

By Senator Simon

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1 A bill to be entitled
2 An act relating to the Agency for Health Care
3 Administration; amending s. 408.05, F.S.; deleting the
4 State Consumer Health Information and Policy Advisory
5 Council; amending s. 429.177, F.S.; defining the term
6 "memory care services"; requiring memory care
7 providers to follow specified standards of operation
8 in providing memory care services; providing
9 applicability; providing requirements for resident
10 contracts; providing requirements for memory care
11 facilities; prohibiting certain facilities from
12 advertising, representing, or holding themselves out
13 as memory care providers unless such facilities meet
14 specified criteria; repealing s. 429.178, F.S.,
15 relating to special care for persons with Alzheimer's
16 disease or other related disorders; amending s.
17 627.4236, F.S.; deleting rulemaking authority;
18 providing effective dates.

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

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22 Section 1. Paragraph (g) of subsection (3) and subsection
23 (6) of section 408.05, Florida Statutes, are amended to read:

24 408.05 Florida Center for Health Information and
25 Transparency.—

26 (3) HEALTH INFORMATION TRANSPARENCY.—In order to
27 disseminate and facilitate the availability of comparable and
28 uniform health information, the agency shall perform the
29 following functions:

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30 (g) Consult with contracted vendors, ~~the State Consumer~~
31 ~~Health Information and Policy Advisory Council,~~ and other public
32 and private users regarding the types of data that should be
33 collected and the use of such data.

34 ~~(6) STATE CONSUMER HEALTH INFORMATION AND POLICY ADVISORY~~
35 ~~COUNCIL.—~~

36 ~~(a) There is established in the agency the State Consumer~~
37 ~~Health Information and Policy Advisory Council to assist the~~
38 ~~center. The council consists of the following members:~~

39 ~~1. An employee of the Executive Office of the Governor, to~~
40 ~~be appointed by the Governor.~~

41 ~~2. An employee of the Office of Insurance Regulation, to be~~
42 ~~appointed by the director of the office.~~

43 ~~3. An employee of the Department of Education, to be~~
44 ~~appointed by the Commissioner of Education.~~

45 ~~4. Ten persons, to be appointed by the Secretary of Health~~
46 ~~Care Administration, representing other state and local~~
47 ~~agencies, state universities, business and health coalitions,~~
48 ~~local health councils, professional health-care-related~~
49 ~~associations, consumers, and purchasers.~~

50 ~~(b) Each member of the council shall be appointed to serve~~
51 ~~for a term of 2 years following the date of appointment. A~~
52 ~~vacancy shall be filled by appointment for the remainder of the~~
53 ~~term, and each appointing authority retains the right to~~
54 ~~reappoint members whose terms of appointment have expired.~~

55 ~~(c) The council may meet at the call of its chair, at the~~
56 ~~request of the agency, or at the request of a majority of its~~
57 ~~membership, but the council must meet at least quarterly.~~

58 ~~(d) Members shall elect a chair and vice chair annually.~~

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59 ~~(c) A majority of the members constitutes a quorum, and the~~
60 ~~affirmative vote of a majority of a quorum is necessary to take~~
61 ~~action.~~

62 ~~(f) The council shall maintain minutes of each meeting and~~
63 ~~shall make such minutes available to any person.~~

64 ~~(g) Members of the council shall serve without compensation~~
65 ~~but shall be entitled to receive reimbursement for per diem and~~
66 ~~travel expenses as provided in s. 112.061.~~

67 ~~(h) The council's duties and responsibilities include, but~~
68 ~~are not limited to, the following:~~

69 ~~1. To develop a mission statement, goals, and a plan of~~
70 ~~action for the identification, collection, standardization,~~
71 ~~sharing, and coordination of health-related data across federal,~~
72 ~~state, and local government and private sector entities.~~

73 ~~2. To develop a review process to ensure cooperative~~
74 ~~planning among agencies that collect or maintain health-related~~
75 ~~data.~~

76 ~~3. To create ad hoc issue-oriented technical workgroups on~~
77 ~~an as-needed basis to make recommendations to the council.~~

78 Section 2. Effective January 1, 2026, section 429.177,
79 Florida Statutes, is amended to read:

80 429.177 Patients with Alzheimer's disease, dementia, or
81 other memory related disorders; certain disclosures; minimum
82 standards.-

83 (1) "Memory care services" means specialized or focused
84 care and services designed to address health or behavioral
85 issues resulting from Alzheimer's disease, dementia, or other
86 memory disorders.

87 (2) (a) A facility that advertises itself as a memory care

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88 provider or otherwise claims that the facility provides memory
89 care services, including, but not limited to, services for
90 residents with Alzheimer's disease, dementia, or other memory
91 disorders, must meet all of the following standards of operation
92 for such services:

93 1. Develop and implement policies and procedures addressing
94 all of the following:

95 a. Admittance criteria.

96 b. Care and services necessary to address the needs of
97 persons admitted for memory care services.

98 2. Provide activities specifically designed and offered for
99 persons admitted for memory care services.

100 3. Maintain a current and accurate log of residents
101 admitted as receiving memory care services.

102 (b) The standards in paragraph (a) apply to any unit
103 designated for the provision of memory care services or to a
104 facility that provides memory care services to any resident
105 admitted and requiring such services.

106 (3) In addition to the requirements of s. 429.24, resident
107 contracts must specify all memory care services to be provided
108 and any related costs should those costs exceed standard room
109 and board.

110 (4) In addition to the requirements of s. 429.26(7), for
111 persons residing in a memory care facility, the facility shall:

112 (a) Notify a licensed physician when a resident has a
113 change of condition specific to increased or more severe
114 dementia or other memory disorder to ensure that appropriate
115 care is provided to the resident. The notification must occur
116 within 30 days after the acknowledgement of such changes in

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117 condition by facility staff.

118 (b) If a change in the resident's condition is determined
119 to exist, notify the resident's representative or designee and
120 assist in making appointments for the necessary care and
121 services for treatment of the change in condition.

122 (c) If the resident does not have a representative or
123 designee, or if the resident's representative or designee cannot
124 be located or is unresponsive, arrange with the appropriate
125 health care provider for the necessary care and services for
126 treatment of the change in condition.

127 (5) (a) The memory care facility or unit, if a memory care
128 provider has a specific unit designated for memory care
129 services, must have at least one staff member present to provide
130 care and services at all times. The staff member shall:

131 1. Stay awake at all times while on duty.

132 2. Meet any training requirements specified by statute or
133 rule for assisted living facilities, including the training and
134 continuing education requirements of s. 430.5025.

135 3. Be certified in first aid and cardiopulmonary
136 resuscitation.

137 (b) A staff member administering medication or providing
138 assistance with the self-administration of medication may not be
139 considered as the sole staff member toward the staffing
140 requirement while engaged in these tasks.

141 (6) A facility licensed under this part which claims that
142 it provides special care for persons who have Alzheimer's
143 disease, dementia, or other memory ~~related~~ disorders must
144 disclose in its advertisements or in a separate document those
145 services that distinguish the care as being especially

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146 applicable to, or suitable for, such persons. The facility must
 147 give a copy of all such advertisements or a copy of the document
 148 to each person who requests information about programs and
 149 services for persons with Alzheimer's disease, dementia, or
 150 other memory related disorders offered by the facility and must
 151 maintain a copy of all such advertisements and documents in its
 152 records. The agency shall examine all such advertisements and
 153 documents in the facility's records as part of the license
 154 renewal procedure.

155 Section 3. Effective January 1, 2026, section 429.178,
 156 Florida Statutes, is repealed.

157 Section 4. Subsection (3) of section 627.4236, Florida
 158 Statutes, is amended to read:

159 627.4236 Coverage for bone marrow transplant procedures.—

160 ~~(3)(a) The Agency for Health Care Administration shall~~
 161 ~~adopt rules specifying the bone marrow transplant procedures~~
 162 ~~that are accepted within the appropriate oncological specialty~~
 163 ~~and are not experimental for purposes of this section. The rules~~
 164 ~~must be based upon recommendations of an advisory panel~~
 165 ~~appointed by the secretary of the agency, composed of:~~

166 1. ~~One adult oncologist, selected from a list of three~~
 167 ~~names recommended by the Florida Medical Association;~~

168 2. ~~One pediatric oncologist, selected from a list of three~~
 169 ~~names recommended by the Florida Pediatric Society;~~

170 3. ~~One representative of the J. Hillis Miller Health Center~~
 171 ~~at the University of Florida;~~

172 4. ~~One representative of the H. Lee Moffitt Cancer Center~~
 173 ~~and Research Institute, Inc.;~~

174 5. ~~One consumer representative, selected from a list of~~

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175 ~~three names recommended by the Chief Financial Officer;~~

176 ~~6. One representative of the Health Insurance Association~~
177 ~~of America;~~

178 ~~7. Two representatives of health insurers, one of whom~~
179 ~~represents the insurer with the largest Florida health insurance~~
180 ~~premium volume and one of whom represents the insurer with the~~
181 ~~second largest Florida health insurance premium volume; and~~

182 ~~8. One representative of the insurer with the largest~~
183 ~~Florida small group health insurance premium volume.~~

184 ~~(b) The director shall also appoint a member of the~~
185 ~~advisory panel to serve as chairperson.~~

186 ~~(c) The agency shall provide, within existing resources,~~
187 ~~staff support to enable the panel to carry out its~~
188 ~~responsibilities under this section.~~

189 ~~(d) In making recommendations and adopting rules under this~~
190 ~~section, the advisory panel and the director shall:~~

191 ~~1. Take into account findings, studies, or research of the~~
192 ~~federal Agency for Health Care Policy, National Cancer~~
193 ~~Institute, National Academy of Sciences, Health Care Financing~~
194 ~~Administration, and Congressional Office of Technology~~
195 ~~Assessment, and any other relevant information.~~

196 ~~2. Consider whether the federal Food and Drug~~
197 ~~Administration or National Cancer Institute is conducting or~~
198 ~~sponsoring assessment procedures to determine the safety and~~
199 ~~efficacy of the procedure or substantially similar procedures,~~
200 ~~or of any part of such procedures.~~

201 ~~3. Consider practices of providers with respect to~~
202 ~~requesting or requiring patients to sign a written~~
203 ~~acknowledgment that a bone marrow transplant procedure is~~

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204 ~~experimental.~~

205 ~~(c) The advisory panel shall conduct, at least biennially,~~
206 ~~a review of scientific evidence to ensure that its~~
207 ~~recommendations are based on current research findings and that~~
208 ~~insurance policies offer coverage for the latest medically~~
209 ~~acceptable bone marrow transplant procedures.~~

210 Section 5. Except as otherwise expressly provided in this
211 act, this act shall take effect July 1, 2025.