of ownership if the applicant
147 fails to meet all standards and requirements for licensure. A
148 conditional license issued under this subsection must be limited
149 to a specific period not exceeding 6 months, as determined by
150 the agency, and must be accompanied by an approved plan of
151 correction.

152 Section 6. Paragraph (c) of subsection (1) and subsection
153 (2) of section 429.917, Florida Statutes, are amended to read:

154 429.917 Patients with Alzheimer's disease or other related
155 disorders; staff training requirements; certain disclosures.—

156 (1) An adult day care center licensed under this part must

157 provide the following staff training:

158 (a) Upon beginning employment with the facility, each
159 employee must receive basic written information about
160 interacting with participants who have Alzheimer's disease or
161 dementia-related disorders.

162 (b) In addition to the information provided under
163 paragraph (a), newly hired adult day care center personnel who
164 are expected to, or whose responsibilities require them to, have
165 direct contact with participants who have Alzheimer's disease or
166 dementia-related disorders must complete initial training of at
167 least 1 hour within the first 3 months after beginning
168 employment. The training must include an overview of dementias
169 and must provide instruction in basic skills for communicating
170 with persons who have dementia.

171 (c) In addition to the requirements of paragraphs (a) and
172 (b), an employee who will be providing direct care to a
173 participant who has Alzheimer's disease or a dementia-related
174 disorder must complete an additional 3 hours of training within
175 9 months after beginning employment. This training must include,
176 but is not limited to, the management of problem behaviors,
177 information about promoting the participant's independence in
178 activities of daily living, ~~and~~ instruction in skills for
179 working with families and caregivers, and the most current
180 information regarding Alzheimer's disease and dementia-related
181 disorders. This training must be offered annually and is
182 required for all employees providing direct care to

183 participants.

184 (2) A center licensed under this part which claims that it
 185 provides special care for persons who have Alzheimer's disease
 186 or other related disorders, but does not claim to be licensed or
 187 designated to provide specialized Alzheimer's disease services,
 188 must disclose and document how ~~in its advertisements or in a~~
 189 ~~separate document~~ those services ~~that~~ distinguish the care as
 190 being especially applicable to, or suitable for, such persons.
 191 ~~The center must give a copy of all such advertisements or a copy~~
 192 ~~of the document to each person who requests information about~~
 193 ~~the center and must maintain a copy of all such advertisements~~
 194 ~~and documents in its records.~~ The agency shall examine all such
 195 documentation ~~advertisements and documents in the center's~~
 196 ~~records~~ as part of the license renewal procedure. An adult day
 197 care center may not claim to be licensed or designated to
 198 provide specialized Alzheimer's services unless the adult day
 199 care center's license has been designated as such pursuant to s.
 200 429.918.

201 Section 7. Section 429.931, Florida Statutes, is amended
 202 to read:

203 429.931 Construction, repairs, and renovation;
 204 requirements.—

205 (1) The requirements for the construction, repairs, and
 206 the renovation of a center must comply with the provisions of
 207 chapter 553 which pertain to building construction standards,
 208 including plumbing, electrical code, glass, manufactured

209 buildings, accessibility by physically handicapped persons, and
 210 the state minimum building codes.

211 (2) The center must notify the agency 30 days before
 212 commencement of building construction, repairs, or renovation to
 213 request a conditional license if the construction, repairs, or
 214 renovation will require the center to temporarily relocate.

215 Section 8. Paragraph (f) of subsection (1) of section
 216 400.141, Florida Statutes, is amended to read:

217 400.141 Administration and management of nursing home
 218 facilities.—

219 (1) Every licensed facility shall comply with all
 220 applicable standards and rules of the agency and shall:

221 (f) Be allowed and encouraged by the agency to provide
 222 other needed services under certain conditions. If the facility
 223 has a standard licensure status, it may provide services,
 224 including, but not limited to, respite, therapeutic spa, and
 225 adult day services to nonresidents of the facility. A facility
 226 is not subject to any additional licensure requirements for
 227 providing these services. Respite care may be offered to persons
 228 in need of short-term or temporary nursing home services.
 229 Respite care must be provided in accordance with this part.

230 ~~Providers of adult day services must comply with the~~
 231 ~~requirements of s. 429.905(2).~~ The agency shall allow for shared
 232 programming and staff in a facility which meets minimum
 233 standards and offers services pursuant to this paragraph, but,
 234 if the facility is cited for deficiencies in patient care, may

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235 require additional staff and programs appropriate to the needs
236 of service recipients. A person who receives respite care may
237 not be counted as a resident of the facility for purposes of the
238 facility's licensed capacity unless that person receives 24-hour
239 respite care. A person receiving either respite care for 24
240 hours or longer or adult day services must be included when
241 calculating minimum staffing for the facility. Any costs and
242 revenues generated by a nursing home facility from
243 nonresidential programs or services shall be excluded from the
244 calculations of Medicaid per diems for nursing home
245 institutional care reimbursement.

246 Section 9. This act shall take effect July 1, 2014.