



Health & Human Services Committee

Thursday, March 20, 2014
9:00 AM - 11:00 AM
Morris Hall

Action Packet

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Health & Human Services Committee

Thursday March 20, 2014 09:00 am

HB 91	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 868979 Adopted Without Objection		
CS/HB 203	Favorable	Yeas: 16	Nays: 0
HB 323	Not Considered		
CS/HB 419	Favorable	Yeas: 16	Nays: 0
CS/HB 455	Favorable	Yeas: 16	Nays: 0
CS/HB 463	Favorable	Yeas: 16	Nays: 0
CS/HB 511	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 139219 Adopted Without Objection		
	Amendment 674807 Adopted Without Objection		
	Amendment 765845 Adopted Without Objection		
CS/HB 589	Favorable	Yeas: 16	Nays: 0
HB 591	Favorable With Committee Substitute	Yeas: 17	Nays: 0
	Amendment 605051 Adopted Without Objection		
	Amendment 503955 Adopted Without Objection		
PCB HHSC 14-01	Favorable	Yeas: 16	Nays: 1

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Richard Corcoran (Chair)	X		
Larry Ahern	X		
Jason Brodeur	X		
Gwyndolen Clarke-Reed	X		
W. Travis Cummings	X		
Katie Edwards	X		
Joseph Gibbons	X		
Gayle Harrell	X		
Matt Hudson	X		
Mia Jones	X		
Shevrin Jones	X		
Amanda Murphy	X		
Jose Oliva	X		
Jimmy Patronis	X		
Cary Pigman	X		
Ronald Renuart	X		
Kenneth Roberson	X		
John Wood	X		
Totals:	18	0	0

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COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 91 : State Ombudsman Program

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrlin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman	X				
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood			X		
Richard Corcoran (Chair)	X				
Total Yeas: 17					
		Total Nays: 0			

HB 91 Amendments

Amendment 868979

Adopted Without Objection

Appearances:

Anderson, Susan (Lobbyist) (State Employee) - Waive In Support
 Long-Term Care Ombudsman Program
 4040 Esplanade Way
 Tallahassee FL 32399
 Phone: (850) 414-2054

Murray, G.C. (Lobbyist) - Waive In Support
 Florida Justice Association
 218 S Monroe St
 Tallahassee FL 32301
 Phone: (850) 521-1034

Cantrell, Laura (Lobbyist) - Waive In Support
 AARP
 400 Carrillon Pkwy., Ste. 100
 St. Petersburg Fl 33702
 Phone: (850) 570-2110

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 91 : State Ombudsman Program (continued)

Appearances: (continued)

Rigsby, Peggy (Lobbyist) - Waive In Support
Florida Health Care Association
307 W Park Ave
Tallahassee FL 32301
Phone: (850) 224-3907

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Roberson, K. offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 400.0060, Florida Statutes, is amended
 8 to read:

9 400.0060 Definitions.—When used in this part, unless the
 10 context clearly dictates otherwise, the term:

11 (1) "Administrative assessment" means a review of
 12 conditions in a long-term care facility which impact the rights,
 13 health, safety, and welfare of residents with the purpose of
 14 noting needed improvement and making recommendations to enhance
 15 the quality of life for residents.

16 (2) "Agency" means the Agency for Health Care
 17 Administration.



Amendment No.

- 18 (3) "Department" means the Department of Elderly Affairs.
- 19 (4) "District" means a geographical area designated by the
20 state ombudsman in which individuals certified as ombudsmen
21 carry out the duties of the state ombudsman program. A district
22 may have more than one local unit of ombudsmen. "Local council"
23 ~~means a local long-term care ombudsman council designated by the~~
24 ~~ombudsman pursuant to s. 400.0069. Local councils are also known~~
25 ~~as district long-term care ombudsman councils or district~~
26 ~~councils.~~
- 27 (5) "Long-term care facility" means a nursing home
28 facility, assisted living facility, adult family-care home,
29 board and care facility, facility in which continuing long-term
30 care is provided, or any other similar residential adult care
31 facility.
- 32 (6) "Office" means the Office of State Long-Term Care
33 Ombudsman created by s. 400.0063.
- 34 (7) "Ombudsman" means an individual who has been certified
35 by the state ombudsman as meeting the requirements of ss.
36 400.0069, 400.0070, and 400.0091 ~~the individual appointed by the~~
37 ~~Secretary of Elderly Affairs to head the Office of State Long-~~
38 ~~Term Care Ombudsman.~~
- 39 (8) "Representative of the office" means the state
40 ombudsman, an employee of the office, or an individual certified
41 as an ombudsman.
- 42 (9)~~(8)~~ "Resident" means an individual 18 ~~60~~ years of age
43 or older who resides in a long-term care facility.



Amendment No.

44 ~~(10)(9)~~ "Secretary" means the Secretary of Elderly
45 Affairs.

46 ~~(11)(10)~~ "State council" means the State Long-Term Care
47 Ombudsman Council created by s. 400.0067.

48 (12) "State ombudsman" means the individual appointed by
49 the Secretary of Elderly Affairs to head the Office of State
50 Long-Term Care Ombudsman.

51 (13) "State ombudsman program" means the program operating
52 under the direction of the office.

53 Section 2. Section 400.0061, Florida Statutes, is amended
54 to read:

55 400.0061 Legislative findings and intent; long-term care
56 facilities.—

57 (1) The Legislature finds that conditions in long-term
58 care facilities in this state are such that the rights, health,
59 safety, and welfare of residents are not fully ensured by rules
60 of the Department of Elderly Affairs or the Agency for Health
61 Care Administration or by the good faith of owners or operators
62 of long-term care facilities. Furthermore, there is a need for a
63 formal mechanism whereby a long-term care facility resident, a
64 representative of a long-term care facility resident, or any
65 other concerned citizen may make a complaint against the
66 facility or its employees, or against other persons who are in a
67 position to restrict, interfere with, or threaten the rights,
68 health, safety, or welfare of a long-term care facility
69 resident. The Legislature finds that concerned citizens are

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Amendment No.

70 often more effective advocates for the rights of others than
71 governmental agencies. The Legislature further finds that in
72 order to be eligible to receive an allotment of funds authorized
73 and appropriated under the federal Older Americans Act, the
74 state must establish and operate an Office of State Long-Term
75 Care Ombudsman, to be headed by the state ~~Long-Term-Care~~
76 ombudsman, and carry out a state long-term-care ombudsman
77 program.

78 (2) It is the intent of the Legislature, therefore, to use
79 utilize voluntary citizen ombudsmen ~~ombudsman councils~~ under the
80 leadership of the state ombudsman, and, through them, to operate
81 a state an ombudsman program, which shall, without interference
82 by any executive agency, undertake to discover, investigate, and
83 determine the presence of conditions or individuals who ~~which~~
84 constitute a threat to the rights, health, safety, or welfare of
85 the residents of long-term care facilities. To ensure that the
86 effectiveness and efficiency of such investigations are not
87 impeded by advance notice or delay, the Legislature intends that
88 representatives of the office ~~ombudsman and ombudsman councils~~
89 ~~and their designated representatives~~ not be required to obtain
90 warrants in order to enter into or conduct investigations or
91 onsite administrative assessments of long-term care facilities.
92 It is the further intent of the Legislature that the environment
93 in long-term care facilities be conducive to the dignity and
94 independence of residents and that investigations by
95 representatives of the office ~~ombudsman councils~~ shall further



Amendment No.

96 the enforcement of laws, rules, and regulations that safeguard
97 the health, safety, and welfare of residents.

98 Section 3. Section 400.0063, Florida Statutes, is amended
99 to read:

100 400.0063 Establishment of Office of State Long-Term Care
101 Ombudsman; designation of ombudsman and legal advocate.—

102 (1) There is created an Office of State Long-Term Care
103 Ombudsman in the Department of Elderly Affairs.

104 (2) (a) The Office of State Long-Term Care Ombudsman shall
105 be headed by the state ~~Long-Term-Care~~ ombudsman, who shall serve
106 on a full-time basis and shall personally, or through
107 representatives of the office, carry out the purposes and
108 functions of the state ombudsman program ~~office~~ in accordance
109 with state and federal law.

110 (b) The state ombudsman shall be appointed by and shall
111 serve at the pleasure of the Secretary of Elderly Affairs. The
112 secretary shall appoint a person who has expertise and
113 experience in the fields of long-term care and advocacy to serve
114 as state ombudsman.

115 (3) (a) There is created in the office the position of
116 legal advocate, who shall be selected by and serve at the
117 pleasure of the state ombudsman and shall be a member in good
118 standing of The Florida Bar.

119 (b) The duties of the legal advocate shall include, but
120 not be limited to:



Amendment No.

121 1. Assisting the state ombudsman in carrying out the
122 duties of the office with respect to the abuse, neglect,
123 exploitation, or violation of rights of residents of long-term
124 care facilities.

125 2. Assisting the state council and representatives of the
126 office ~~local councils~~ in carrying out their responsibilities
127 under this part.

128 3. Pursuing administrative, legal, and other appropriate
129 remedies on behalf of residents.

130 4. Serving as legal counsel to the state council and
131 representatives of the office ~~local councils, or individual~~
132 ~~members thereof~~, against whom any suit or other legal action
133 that is initiated in connection with the performance of the
134 official duties of the state ombudsman program ~~councils or an~~
135 ~~individual member~~.

136 Section 4. Section 400.0065, Florida Statutes, is amended
137 to read:

138 400.0065 Office of State Long-Term Care Ombudsman; duties
139 and responsibilities.—

140 (1) The purpose of the Office of State Long-Term Care
141 Ombudsman is ~~shall be~~ to:

142 (a) Identify, investigate, and resolve complaints made by
143 or on behalf of residents of long-term care facilities relating
144 to actions or omissions by providers or representatives of
145 providers of long-term care services, other public or private



Amendment No.

146 agencies, guardians, or representative payees that may adversely
147 affect the health, safety, welfare, or rights of the residents.

148 (b) Provide services that assist in protecting the health,
149 safety, welfare, and rights of residents.

150 (c) Inform residents, their representatives, and other
151 citizens about obtaining the services of the state ~~Long-Term~~
152 ~~Care~~ ombudsman program and its representatives.

153 (d) Ensure that residents have regular and timely access
154 to the services provided through the office and that residents
155 and complainants receive timely responses from representatives
156 of the office to their complaints.

157 (e) Represent the interests of residents before
158 governmental agencies and seek administrative, legal, and other
159 remedies to protect the health, safety, welfare, and rights of
160 the residents.

161 (f) Administer the state council and ~~local councils~~.

162 (g) Analyze, comment on, and monitor the development and
163 implementation of federal, state, and local laws, rules, and
164 regulations, and other governmental policies and actions, that
165 pertain to the health, safety, welfare, and rights of the
166 residents, with respect to the adequacy of long-term care
167 facilities and services in the state, and recommend any changes
168 in such laws, rules, regulations, policies, and actions as the
169 office determines to be appropriate and necessary.



Amendment No.

170 (h) Provide technical support for the development of
171 resident and family councils to protect the well-being and
172 rights of residents.

173 (2) The state ~~Long Term Care~~ ombudsman has ~~shall~~ have the
174 duty and authority to:

175 (a) Establish and coordinate districts ~~local councils~~
176 throughout the state.

177 (b) Perform the duties specified in state and federal law,
178 rules, and regulations.

179 (c) Within the limits of appropriated federal and state
180 funding, employ such personnel ~~as are~~ necessary to perform
181 adequately the functions of the office and provide or contract
182 for legal services to assist the state council and
183 representatives of the office ~~local councils~~ in the performance
184 of their duties. ~~Staff positions established for the purpose of~~
185 ~~coordinating the activities of each local council and assisting~~
186 ~~its members may be filled by the ombudsman after approval by the~~
187 ~~secretary. Notwithstanding any other provision of this part,~~
188 ~~upon certification by the ombudsman that the staff member hired~~
189 ~~to fill any such position has completed the initial training~~
190 ~~required under s. 400.0091, such person shall be considered a~~
191 ~~representative of the State Long Term Care Ombudsman Program for~~
192 ~~purposes of this part.~~

193 (d) Contract for services necessary to carry out the
194 activities of the office.



Amendment No.

195 (e) Apply for, receive, and accept grants, gifts, or other
196 payments, including, but not limited to, real property, personal
197 property, and services from a governmental entity or other
198 public or private entity or person, and make arrangements for
199 the use of such grants, gifts, or payments.

200 (f) Coordinate, to the greatest extent possible, state and
201 local ombudsman services with the protection and advocacy
202 systems for individuals with developmental disabilities and
203 mental illnesses and with legal assistance programs for the poor
204 through adoption of memoranda of understanding and other means.

205 ~~(g) Enter into a cooperative agreement with the Statewide
206 Advocacy Council for the purpose of coordinating and avoiding
207 duplication of advocacy services provided to residents.~~

208 (g) ~~(h)~~ Enter into a cooperative agreement with the
209 Medicaid Fraud Division as prescribed under s. 731(e)(2)(B) of
210 the Older Americans Act.

211 (h) ~~(i)~~ Prepare an annual report describing the activities
212 carried out by the office, the state council, and the districts
213 ~~local councils~~ in the year for which the report is prepared. The
214 state ombudsman shall submit the report to the secretary, the
215 United States Assistant Secretary for Aging, the Governor, the
216 President of the Senate, the Speaker of the House of
217 Representatives, the Secretary of Children and Families, and the
218 Secretary of Health Care Administration at least 30 days before
219 the convening of the regular session of the Legislature. ~~The~~
220 ~~secretary shall in turn submit the report to the United States~~

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Amendment No.

221 ~~Assistant Secretary for Aging, the Governor, the President of~~
222 ~~the Senate, the Speaker of the House of Representatives, the~~
223 ~~Secretary of Children and Family Services, and the Secretary of~~
224 ~~Health Care Administration.~~ The report must shall, at a minimum:

225 1. Contain and analyze data collected concerning
226 complaints about and conditions in long-term care facilities and
227 the disposition of such complaints.

228 2. Evaluate the problems experienced by residents.

229 3. Analyze the successes of the state ombudsman program
230 during the preceding year, including an assessment of how
231 successfully the office ~~program~~ has carried out its
232 responsibilities under the Older Americans Act.

233 4. Provide recommendations for policy, regulatory, and
234 statutory changes designed to solve identified problems; resolve
235 residents' complaints; improve residents' lives and quality of
236 care; protect residents' rights, health, safety, and welfare;
237 and remove any barriers to the optimal operation of the state
238 ~~Long Term Care~~ ombudsman program.

239 5. Contain recommendations from the state ~~Long Term Care~~
240 ~~Ombudsman~~ council regarding program functions and activities and
241 recommendations for policy, regulatory, and statutory changes
242 designed to protect residents' rights, health, safety, and
243 welfare.

244 6. Contain any relevant recommendations from
245 representatives of the office ~~local councils~~ regarding program
246 functions and activities.



Amendment No.

247 Section 5. Section 400.0067, Florida Statutes, is amended
248 to read:

249 400.0067 State Long-Term Care Ombudsman Council; duties;
250 membership.—

251 (1) There is created, within the Office of State Long-Term
252 Care Ombudsman, the State Long-Term Care Ombudsman Council.

253 (2) The state ~~Long-Term Care Ombudsman~~ council shall:

254 (a) Serve as an advisory body to assist the state
255 ombudsman in reaching a consensus among districts ~~local councils~~
256 on issues affecting residents and impacting the optimal
257 operation of the program.

258 (b) Serve as an appellate body in receiving from the
259 districts ~~local councils~~ complaints not resolved at the district
260 ~~local~~ level. Any individual member or members of the state
261 council may enter any long-term care facility involved in an
262 appeal, pursuant to the conditions specified in s. 400.0074(2).

263 (c) Assist the state ombudsman to discover, investigate,
264 and determine the existence of abuse or neglect in any long-term
265 care facility, and work with the adult protective services
266 program as required in ss. 415.101-415.113.

267 (d) Assist the state ombudsman in eliciting, receiving,
268 responding to, and resolving complaints made by or on behalf of
269 residents.

270 (e) Elicit and coordinate state, district ~~local~~, and
271 voluntary organizational assistance for the purpose of improving
272 the care received by residents.



Amendment No.

273 (f) Assist the state ombudsman in preparing the annual
274 report described in s. 400.0065.

275 (3) The state ~~Long-Term-Care-Ombudsman~~ council shall be
276 composed of one active certified ombudsman from each local unit
277 within a district local council member elected by each local
278 council plus three at-large members appointed by the secretary
279 Governor.

280 (a) Each local unit in a district must select local
281 council shall elect by majority vote a representative from among
282 the ~~council members to represent the interests of the local~~
283 council of its choice to serve on the state council. A ~~local~~
284 ~~council chair may not serve as the representative of the local~~
285 ~~council on the state council.~~

286 (b)1. The state ombudsman secretary, ~~after consulting with~~
287 ~~the ombudsman,~~ shall submit to the secretary Governor a list of
288 individuals persons recommended for appointment to the at-large
289 positions on the state council. The list may shall not include
290 the name of any individual person who is currently serving in a
291 district on a local council.

292 2. The secretary Governor shall appoint three at-large
293 members chosen from the list.

294 3. If the secretary Governor does not appoint an at-large
295 member to fill a vacant position within 60 days after the list
296 is submitted, the state secretary, ~~after consulting with the~~
297 ~~ombudsman,~~ shall appoint an at-large member to fill that vacant
298 position.



Amendment No.

299 (4) (a) (e) 1. ~~All~~ State council members shall serve 3-year
300 terms.

301 ~~2.~~ A member of the state council may not serve more than
302 two consecutive terms.

303 (b) 3. A district manager, in consultation with the
304 district ombudsmen, local council may recommend replacement
305 removal of its selected ombudsman elected representative from
306 the state council by a majority vote. If the district manager,
307 in consultation with the district ombudsmen, selects a
308 replacement ombudsman, the district manager council votes to
309 remove its representative, the local council chair shall
310 immediately notify the state ombudsman. The ~~secretary~~ shall
311 ~~advise the Governor of the local council's vote upon receiving~~
312 ~~notice from the ombudsman.~~

313 (c) 4. The position of any member missing three state
314 council meetings within a 1-year period without cause may be
315 declared vacant by the state ombudsman. The findings of the
316 state ombudsman regarding cause shall be final and binding.

317 (d) 5. Any vacancy on the state council shall be filled in
318 the same manner as the original appointment.

319 (e) (d) 1. The state council shall elect a chair to serve
320 for a term of 1 year. A chair may not serve more than two
321 consecutive terms.

322 2. The chair shall select a vice chair from among the
323 members. The vice chair shall preside over the state council in
324 the absence of the chair.



Amendment No.

325 3. The chair may create additional executive positions as
326 necessary to carry out the duties of the state council. Any
327 person appointed to an executive position shall serve at the
328 pleasure of the chair, and his or her term shall expire on the
329 same day as the term of the chair.

330 4. A chair may be immediately removed from office before
331 ~~prior to~~ the expiration of his or her term by a vote of two-
332 thirds of all state council members present at any meeting at
333 which a quorum is present. If a chair is removed from office
334 before ~~prior to~~ the expiration of his or her term, a replacement
335 chair shall be chosen during the same meeting in the same manner
336 as described in this paragraph, and the term of the replacement
337 chair shall begin immediately. The replacement chair shall serve
338 for the remainder of the term and is eligible to serve two
339 subsequent consecutive terms.

340 (f)~~(e)~~1. The state council shall meet upon the call of the
341 chair or upon the call of the state ombudsman. The state council
342 shall meet at least quarterly but may meet more frequently as
343 needed.

344 2. A quorum shall be considered present if more than 50
345 percent of all active state council members are in attendance at
346 the same meeting.

347 3. The state council may not vote on or otherwise make any
348 decisions resulting in a recommendation that will directly
349 impact the state council or any district ~~local council~~, outside
350 of a publicly noticed meeting at which a quorum is present.



Amendment No.

351 ~~(g)(f)~~ Members may not shall receive ~~no~~ compensation but
352 shall, with approval from the state ombudsman, be reimbursed for
353 per diem and travel expenses as provided in s. 112.061.

354 Section 6. Section 400.0069, Florida Statutes, is amended
355 to read:

356 400.0069 ~~Local~~ Long-term care ombudsman districts
357 councils; duties; appointment membership.-

358 (1) (a) The state ombudsman shall designate districts ~~local~~
359 ~~long-term care ombudsman councils~~ to carry out the duties of the
360 state ~~Long-Term Care~~ ombudsman program within ~~local~~ communities.
361 Each district ~~local council~~ shall function under the direction
362 of the state ombudsman.

363 (b) The state ombudsman shall ensure that there are
364 representatives of the office ~~is at least one local council~~
365 operating in each district ~~of the department's planning and~~
366 ~~service areas. The ombudsman may create additional local~~
367 ~~councils~~ as necessary to ensure that residents throughout the
368 state have adequate access to state ~~Long-Term Care~~ ombudsman
369 program services. ~~The ombudsman, after approval from the~~
370 ~~secretary, shall designate the jurisdictional boundaries of each~~
371 ~~local council.~~

372 (c) Each district must convene a public meeting every
373 quarter.

374 (2) The duties of the representatives of the office in the
375 districts ~~local councils~~ are to:



Amendment No.

376 (a) Provide services to assist in ~~Serve as a third party~~
377 ~~mechanism for~~ protecting the health, safety, welfare, and civil
378 ~~and human~~ rights of residents.

379 (b) Discover, investigate, and determine the existence of
380 abuse, or neglect, or exploitation using in any long term care
381 ~~facility and to use~~ the procedures provided for in ss. 415.101-
382 415.113 when applicable.

383 (c) Identify ~~Elicit, receive,~~ investigate, ~~respond to,~~ and
384 resolve complaints made by or on behalf of residents relating to
385 actions or omissions by providers or representatives of
386 providers of long-term care services, other public agencies,
387 guardians, or representative payees which may adversely affect
388 the health, safety, welfare, or rights of residents.

389 (d) Review and, if necessary, comment on all existing or
390 proposed rules, regulations, and other governmental policies and
391 actions relating to long-term care facilities that may
392 potentially have an effect on the ~~rights,~~ health, safety,
393 welfare, and rights ~~welfare~~ of residents.

394 (e) Review personal property and money accounts of
395 residents who are receiving assistance under the Medicaid
396 program pursuant to an investigation to obtain information
397 regarding a specific complaint ~~or problem.~~

398 (f) Recommend that the state ombudsman and the legal
399 advocate seek administrative, legal, and other remedies to
400 protect the health, safety, welfare, and rights of ~~the~~
401 residents.



Amendment No.

402 (g) Provide technical assistance for the development of
403 resident and family councils within long-term care facilities.

404 ~~(h)-(g)~~ Carry out other activities that the state ombudsman
405 determines to be appropriate.

406 (3) In order to carry out the duties specified in
407 subsection (2), a representative of the office may ~~member of a~~
408 ~~local council is authorized to~~ enter any long-term care facility
409 without notice or without first obtaining a warrant; however,
410 ~~subject to the provisions of s. 400.0074(2) may apply regarding~~
411 notice of a followup administrative assessment.

412 (4) Each district ~~local council~~ shall be composed of
413 ombudsmen ~~members~~ whose primary residences are ~~residence is~~
414 located within the boundaries of the district ~~local council's~~
415 jurisdiction.

416 (a) Upon good cause shown, the state ombudsman may appoint
417 an ombudsman to another district. ~~The ombudsman shall strive to~~
418 ~~ensure that each local council include the following persons as~~
419 ~~members:~~

420 1. ~~At least one medical or osteopathic physician whose~~
421 ~~practice includes or has included a substantial number of~~
422 ~~geriatric patients and who may practice in a long term care~~
423 ~~facility;~~

424 2. ~~At least one registered nurse who has geriatric~~
425 ~~experience;~~

426 3. ~~At least one licensed pharmacist;~~

427 4. ~~At least one registered dietitian;~~



Amendment No.

428 ~~5. At least six nursing home residents or representative~~
429 ~~consumer advocates for nursing home residents;~~

430 ~~6. At least three residents of assisted living facilities~~
431 ~~or adult family care homes or three representative consumer~~
432 ~~advocates for alternative long term care facility residents;~~

433 ~~7. At least one attorney; and~~

434 ~~8. At least one professional social worker.~~

435 (b) The following individuals may not be appointed as
436 ombudsmen:

437 1. The owner or representative of a long-term care
438 facility.

439 2. A provider or representative of a provider of long-term
440 care service.

441 3. An employee of the agency.

442 4. An employee of the department, except for a
443 representative of the office.

444 5. An employee of the Department of Children and Families.

445 6. An employee of the Agency for Persons with Disabilities

446 ~~In no case shall the medical director of a long term care~~
447 ~~facility or an employee of the agency, the department, the~~
448 ~~Department of Children and Family Services, or the Agency for~~
449 ~~Persons with Disabilities serve as a member or as an ex officio~~
450 ~~member of a council.~~

451 (5) (a) To be appointed as an ombudsman, an individual
452 must:



Amendment No.

453 1. Individuals wishing to join a local council shall
454 submit an application to the state ombudsman or his or her
455 designee.

456 2. Successfully complete level 2 background screening
457 pursuant to s. 430.0402 and chapter 435 ~~The ombudsman shall~~
458 ~~review the individual's application and advise the secretary of~~
459 ~~his or her recommendation for approval or disapproval of the~~
460 ~~candidate's membership on the local council. If the secretary~~
461 ~~approves of the individual's membership, the individual shall be~~
462 ~~appointed as a member of the local council.~~

463 (b) The state ombudsman shall approve or deny the
464 appointment of the individual as an ombudsman ~~The secretary may~~
465 ~~rescind the ombudsman's approval of a member on a local council~~
466 ~~at any time. If the secretary rescinds the approval of a member~~
467 ~~on a local council, the ombudsman shall ensure that the~~
468 ~~individual is immediately removed from the local council on~~
469 ~~which he or she serves and the individual may no longer~~
470 ~~represent the State Long Term Care Ombudsman Program until the~~
471 ~~secretary provides his or her approval.~~

472 (c) Upon appointment as an ombudsman, the individual may
473 participate in district activities but may not represent the
474 office or conduct any authorized program duties until the
475 individual has completed the initial training specified in s.
476 400.0091(1) and has been certified by the state ombudsman.

477 (d) The state ombudsman, for good cause shown, such as
478 development of a conflict of interest, failure to adhere to the



Amendment No.

479 policies and procedures established by the office, or
480 demonstrated inability to carry out the responsibilities of the
481 office, may rescind the appointment of an individual as an
482 ombudsman. After the appointment is rescinded, the individual
483 may not conduct any duties as an ombudsman and may not represent
484 the office or the state ombudsman program A local council may
485 recommend the removal of one or more of its members by
486 submitting to the ombudsman a resolution adopted by a two thirds
487 vote of the members of the council stating the name of the
488 member or members recommended for removal and the reasons for
489 the recommendation. If such a recommendation is adopted by a
490 local council, the local council chair or district coordinator
491 shall immediately report the council's recommendation to the
492 ombudsman. The ombudsman shall review the recommendation of the
493 local council and advise the secretary of his or her
494 recommendation regarding removal of the council member or
495 members.

496 ~~(c) (a) Each local council shall elect a chair for a term~~
497 ~~of 1 year. There shall be no limitation on the number of terms~~
498 ~~that an approved member of a local council may serve as chair.~~

499 ~~(b) The chair shall select a vice chair from among the~~
500 ~~members of the council. The vice chair shall preside over the~~
501 ~~council in the absence of the chair.~~

502 ~~(c) The chair may create additional executive positions as~~
503 ~~necessary to carry out the duties of the local council. Any~~
504 ~~person appointed to an executive position shall serve at the~~



Amendment No.

505 ~~pleasure of the chair, and his or her term shall expire on the~~
506 ~~same day as the term of the chair.~~

507 ~~(d) A chair may be immediately removed from office prior~~
508 ~~to the expiration of his or her term by a vote of two thirds of~~
509 ~~the members of the local council. If any chair is removed from~~
510 ~~office prior to the expiration of his or her term, a replacement~~
511 ~~chair shall be elected during the same meeting, and the term of~~
512 ~~the replacement chair shall begin immediately. The replacement~~
513 ~~chair shall serve for the remainder of the term of the person he~~
514 ~~or she replaced.~~

515 ~~(7) Each local council shall meet upon the call of its~~
516 ~~chair or upon the call of the ombudsman. Each local council~~
517 ~~shall meet at least once a month but may meet more frequently if~~
518 ~~necessary.~~

519 ~~(6)-(8) An ombudsman may not~~ A member of a local council
520 ~~shall receive no compensation but shall, with approval from the~~
521 ~~state ombudsman, be reimbursed for travel expenses both within~~
522 ~~and outside the jurisdiction of the local council in accordance~~
523 ~~with the provisions of s. 112.061.~~

524 ~~(7)-(9) A representative of the office may~~ The local
525 ~~councils are authorized to call upon appropriate state agencies~~
526 ~~of state government for such professional assistance as may be~~
527 ~~needed in the discharge of his or her their duties, and such-~~
528 ~~All state agencies shall cooperate with the local councils in~~
529 ~~providing requested information and agency representation at~~
530 ~~council meetings.~~



Amendment No.

531 Section 7. Section 400.0070, Florida Statutes, is amended
532 to read:

533 400.0070 Conflicts of interest.—

534 (1) A representative of the office may ~~The ombudsman shall~~
535 not:

536 (a) Have a direct involvement in the licensing or
537 certification of, or an ownership or investment interest in, a
538 long-term care facility or a provider of a long-term care
539 service.

540 (b) Be employed by, or participate in the management of, a
541 long-term care facility.

542 (c) Receive, or have a right to receive, directly or
543 indirectly, remuneration, in cash or in kind, under a
544 compensation agreement with the owner or operator of a long-term
545 care facility.

546 (2) Each representative ~~employee~~ of the office, ~~each state~~
547 ~~council member, and each local council member~~ shall certify that
548 he or she does not have any ~~has no~~ conflict of interest.

549 (3) The department, in consultation with the state
550 ombudsman, shall define by rule:

551 (a) Situations that constitute an individual ~~a person~~
552 having a conflict of interest which ~~that~~ could materially affect
553 the objectivity or capacity of the individual ~~a person~~ to serve
554 as a representative ~~on an ombudsman council, or as an employee~~
555 of the office, ~~while carrying out the purposes of the State~~
556 ~~Long Term Care Ombudsman Program as specified in this part.~~



Amendment No.

557 (b) The procedure by which an individual ~~a person~~ listed
558 in subsection (2) shall certify that he or she does not have a
559 ~~has no~~ conflict of interest.

560 Section 8. Section 400.0071, Florida Statutes, is amended
561 to read:

562 400.0071 State ~~Long Term Care~~ ombudsman program complaint
563 procedures.—The department, in consultation with the state
564 ombudsman, shall adopt rules implementing state and local
565 complaint procedures. The rules must include procedures for
566 receiving, investigating, identifying, and resolving complaints
567 concerning the health, safety, welfare, and rights of residents+

568 ~~(1) Receiving complaints against a long term care facility~~
569 ~~or an employee of a long term care facility.~~

570 ~~(2) Conducting investigations of a long term care facility~~
571 ~~or an employee of a long term care facility subsequent to~~
572 ~~receiving a complaint.~~

573 ~~(3) Conducting onsite administrative assessments of long~~
574 ~~term care facilities.~~

575 Section 9. Section 400.0073, Florida Statutes, is amended
576 to read:

577 400.0073 Complaint State ~~and local~~ ombudsman council
578 investigations.—

579 (1) A representative of the office ~~local council~~ shall
580 identify and investigate, ~~within a reasonable time after a~~
581 ~~complaint is made,~~ any complaint made by or on behalf of a
582 ~~resident, a representative of a resident, or any other credible~~



Amendment No.

583 ~~source based on an action or omission by an administrator, an~~
584 ~~employee, or a representative of a long term care facility which~~
585 might be:

- 586 (a) Contrary to law;
- 587 (b) Unreasonable, unfair, oppressive, or unnecessarily
588 discriminatory, even though in accordance with law;
- 589 (c) Based on a mistake of fact;
- 590 (d) Based on improper or irrelevant grounds;
- 591 (e) Unaccompanied by an adequate statement of reasons;
- 592 (f) Performed in an inefficient manner; or
- 593 (g) Otherwise adversely affecting the health, safety,
594 welfare, or rights of a resident.

595 ~~(2) In an investigation, both the state and local councils~~
596 ~~have the authority to hold public hearings.~~

597 ~~(3) Subsequent to an appeal from a local council, the~~
598 ~~state council may investigate any complaint received by the~~
599 ~~local council involving a long term care facility or a resident.~~

600 ~~(2)(4) If a representative of the office the ombudsman or~~
601 ~~any state or local council member is not allowed to enter a~~
602 long-term care facility, the administrator of the facility shall
603 be considered to have interfered with a representative of the
604 office, ~~the state council, or the local council~~ in the
605 performance of official duties as described in s. 400.0083(1)
606 and to have violated ~~committed a violation of~~ this part. The
607 representative of the office ombudsman shall report a facility's
608 refusal to allow entry to the facility to the state ombudsman or



Amendment No.

609 his or her designee, who shall report the incident to the
610 agency, and the agency shall record the report and take it into
611 consideration when determining actions allowable under s.
612 400.102, s. 400.121, s. 429.14, s. 429.19, s. 429.69, or s.
613 429.71.

614 Section 10. Section 400.0074, Florida Statutes, is amended
615 to read:

616 400.0074 ~~Local ombudsman council~~ Onsite administrative
617 assessments.-

618 (1) A representative of the office shall ~~In addition to~~
619 ~~any specific investigation conducted pursuant to a complaint,~~
620 ~~the local council shall~~ conduct, at least annually, an onsite
621 administrative assessment of each nursing home, assisted living
622 facility, and adult family-care home ~~within its jurisdiction.~~
623 This administrative assessment must be resident-centered and
624 must shall focus on factors affecting the rights, health,
625 safety, and welfare of the residents. ~~Each local council is~~
626 ~~encouraged to conduct a similar onsite administrative assessment~~
627 ~~of each additional long term care facility within its~~
628 ~~jurisdiction.~~

629 (2) An onsite administrative assessment is ~~conducted by a~~
630 ~~local council shall~~ be subject to the following conditions:

631 (a) To the extent possible and reasonable, the
632 administrative assessment may ~~assessments shall~~ not duplicate
633 the efforts of ~~the agency~~ surveys and inspections conducted by



Amendment No.

634 ~~state agencies of long-term care facilities under part II of~~
635 ~~this chapter and parts I and II of chapter 429.~~

636 (b) An administrative assessment shall be conducted at a
637 time and for a duration necessary to produce the information
638 required to complete the assessment ~~carry out the duties of the~~
639 ~~local council.~~

640 (c) Advance notice of an administrative assessment may not
641 be provided to a long-term care facility, except that notice of
642 followup assessments on specific problems may be provided.

643 (d) A representative of the office ~~local council member~~
644 ~~physically~~ present for the administrative assessment must ~~shall~~
645 identify himself or herself to the administrator ~~and cite the~~
646 ~~specific statutory authority for his or her assessment of the~~
647 ~~facility~~ or his or her designee.

648 (e) An administrative assessment may not unreasonably
649 interfere with the programs and activities of residents.

650 (f) A representative of the office ~~local council member~~
651 may not enter a single-family residential unit within a long-
652 term care facility during an administrative assessment without
653 the permission of the resident or the representative of the
654 resident.

655 (g) An administrative assessment shall ~~must~~ be conducted
656 in a manner that does not impose an ~~will impose no~~ unreasonable
657 burden on a long-term care facility.

658 (3) ~~Regardless of jurisdiction, the ombudsman may~~
659 ~~authorize a state or local council member to assist another~~



Amendment No.

660 ~~local council to perform the administrative assessments~~
661 ~~described in this section.~~

662 (4) An onsite administrative assessment may not be
663 accomplished by forcible entry. However, if a representative of
664 the office ombudsman or a state or local council member is not
665 allowed to enter a long-term care facility, the administrator of
666 the facility shall be considered to have interfered with a
667 representative of the office, ~~the state council, or the local~~
668 ~~council~~ in the performance of official duties as described in s.
669 400.0083(1) and to have committed a violation of this part. The
670 representative of the office ombudsman shall report the refusal
671 by a facility to allow entry to the state ombudsman or his or
672 her designee, who shall then report the incident to the agency,
673 and the agency shall record the report and take it into
674 consideration when determining actions allowable under s.
675 400.102, s. 400.121, s. 429.14, s. 429.19, s. 429.69, or s.
676 429.71.

677 (4) The department, in consultation with the state
678 ombudsman, may adopt rules implementing procedures for
679 conducting onsite administrative assessments of long-term care
680 facilities.

681 Section 11. Section 400.0075, Florida Statutes, is amended
682 to read:

683 400.0075 Complaint notification and resolution
684 procedures.-



Amendment No.

685 (1) (a) Any complaint ~~or problem~~ verified by a
686 representative of the office an ombudsman council as a result of
687 an investigation may ~~or onsite administrative assessment, which~~
688 ~~complaint or problem is determined to require remedial action by~~
689 ~~the local council,~~ shall be identified and brought to the
690 attention of the long-term care facility administrator subject
691 to the confidentiality provisions of s. 400.0077 in writing.
692 Upon receipt of the information such document, the
693 administrator, with the concurrence of the representative of the
694 office local council chair, shall establish target dates for
695 taking appropriate remedial action. If, by the target date, the
696 remedial action is not completed or forthcoming, the
697 representative may extend the target date if there is reason to
698 believe such action would facilitate the resolution of the
699 complaint, or the representative may refer the complaint to the
700 district manager local council chair may, ~~after obtaining~~
701 ~~approval from the ombudsman and a majority of the members of the~~
702 ~~local council.~~

703 1. ~~Extend the target date if the chair has reason to~~
704 ~~believe such action would facilitate the resolution of the~~
705 ~~complaint.~~

706 2. ~~In accordance with s. 400.0077, publicize the~~
707 ~~complaint, the recommendations of the council, and the response~~
708 ~~of the long term care facility.~~

709 3. ~~Refer the complaint to the state council.~~



Amendment No.

710 (b) If an ombudsman determines the local council chair
711 believes that the health, safety, welfare, or rights of a the
712 resident are in imminent danger, the ombudsman must immediately
713 notify the district manager. The district manager chair shall
714 notify the ombudsman or legal advocate, who, after verifying
715 that such imminent danger exists, must notify the appropriate
716 state agencies, including law enforcement agencies, the state
717 ombudsman, and the legal advocate to ensure the protection of
718 shall seek immediate legal or administrative remedies to protect
719 the resident.

720 (c) If the state ombudsman or legal advocate has reason to
721 believe that the long-term care facility or an employee of the
722 facility has committed a criminal act, the state ombudsman or
723 legal advocate shall provide the local law enforcement agency
724 with the relevant information to initiate an investigation of
725 the case.

726 (2)(a) Upon referral from a district local council, the
727 state ombudsman or his or her designee council shall assume the
728 responsibility for the disposition of the complaint. If a long-
729 term care facility fails to take action to resolve or remedy the
730 on a complaint by the state council, the state ombudsman council
731 may, after obtaining approval from the ombudsman and a majority
732 of the state council members:

733 (a) ~~1.~~ In accordance with s. 400.0077, publicize the
734 complaint, the recommendations of the representatives of the



Amendment No.

735 ~~office local or state council~~, and the response of the long-term
736 care facility.

737 ~~(b)2-~~ Recommend to the department and the agency a series
738 of facility reviews pursuant to s. 400.19, s. 429.34, or s.
739 429.67 to ensure correction and nonrecurrence of the conditions
740 that ~~gave~~ give rise to the complaint ~~complaints~~ against the a
741 long-term care facility.

742 ~~(c)3-~~ Recommend to the department and the agency that the
743 long-term care facility no longer receive payments under any
744 state assistance program, including Medicaid.

745 ~~(d)4-~~ Recommend to the department and the agency that
746 procedures be initiated for action against ~~revocation of~~ the
747 long-term care facility's license in accordance with chapter
748 120.

749 ~~(b) If the state council chair believes that the health,~~
750 ~~safety, welfare, or rights of the resident are in imminent~~
751 ~~danger, the chair shall notify the ombudsman or legal advocate,~~
752 ~~who, after verifying that such imminent danger exists, shall~~
753 ~~seek immediate legal or administrative remedies to protect the~~
754 ~~resident.~~

755 ~~(3)(e)~~ If the state ombudsman, after consultation with the
756 legal advocate, has reason to believe that the long-term care
757 facility or an employee of the facility has committed a criminal
758 act, the office ombudsman shall provide the local law
759 enforcement agency with the relevant information to initiate an
760 investigation of the case.



Amendment No.

761 Section 12. Section 400.0078, Florida Statutes, is amended
762 to read:

763 400.0078 Citizen access to state ~~Long-Term-Care~~ ombudsman
764 program services.—

765 (1) The office shall establish a statewide toll-free
766 telephone number and e-mail address for receiving complaints
767 concerning matters adversely affecting the health, safety,
768 welfare, or rights of residents.

769 (2) ~~Every resident or representative of a resident shall~~
770 ~~receive,~~ Upon admission to a long-term care facility, each
771 resident or representative of a resident must receive
772 information regarding:

773 (a) The purpose of the state ~~Long-Term-Care~~ ombudsman
774 program.

775 (b) The statewide toll-free telephone number and e-mail
776 address for receiving complaints.,—and

777 (c) Information that retaliatory action cannot be taken
778 against a resident for presenting grievances or for exercising
779 any other resident rights.

780 (d) Other relevant information regarding how to contact
781 representatives of the office program.

782

783 Residents or their representatives must be furnished additional
784 copies of this information upon request.

785 Section 13. Section 400.0079, Florida Statutes, is amended
786 to read:



Amendment No.

787 400.0079 Immunity.—

788 (1) Any person making a complaint pursuant to this part
789 who does so in good faith shall be immune from any liability,
790 civil or criminal, that otherwise might be incurred or imposed
791 as a direct or indirect result of making the complaint.

792 (2) Representatives of the office and ~~The ombudsman or any~~
793 ~~person authorized by the ombudsman to act on behalf of the~~
794 ~~office, as well as all members of the state council are and~~
795 ~~local councils, shall be~~ immune from any liability, civil or
796 criminal, that otherwise might be incurred or imposed during the
797 good faith performance of official duties.

798 Section 14. Section 400.0081, Florida Statutes, is amended
799 to read:

800 400.0081 Access to facilities, residents, and records.—

801 (1) A long-term care facility shall provide
802 representatives of the office with, ~~the state council and its~~
803 ~~members, and the local councils and their members access to:~~

804 (a) Access to ~~Any portion of~~ the long-term care facility
805 and residents ~~any resident as necessary to investigate or~~
806 ~~resolve a complaint.~~

807 (b) Appropriate access to medical and social records of a
808 resident for review ~~as necessary to investigate or resolve a~~
809 ~~complaint,~~ if:

810 1. The representative of the office has the permission of
811 the resident or the legal representative of the resident; or



Amendment No.

812 2. The resident is unable to consent to the review and
813 does not have a ~~has no~~ legal representative.

814 (c) Access to medical and social records of a ~~the~~ resident
815 as necessary to investigate ~~or resolve~~ a complaint, if:

816 1. A legal representative or guardian of the resident
817 refuses to give permission;

818 2. A representative of the office has reasonable cause to
819 believe that the legal representative or guardian is not acting
820 in the best interests of the resident; and

821 3. The representative of the office ~~state or local council~~
822 ~~member~~ obtains the approval of the state ombudsman.

823 (d) Access to the administrative records, policies, and
824 documents to which residents or the general public has ~~have~~
825 access.

826 (e) Upon request, copies of all licensing and
827 certification records maintained by the state with respect to a
828 long-term care facility.

829 (2) The department, in consultation with the state
830 ombudsman ~~and the state council~~, may adopt rules to establish
831 procedures to ensure access to facilities, residents, and
832 records as described in this section.

833 Section 15. Section 400.0083, Florida Statutes, is amended
834 to read:

835 400.0083 Interference; retaliation; penalties.—

836 (1) A ~~It shall be unlawful for any~~ person, long-term care
837 facility, or other entity may not ~~to~~ willfully interfere with a



Amendment No.

838 representative of the office or, the state council, ~~or a local~~
839 ~~council~~ in the performance of official duties.

840 (2) ~~A It shall be unlawful for any person, long-term care~~
841 ~~facility, or other entity~~ may not ~~to~~ knowingly or willfully take
842 action or retaliate against any resident, employee, or other
843 person for filing a complaint with, providing information to, or
844 otherwise cooperating with any representative of the office or,
845 the state council, ~~or a local council~~.

846 (3) ~~A~~ Any person, long-term care facility, or other entity
847 that violates this section:

848 (a) ~~Is~~ Shall be liable for damages and equitable relief as
849 determined by law.

850 (b) Commits a misdemeanor of the second degree, punishable
851 as provided in s. 775.083.

852 Section 16. Section 400.0087, Florida Statutes, is amended
853 to read:

854 400.0087 Department oversight; funding.—

855 (1) The department shall meet the costs associated with
856 the state ~~Long-Term-Care~~ ombudsman program from funds
857 appropriated to it.

858 (a) The department shall include the costs associated with
859 support of the state ~~Long-Term-Care~~ ombudsman program when
860 developing its budget requests for consideration by the Governor
861 and submittal to the Legislature.

862 (b) The department may divert from the federal ombudsman
863 appropriation an amount equal to the department's administrative



Amendment No.

864 cost ratio to cover the costs associated with administering the
865 state ombudsman program. The remaining allotment from the Older
866 Americans Act program shall be expended on direct ombudsman
867 activities.

868 (2) The department shall monitor the office and~~7~~ the state
869 council,~~and the local councils~~ to ensure that each is carrying
870 out the duties delegated to it by state and federal law.

871 (3) The department is responsible for ensuring that the
872 office:

873 (a) Has the objectivity and independence required to
874 qualify it for funding under the federal Older Americans Act.

875 (b) Provides information to public and private agencies,
876 legislators, and others.

877 (c) Provides appropriate training to representatives of
878 the office ~~or of the state or local councils~~.

879 (d) Coordinates ombudsman services with Disability Rights
880 Florida ~~the Advocacy Center for Persons with Disabilities~~ and
881 with providers of legal services to residents ~~of long term care~~
882 ~~facilities~~ in compliance with state and federal laws.

883 (4) The department shall also:

884 (a) Receive and disburse state and federal funds for
885 purposes that the state ombudsman has formulated in accordance
886 with the Older Americans Act.

887 (b) Whenever necessary, act as liaison between agencies
888 and branches of the federal and state governments and the office
889 ~~State Long Term Care Ombudsman Program~~.

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Amendment No.

890 Section 17. Section 400.0089, Florida Statutes, is amended
891 to read:

892 400.0089 Complaint data reports.—The office shall maintain
893 a statewide uniform reporting system to collect and analyze data
894 relating to complaints and conditions in long-term care
895 facilities and to residents for the purpose of identifying and
896 resolving significant complaints problems. The office shall
897 publish quarterly and make readily available information
898 pertaining to the number and types of complaints received by the
899 state ~~Long-Term-Care~~ ombudsman program and shall include such
900 information in the annual report required under s. 400.0065.

901 Section 18. Section 400.0091, Florida Statutes, is amended
902 to read:

903 400.0091 Training.—The state ombudsman shall ensure that
904 appropriate training is provided to all representatives
905 ~~employees of the office and to the members of the state and~~
906 ~~local councils.~~

907 (1) All representatives ~~state and local council members~~
908 ~~and employees~~ of the office shall be given a minimum of 20 hours
909 of training upon employment with the office or appointment as an
910 ombudsman. Ten approval as a state or local council member and
911 ~~10 hours of continuing education is required~~ annually
912 thereafter.

913 (2) The state ombudsman shall approve the curriculum for
914 the initial and continuing education training, which must, at a
915 minimum, address:

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Amendment No.

- 916 (a) Resident confidentiality.
- 917 (b) Guardianships and powers of attorney.
- 918 (c) Medication administration.
- 919 (d) Care and medication of residents with dementia and
920 Alzheimer's disease.
- 921 (e) Accounting for residents' funds.
- 922 (f) Discharge rights and responsibilities.
- 923 (g) Cultural sensitivity.
- 924 (h) Any other topic related to residency within a long-
925 term care facility recommended by the secretary.
- 926 (3) An individual ~~No employee, officer, or representative~~
927 ~~of the office or of the state or local councils,~~ other than the
928 state ombudsman, may not hold himself or herself out as a
929 representative of the office ~~State Long Term Care Ombudsman~~
930 ~~Program~~ or conduct any authorized program duty described in this
931 part unless the individual ~~person~~ has received the training
932 required by this section and has been certified by the state
933 ombudsman as qualified to carry out ombudsman activities on
934 behalf of the office ~~or the state or local councils.~~
- 935 Section 19. Subsection (4) of section 20.41, Florida
936 Statutes, is amended to read:
- 937 20.41 Department of Elderly Affairs.—There is created a
938 Department of Elderly Affairs.
- 939 (4) The department shall administer the Office of State
940 Long-Term Care Ombudsman Council, created by s. 400.0063
941 ~~400.0067, and the local long term care ombudsman councils,~~

868979 - h0091-strike.docx

Published On: 3/19/2014 5:34:55 PM

Page 37 of 69



Amendment No.

942 ~~created by s. 400.0069~~ and shall, as required by s. 712 of the
943 federal Older Americans Act of 1965, ensure that ~~both the state~~
944 ~~office operates and local long-term care ombudsman councils~~
945 ~~operate~~ in compliance with the Older Americans Act.

946 Section 20. Subsections (10) through (19) of section
947 400.021, Florida Statutes, are amended to read:

948 400.021 Definitions.—When used in this part, unless the
949 context otherwise requires, the term:

950 ~~(10) "Local ombudsman council" means a local long-term~~
951 ~~care ombudsman council established pursuant to s. 400.0069,~~
952 ~~located within the Older Americans Act planning and service~~
953 ~~areas.~~

954 (10)~~(11)~~ "Nursing home bed" means an accommodation which
955 is ready for immediate occupancy, or is capable of being made
956 ready for occupancy within 48 hours, excluding provision of
957 staffing; and which conforms to minimum space requirements,
958 including the availability of appropriate equipment and
959 furnishings within the 48 hours, as specified by rule of the
960 agency, for the provision of services specified in this part to
961 a single resident.

962 (11)~~(12)~~ "Nursing home facility" means any facility which
963 provides nursing services as defined in part I of chapter 464
964 and which is licensed according to this part.

965 (12)~~(13)~~ "Nursing service" means such services or acts as
966 may be rendered, directly or indirectly, to and in behalf of a
967 person by individuals as defined in s. 464.003.



Amendment No.

968 (13) "Office" has the same meaning as in s. 400.0060.

969 (14) "Planning and service area" means the geographic area
970 in which the Older Americans Act programs are administered and
971 services are delivered by the Department of Elderly Affairs.

972 (15) "Representative of the office" has the same meaning
973 as in s. 400.0060.

974 (16)~~(15)~~ "Respite care" means admission to a nursing home
975 for the purpose of providing a short period of rest or relief or
976 emergency alternative care for the primary caregiver of an
977 individual receiving care at home who, without home-based care,
978 would otherwise require institutional care.

979 (17)~~(16)~~ "Resident care plan" means a written plan
980 developed, maintained, and reviewed not less than quarterly by a
981 registered nurse, with participation from other facility staff
982 and the resident or his or her designee or legal representative,
983 which includes a comprehensive assessment of the needs of an
984 individual resident; the type and frequency of services required
985 to provide the necessary care for the resident to attain or
986 maintain the highest practicable physical, mental, and
987 psychosocial well-being; a listing of services provided within
988 or outside the facility to meet those needs; and an explanation
989 of service goals.

990 (18)~~(17)~~ "Resident designee" means a person, other than
991 the owner, administrator, or employee of the facility,
992 designated in writing by a resident or a resident's guardian, if



Amendment No.

993 the resident is adjudicated incompetent, to be the resident's
994 representative for a specific, limited purpose.

995 ~~(19)-(18)~~ "State ombudsman program council" has the same
996 meaning as in s. 400.0060 means the State Long-Term Care
997 Ombudsman Council established pursuant to s. 400.0067.

998 ~~(20)-(19)~~ "Therapeutic spa services" means bathing, nail,
999 and hair care services and other similar services related to
1000 personal hygiene.

1001 Section 21. Paragraph (c) of subsection (1) and
1002 subsections (2) and (3) of section 400.022, Florida Statutes,
1003 are amended to read:

1004 400.022 Residents' rights.—

1005 (1) All licensees of nursing home facilities shall adopt
1006 and make public a statement of the rights and responsibilities
1007 of the residents of such facilities and shall treat such
1008 residents in accordance with the provisions of that statement.
1009 The statement shall assure each resident the following:

1010 (c) Any entity or individual that provides health, social,
1011 legal, or other services to a resident has the right to have
1012 reasonable access to the resident. The resident has the right to
1013 deny or withdraw consent to access at any time by any entity or
1014 individual. Notwithstanding the visiting policy of the facility,
1015 the following individuals must be permitted immediate access to
1016 the resident:

1017 1. Any representative of the federal or state government,
1018 including, but not limited to, representatives of the Department



Amendment No.

1019 of Children and Families ~~Family Services~~, the Department of
1020 Health, the Agency for Health Care Administration, the Office of
1021 the Attorney General, and the Department of Elderly Affairs; any
1022 law enforcement officer; any representative members of the
1023 office state or local ombudsman council; and the resident's
1024 individual physician.

1025 2. Subject to the resident's right to deny or withdraw
1026 consent, immediate family or other relatives of the resident.

1027
1028 The facility must allow representatives of the office state
1029 ~~Long Term Care ombudsman Council~~ to examine a resident's
1030 clinical records with the permission of the resident or the
1031 resident's legal representative and consistent with state law.

1032 (2) The licensee for each nursing home shall orally inform
1033 the resident of the resident's rights and provide a copy of the
1034 statement required by subsection (1) to each resident or the
1035 resident's legal representative at or before the resident's
1036 admission to a facility. The licensee shall provide a copy of
1037 the resident's rights to each staff member of the facility. Each
1038 such licensee shall prepare a written plan and provide
1039 appropriate staff training to implement ~~the provisions of this~~
1040 section. The written statement of rights must include a
1041 statement that a resident may file a complaint with the agency
1042 or state local ombudsman program council. The statement must be
1043 in boldfaced type and shall include the name, address, and
1044 telephone number and e-mail address of the state numbers of the

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Published On: 3/19/2014 5:34:55 PM

Page 41 of 69



Amendment No.

1045 ~~local~~ ombudsman program council and the telephone number of the
1046 central abuse hotline where complaints may be lodged.

1047 (3) Any violation of the resident's rights set forth in
1048 this section constitutes ~~shall constitute~~ grounds for action by
1049 the agency under ~~the provisions of~~ s. 400.102, s. 400.121, or
1050 part II of chapter 408. In order to determine whether the
1051 licensee is adequately protecting residents' rights, the
1052 licensure inspection of the facility must ~~shall~~ include private
1053 informal conversations with a sample of residents to discuss
1054 residents' experiences within the facility with respect to
1055 rights specified in this section and general compliance with
1056 standards, and consultation with the state ombudsman program
1057 ~~council in the local planning and service area of the Department~~
1058 ~~of Elderly Affairs in which the nursing home is located.~~

1059 Section 22. Subsections (8), (9), and (11) through (14) of
1060 section 400.0255, Florida Statutes, are amended to read:

1061 400.0255 Resident transfer or discharge; requirements and
1062 procedures; hearings.—

1063 (8) The notice required by subsection (7) must be in
1064 writing and must contain all information required by state and
1065 federal law, rules, or regulations applicable to Medicaid or
1066 Medicare cases. The agency shall develop a standard document to
1067 be used by all facilities licensed under this part for purposes
1068 of notifying residents of a discharge or transfer. Such document
1069 must include a means for a resident to request the office local
1070 ~~long-term care ombudsman council~~ to review the notice and



Amendment No.

1071 request information about or assistance with initiating a fair
1072 hearing with the department's Office of Appeals Hearings. In
1073 addition to any other pertinent information included, the form
1074 shall specify the reason allowed under federal or state law that
1075 the resident is being discharged or transferred, with an
1076 explanation to support this action. Further, the form must ~~shall~~
1077 state the effective date of the discharge or transfer and the
1078 location to which the resident is being discharged or
1079 transferred. The form must ~~shall~~ clearly describe the resident's
1080 appeal rights and the procedures for filing an appeal, including
1081 the right to request the office ~~local ombudsman council~~ to
1082 review the notice of discharge or transfer. A copy of the notice
1083 must be placed in the resident's clinical record, and a copy
1084 must be transmitted to the resident's legal guardian or
1085 representative and to the office ~~local ombudsman council~~ within
1086 5 business days after signature by the resident or resident
1087 designee.

1088 (9) A resident may request that the office ~~local ombudsman~~
1089 ~~council~~ review any notice of discharge or transfer given to the
1090 resident. When requested by a resident to review a notice of
1091 discharge or transfer, the office ~~local ombudsman council~~ shall
1092 do so within 7 days after receipt of the request. The nursing
1093 home administrator, or the administrator's designee, must
1094 forward the request for review contained in the notice to the
1095 office ~~local ombudsman council~~ within 24 hours after such
1096 request is submitted. Failure to forward the request within 24



Amendment No.

1097 hours after the request is submitted shall toll the running of
1098 the 30-day advance notice period until the request has been
1099 forwarded.

1100 (11) Notwithstanding paragraph (10)(b), an emergency
1101 discharge or transfer may be implemented as necessary pursuant
1102 to state or federal law during the ~~period of~~ time after the
1103 notice is given and before the time a hearing decision is
1104 rendered. Notice of an emergency discharge or transfer to the
1105 resident, the resident's legal guardian or representative, and
1106 the office local ombudsman council if requested pursuant to
1107 subsection (9) must be by telephone or in person. This notice
1108 shall be given before the transfer, if possible, or as soon
1109 thereafter as practicable. A representative of the office local
1110 ~~ombudsman council~~ conducting a review under this subsection
1111 shall do so within 24 hours after receipt of the request. The
1112 resident's file must be documented to show who was contacted,
1113 whether the contact was by telephone or in person, and the date
1114 and time of the contact. If the notice is not given in writing,
1115 written notice meeting the requirements of subsection (8) must
1116 be given the next working day.

1117 (12) After receipt of any notice required under this
1118 section, the office local ombudsman council may request a
1119 private informal conversation with a resident to whom the notice
1120 is directed, and, if known, a family member or the resident's
1121 legal guardian or designee, to ensure that the facility is
1122 proceeding with the discharge or transfer in accordance with ~~the~~



Amendment No.

1123 ~~requirements~~ of this section. If requested, the office local
1124 ~~ombudsman council~~ shall assist the resident with filing an
1125 appeal of the proposed discharge or transfer.

1126 (13) The following persons must be present at all hearings
1127 authorized under this section:

1128 (a) The resident, or the resident's legal representative
1129 or designee.

1130 (b) The facility administrator, or the facility's legal
1131 representative or designee.

1132
1133 A representative of the office local long term care ombudsman
1134 ~~council~~ may be present at all hearings authorized by this
1135 section.

1136 (14) In any hearing under this section, the following
1137 information concerning the parties shall be confidential and
1138 exempt from ~~the provisions of~~ s. 119.07(1):

1139 (a) Names and addresses.

1140 (b) Medical services provided.

1141 (c) Social and economic conditions or circumstances.

1142 (d) Evaluation of personal information.

1143 (e) Medical data, including diagnosis and past history of
1144 disease or disability.

1145 (f) Any information received verifying income eligibility
1146 and amount of medical assistance payments. Income information
1147 received from the Social Security Administration or the Internal



Amendment No.

1148 Revenue Service must be safeguarded according to the
1149 requirements of the agency that furnished the data.

1150
1151 The exemption created by this subsection does not prohibit
1152 access to such information by a representative of the office
1153 ~~local long term care ombudsman council~~ upon request, by a
1154 reviewing court if such information is required to be part of
1155 the record upon subsequent review, or as specified in s. 24(a),
1156 Art. I of the State Constitution.

1157 Section 23. Subsection (2) of section 400.1413, Florida
1158 Statutes, is amended to read:

1159 400.1413 Volunteers in nursing homes.—

1160 (2) This section does not affect the activities of the
1161 ~~state or local long term care ombudsman program councils~~
1162 authorized under part I.

1163 Section 24. Paragraph (d) of subsection (5) of section
1164 400.162, Florida Statutes, is amended to read:

1165 400.162 Property and personal affairs of residents.—

1166 (5)

1167 (d) If, at any time during the period for which a license
1168 is issued, a licensee that has not purchased a surety bond or
1169 entered into a self-insurance agreement, as provided in
1170 paragraphs (b) and (c), is requested to provide safekeeping for
1171 the personal funds of a resident, the licensee shall notify the
1172 agency of the request and make application for a surety bond or
1173 for participation in a self-insurance agreement within 7 days



Amendment No.

1174 after ~~of~~ the request, exclusive of weekends and holidays. Copies
1175 of the application, along with written documentation of related
1176 correspondence with an insurance agency or group, shall be
1177 maintained by the licensee for review by the agency and the
1178 office state Nursing Home and Long Term Care Facility ombudsman
1179 Council.

1180 Section 25. Subsections (1) and (4) of section 400.19,
1181 Florida Statutes, are amended to read:

1182 400.19 Right of entry and inspection.—

1183 (1) In accordance with part II of chapter 408, the agency
1184 and any duly designated officer or employee thereof or a
1185 representative member of the office state Long Term Care
1186 ombudsman Council or the local long term care ombudsman council
1187 shall have the right to enter upon and into the premises of any
1188 facility licensed pursuant to this part, or any distinct nursing
1189 home unit of a hospital licensed under chapter 395 or any
1190 freestanding facility licensed under chapter 395 which that
1191 provides extended care or other long-term care services, at any
1192 reasonable time in order to determine the state of compliance
1193 with ~~the provisions of~~ this part, part II of chapter 408, and
1194 applicable rules in force pursuant thereto. The agency shall,
1195 within 60 days after receipt of a complaint made by a resident
1196 or resident's representative, complete its investigation and
1197 provide to the complainant its findings and resolution.

1198 (4) The agency shall conduct unannounced onsite facility
1199 reviews following written verification of licensee noncompliance



Amendment No.

1200 in instances in which the office ~~a long term care ombudsman~~
1201 ~~council~~, pursuant to ss. 400.0071 and 400.0075, has received a
1202 complaint and has documented deficiencies in resident care or in
1203 the physical plant of the facility that threaten the health,
1204 safety, or security of residents, or when the agency documents
1205 through inspection that conditions in a facility present a
1206 direct or indirect threat to the health, safety, or security of
1207 residents. However, the agency shall conduct unannounced onsite
1208 reviews every 3 months of each facility while the facility has a
1209 conditional license. Deficiencies related to physical plant do
1210 not require followup reviews after the agency has determined
1211 that correction of the deficiency has been accomplished and that
1212 the correction is of the nature that continued compliance can be
1213 reasonably expected.

1214 Section 26. Subsection (1) of section 400.191, Florida
1215 Statutes, is amended to read:

1216 400.191 Availability, distribution, and posting of reports
1217 and records.—

1218 (1) The agency shall provide information to the public
1219 about all of the licensed nursing home facilities operating in
1220 the state. The agency shall, within 60 days after a licensure
1221 inspection visit or within 30 days after any interim visit to a
1222 facility, send copies of the inspection reports to the office
1223 ~~local long term care ombudsman council~~, the agency's local
1224 office, and a public library or the county seat for the county
1225 in which the facility is located. The agency may provide



Amendment No.

1226 | electronic access to inspection reports as a substitute for
1227 | sending copies.

1228 | Section 27. Subsection (6) and paragraph (c) of subsection
1229 | (7) of section 400.23, Florida Statutes, are amended to read:

1230 | 400.23 Rules; evaluation and deficiencies; licensure
1231 | status.—

1232 | (6) Before ~~Prior to~~ conducting a survey of the facility,
1233 | the survey team shall obtain a copy of the office's ~~local long-~~
1234 | ~~term care ombudsman council~~ report on the facility. Problems
1235 | noted in the report shall be incorporated into and followed up
1236 | through the agency's inspection process. This procedure does not
1237 | preclude the office ~~local long term care ombudsman council~~ from
1238 | requesting the agency to conduct a followup visit to the
1239 | facility.

1240 | (7) The agency shall, at least every 15 months, evaluate
1241 | all nursing home facilities and make a determination as to the
1242 | degree of compliance by each licensee with the established rules
1243 | adopted under this part as a basis for assigning a licensure
1244 | status to that facility. The agency shall base its evaluation on
1245 | the most recent inspection report, taking into consideration
1246 | findings from other official reports, surveys, interviews,
1247 | investigations, and inspections. In addition to license
1248 | categories authorized under part II of chapter 408, the agency
1249 | shall assign a licensure status of standard or conditional to
1250 | each nursing home.



Amendment No.

1251 (c) In evaluating the overall quality of care and services
1252 and determining whether the facility will receive a conditional
1253 or standard license, the agency shall consider the needs and
1254 limitations of residents in the facility and the results of
1255 interviews and surveys of a representative sampling of
1256 residents, families of residents, representatives of the office
1257 ~~ombudsman council members in the planning and service area in~~
1258 ~~which the facility is located~~, guardians of residents, and staff
1259 of the nursing home facility.

1260 Section 28. Paragraph (a) of subsection (3), paragraph (f)
1261 of subsection (5), and subsection (6) of section 400.235,
1262 Florida Statutes, are amended to read:

1263 400.235 Nursing home quality and licensure status; Gold
1264 Seal Program.—

1265 (3) (a) The Gold Seal Program shall be developed and
1266 implemented by the Governor's Panel on Excellence in Long-Term
1267 Care which shall operate under the authority of the Executive
1268 Office of the Governor. The panel shall be composed of three
1269 persons appointed by the Governor, to include a consumer
1270 advocate for senior citizens and two persons with expertise in
1271 the fields of quality management, service delivery excellence,
1272 or public sector accountability; three persons appointed by the
1273 Secretary of Elderly Affairs, to include an active member of a
1274 nursing facility family and resident care council and a member
1275 of the University Consortium on Aging; a representative of the
1276 Office of State Long-Term Care Ombudsman; one person appointed



Amendment No.

1277 by the Florida Life Care Residents Association; one person
1278 appointed by the State Surgeon General; two persons appointed by
1279 the Secretary of Health Care Administration; one person
1280 appointed by the Florida Association of Homes for the Aging; and
1281 one person appointed by the Florida Health Care Association.
1282 Vacancies on the panel shall be filled in the same manner as the
1283 original appointments.

1284 (5) Facilities must meet the following additional criteria
1285 for recognition as a Gold Seal Program facility:

1286 (f) Evidence that verified an outstanding record regarding
1287 the number and types of substantiated complaints reported to the
1288 Office of State Long-Term Care Ombudsman Council within the 30
1289 months preceding application for the program have been resolved
1290 or, if not resolved, the facility has made a good faith effort
1291 to resolve the complaints.

1292
1293 A facility assigned a conditional licensure status may not
1294 qualify for consideration for the Gold Seal Program until after
1295 it has operated for 30 months with no class I or class II
1296 deficiencies and has completed a regularly scheduled relicensure
1297 survey.

1298 (6) The agency, nursing facility industry organizations,
1299 consumers, Office of State Long-Term Care Ombudsman Council, and
1300 members of the community may recommend to the Governor
1301 facilities that meet the established criteria for consideration
1302 for and award of the Gold Seal. The panel shall review nominees



Amendment No.

1303 and make a recommendation to the Governor for final approval and
1304 award. The decision of the Governor is final and is not subject
1305 to appeal.

1306 Section 29. Present subsections (18) through (28) of
1307 section 415.102, Florida Statutes, are redesignated as
1308 subsections (19) through (29), respectively, and a new
1309 subsection (18) is added to that section, to read:

1310 415.102 Definitions of terms used in ss. 415.101-415.113.—
1311 As used in ss. 415.101-415.113, the term:

1312 (18) "Office" has the same meaning as in s. 400.0060.

1313 Section 30. Paragraph (a) of subsection (1) of section
1314 415.1034, Florida Statutes, is amended to read:

1315 415.1034 Mandatory reporting of abuse, neglect, or
1316 exploitation of vulnerable adults; mandatory reports of death.—

1317 (1) MANDATORY REPORTING.—

1318 (a) Any person, including, but not limited to, any:

1319 1. Physician, osteopathic physician, medical examiner,
1320 chiropractic physician, nurse, paramedic, emergency medical
1321 technician, or hospital personnel engaged in the admission,
1322 examination, care, or treatment of vulnerable adults;

1323 2. Health professional or mental health professional other
1324 than one listed in subparagraph 1.;

1325 3. Practitioner who relies solely on spiritual means for
1326 healing;

1327 4. Nursing home staff; assisted living facility staff;
1328 adult day care center staff; adult family-care home staff;



Amendment No.

1329 social worker; or other professional adult care, residential, or
1330 institutional staff;

1331 5. State, county, or municipal criminal justice employee
1332 or law enforcement officer;

1333 6. An Employee of the Department of Business and
1334 Professional Regulation conducting inspections of public lodging
1335 establishments under s. 509.032;

1336 7. Florida advocacy council member or representative of
1337 the Office of State Long-Term Care Ombudsman ~~council member~~; or

1338 8. Bank, savings and loan, or credit union officer,
1339 trustee, or employee,

1340

1341 who knows, or has reasonable cause to suspect, that a vulnerable
1342 adult has been or is being abused, neglected, or exploited shall
1343 immediately report such knowledge or suspicion to the central
1344 abuse hotline.

1345 Section 31. Subsection (1) of section 415.104, Florida
1346 Statutes, is amended to read:

1347 415.104 Protective investigations of cases of abuse,
1348 neglect, or exploitation of vulnerable adults; transmittal of
1349 records to state attorney.-

1350 (1) The department shall, upon receipt of a report
1351 alleging abuse, neglect, or exploitation of a vulnerable adult,
1352 begin within 24 hours a protective investigation of the facts
1353 alleged therein. If a caregiver refuses to allow the department
1354 to begin a protective investigation or interferes with the



Amendment No.

1355 conduct of such an investigation, the appropriate law
1356 enforcement agency shall be contacted for assistance. If, during
1357 the course of the investigation, the department has reason to
1358 believe that the abuse, neglect, or exploitation is perpetrated
1359 by a second party, the appropriate law enforcement agency and
1360 state attorney shall be orally notified. The department and the
1361 law enforcement agency shall cooperate to allow the criminal
1362 investigation to proceed concurrently with, and not be hindered
1363 by, the protective investigation. The department shall make a
1364 preliminary written report to the law enforcement agencies
1365 within 5 working days after the oral report. The department
1366 shall, within 24 hours after receipt of the report, notify the
1367 appropriate Florida local advocacy council, or the office long-
1368 ~~term care ombudsman council~~, when appropriate, that an alleged
1369 abuse, neglect, or exploitation perpetrated by a second party
1370 has occurred. Notice to the Florida local advocacy council or
1371 the office long-term care ombudsman council may be accomplished
1372 orally or in writing and shall include the name and location of
1373 the vulnerable adult alleged to have been abused, neglected, or
1374 exploited and the nature of the report.

1375 Section 32. Subsection (8) of section 415.1055, Florida
1376 Statutes, is amended to read:

1377 415.1055 Notification to administrative entities.—

1378 (8) At the conclusion of a protective investigation at a
1379 facility, the department shall notify ~~either~~ the Florida local
1380 advocacy council or the office long-term care ombudsman council



Amendment No.

1381 of the results of the investigation. This notification must be
1382 in writing.

1383 Section 33. Subsection (2) of section 415.106, Florida
1384 Statutes, is amended to read:

1385 415.106 Cooperation by the department and criminal justice
1386 and other agencies.—

1387 (2) To ensure coordination, communication, and cooperation
1388 with the investigation of abuse, neglect, or exploitation of
1389 vulnerable adults, the department shall develop and maintain
1390 interprogram agreements or operational procedures among
1391 appropriate departmental programs and the Office of State Long-
1392 Term Care Ombudsman Council, the Florida Statewide Advocacy
1393 Council, and other agencies that provide services to vulnerable
1394 adults. These agreements or procedures must cover such subjects
1395 as the appropriate roles and responsibilities of the department
1396 in identifying and responding to reports of abuse, neglect, or
1397 exploitation of vulnerable adults; the provision of services;
1398 and related coordinated activities.

1399 Section 34. Paragraph (g) of subsection (3) of section
1400 415.107, Florida Statutes, is amended to read:

1401 415.107 Confidentiality of reports and records.—

1402 (3) Access to all records, excluding the name of the
1403 reporter which shall be released only as provided in subsection
1404 (6), shall be granted only to the following persons, officials,
1405 and agencies:



Amendment No.

1406 (g) Any appropriate official of the Florida advocacy
1407 council or the office long term care ombudsman council
1408 investigating a report of known or suspected abuse, neglect, or
1409 exploitation of a vulnerable adult.

1410 Section 35. Present subsections (16) through (26) of
1411 section 429.02, Florida Statutes, are redesignated as
1412 subsections (17) through (27), respectively, present subsections
1413 (11) and (20) are amended, and a new subsection (16) is added to
1414 that section, to read:

1415 429.02 Definitions.—When used in this part, the term:

1416 (11) "Extended congregate care" means acts beyond those
1417 authorized in subsection (17) ~~(16)~~ that may be performed
1418 pursuant to part I of chapter 464 by persons licensed thereunder
1419 while carrying out their professional duties, and other
1420 supportive services which may be specified by rule. The purpose
1421 of such services is to enable residents to age in place in a
1422 residential environment despite mental or physical limitations
1423 that might otherwise disqualify them from residency in a
1424 facility licensed under this part.

1425 (16) "Office" has the same meaning as in s. 400.0060.

1426 (21) ~~(20)~~ "Resident's representative or designee" means a
1427 person other than the owner, or an agent or employee of the
1428 facility, designated in writing by the resident, if legally
1429 competent, to receive notice of changes in the contract executed
1430 pursuant to s. 429.24; to receive notice of and to participate
1431 in meetings between the resident and the facility owner,



Amendment No.

1432 administrator, or staff concerning the rights of the resident;
1433 to assist the resident in contacting the office ~~ombudsman~~
1434 ~~council~~ if the resident has a complaint against the facility; or
1435 to bring legal action on behalf of the resident pursuant to s.
1436 429.29.

1437 Section 36. Paragraph (b) of subsection (3) of section
1438 429.07, Florida Statutes, is amended to read:

1439 429.07 License required; fee.-

1440 (3) In addition to the requirements of s. 408.806, each
1441 license granted by the agency must state the type of care for
1442 which the license is granted. Licenses shall be issued for one
1443 or more of the following categories of care: standard, extended
1444 congregate care, limited nursing services, or limited mental
1445 health.

1446 (b) An extended congregate care license shall be issued to
1447 facilities providing, directly or through contract, services
1448 beyond those authorized in paragraph (a), including services
1449 performed by persons licensed under part I of chapter 464 and
1450 supportive services, as defined by rule, to persons who would
1451 otherwise be disqualified from continued residence in a facility
1452 licensed under this part.

1453 1. In order for extended congregate care services to be
1454 provided, the agency must first determine that all requirements
1455 established in law and rule are met and must specifically
1456 designate, on the facility's license, that such services may be
1457 provided and whether the designation applies to all or part of



Amendment No.

1458 the facility. Such designation may be made at the time of
1459 initial licensure or relicensure, or upon request in writing by
1460 a licensee under this part and part II of chapter 408. The
1461 notification of approval or the denial of the request shall be
1462 made in accordance with part II of chapter 408. Existing
1463 facilities qualifying to provide extended congregate care
1464 services must have maintained a standard license and may not
1465 have been subject to administrative sanctions during the
1466 previous 2 years, or since initial licensure if the facility has
1467 been licensed for less than 2 years, for any of the following
1468 reasons:

- 1469 a. A class I or class II violation;
- 1470 b. Three or more repeat or recurring class III violations
1471 of identical or similar resident care standards from which a
1472 pattern of noncompliance is found by the agency;
- 1473 c. Three or more class III violations that were not
1474 corrected in accordance with the corrective action plan approved
1475 by the agency;
- 1476 d. Violation of resident care standards which results in
1477 requiring the facility to employ the services of a consultant
1478 pharmacist or consultant dietitian;
- 1479 e. Denial, suspension, or revocation of a license for
1480 another facility licensed under this part in which the applicant
1481 for an extended congregate care license has at least 25 percent
1482 ownership interest; or



Amendment No.

1483 f. Imposition of a moratorium pursuant to this part or
1484 part II of chapter 408 or initiation of injunctive proceedings.

1485 2. A facility that is licensed to provide extended
1486 congregate care services shall maintain a written progress
1487 report on each person who receives services which describes the
1488 type, amount, duration, scope, and outcome of services that are
1489 rendered and the general status of the resident's health. A
1490 registered nurse, or appropriate designee, representing the
1491 agency shall visit the facility at least quarterly to monitor
1492 residents who are receiving extended congregate care services
1493 and to determine whether ~~if~~ the facility is in compliance with
1494 this part, part II of chapter 408, and relevant rules. One of
1495 the visits may be in conjunction with the regular survey. The
1496 monitoring visits may be provided through contractual
1497 arrangements with appropriate community agencies. A registered
1498 nurse shall serve as part of the team that inspects the
1499 facility. The agency may waive one of the required yearly
1500 monitoring visits for a facility that has been licensed for at
1501 least 24 months to provide extended congregate care services,
1502 if, during the inspection, the registered nurse determines that
1503 extended congregate care services are being provided
1504 appropriately, and if the facility has no class I or class II
1505 violations and no uncorrected class III violations. The agency
1506 must first consult with the office ~~long-term care ombudsman~~
1507 ~~council~~ for the area in which the facility is located to
1508 determine whether ~~if~~ any complaints have been made and

868979 - h0091-strike.docx

Published On: 3/19/2014 5:34:55 PM

Page 59 of 69



Amendment No.

1509 substantiated about the quality of services or care. The agency
1510 may not waive one of the required yearly monitoring visits if
1511 complaints have been made and substantiated.

1512 3. A facility that is licensed to provide extended
1513 congregate care services must:

1514 a. Demonstrate the capability to meet unanticipated
1515 resident service needs.

1516 b. Offer a physical environment that promotes a homelike
1517 setting, provides for resident privacy, promotes resident
1518 independence, and allows sufficient congregate space as defined
1519 by rule.

1520 c. Have sufficient staff available, taking into account
1521 the physical plant and firesafety features of the building, to
1522 assist with the evacuation of residents in an emergency.

1523 d. Adopt and follow policies and procedures that maximize
1524 resident independence, dignity, choice, and decisionmaking to
1525 permit residents to age in place, so that moves due to changes
1526 in functional status are minimized or avoided.

1527 e. Allow residents or, if applicable, a resident's
1528 representative, designee, surrogate, guardian, or attorney in
1529 fact to make a variety of personal choices, participate in
1530 developing service plans, and share responsibility in
1531 decisionmaking.

1532 f. Implement the concept of managed risk.

1533 g. Provide, directly or through contract, the services of
1534 a person licensed under part I of chapter 464.



Amendment No.

1535 h. In addition to the training mandated in s. 429.52,
1536 provide specialized training as defined by rule for facility
1537 staff.

1538 4. A facility that is licensed to provide extended
1539 congregate care services is exempt from the criteria for
1540 continued residency set forth in rules adopted under s. 429.41.
1541 A licensed facility must adopt its own requirements within
1542 guidelines for continued residency set forth by rule. However,
1543 the facility may not serve residents who require 24-hour nursing
1544 supervision. A licensed facility that provides extended
1545 congregate care services must also provide each resident with a
1546 written copy of facility policies governing admission and
1547 retention.

1548 5. The primary purpose of extended congregate care
1549 services is to allow residents, as they become more impaired,
1550 the option of remaining in a familiar setting from which they
1551 would otherwise be disqualified for continued residency. A
1552 facility licensed to provide extended congregate care services
1553 may also admit an individual who exceeds the admission criteria
1554 for a facility with a standard license, if the individual is
1555 determined appropriate for admission to the extended congregate
1556 care facility.

1557 6. Before the admission of an individual to a facility
1558 licensed to provide extended congregate care services, the
1559 individual must undergo a medical examination as provided in s.



Amendment No.

1560 429.26(4) and the facility must develop a preliminary service
1561 plan for the individual.

1562 7. When a facility can no longer provide or arrange for
1563 services in accordance with the resident's service plan and
1564 needs and the facility's policy, the facility shall make
1565 arrangements for relocating the person in accordance with s.
1566 429.28(1)(k).

1567 8. Failure to provide extended congregate care services
1568 may result in denial of extended congregate care license
1569 renewal.

1570 Section 37. Subsection (9) of section 429.19, Florida
1571 Statutes, is amended to read:

1572 429.19 Violations; imposition of administrative fines;
1573 grounds.—

1574 (9) The agency shall develop and disseminate an annual
1575 list of all facilities sanctioned or fined for violations of
1576 state standards, the number and class of violations involved,
1577 the penalties imposed, and the current status of cases. The list
1578 shall be disseminated, at no charge, to the Department of
1579 Elderly Affairs, the Department of Health, the Department of
1580 Children and Families ~~Family Services~~, the Agency for Persons
1581 with Disabilities, the area agencies on aging, the Florida
1582 Statewide Advocacy Council, and the office ~~state and local~~
1583 ~~ombudsman~~ ~~councils~~. The Department of Children and Families
1584 ~~Family Services~~ shall disseminate the list to service providers
1585 under contract to the department who are responsible for



Amendment No.

1586 referring persons to a facility for residency. The agency may
1587 charge a fee commensurate with the cost of printing and postage
1588 to other interested parties requesting a copy of this list. This
1589 information may be provided electronically or through the
1590 agency's Internet site.

1591 Section 38. Subsection (8) of section 429.26, Florida
1592 Statutes, is amended to read:

1593 429.26 Appropriateness of placements; examinations of
1594 residents.—

1595 (8) The Department of Children and Families ~~Family~~
1596 ~~Services~~ may require an examination for supplemental security
1597 income and optional state supplementation recipients residing in
1598 facilities at any time and shall provide the examination
1599 whenever a resident's condition requires it. Any facility
1600 administrator; personnel of the agency, the department, or the
1601 Department of Children and Families ~~Family Services~~; or
1602 representative of the Office of the State Long-Term Care
1603 Ombudsman ~~long-term care ombudsman council member~~ who believes a
1604 resident needs to be evaluated shall notify the resident's case
1605 manager, who shall take appropriate action. A report of the
1606 examination findings shall be provided to the resident's case
1607 manager and the facility administrator to help the administrator
1608 meet his or her responsibilities under subsection (1).

1609 Section 39. Subsection (2) and paragraph (b) of subsection
1610 (3) of section 429.28, Florida Statutes, are amended to read:

1611 429.28 Resident bill of rights.—



Amendment No.

1612 (2) The administrator of a facility shall ensure that a
1613 written notice of the rights, obligations, and prohibitions set
1614 forth in this part is posted in a prominent place in each
1615 facility and read or explained to residents who cannot read.
1616 This notice ~~must shall~~ include the statewide toll-free telephone
1617 number and e-mail address of the state ombudsman program and the
1618 telephone number of the name, address, and telephone numbers of
1619 ~~the local ombudsman council~~ and central abuse hotline and, when
1620 applicable, the Advocacy Center for Persons with Disabilities,
1621 Inc., and the Florida local advocacy council, where complaints
1622 may be lodged. The facility must ensure a resident's access to a
1623 telephone to call the state local ombudsman program council, the
1624 central abuse hotline, the Advocacy Center for Persons with
1625 Disabilities, Inc., and the Florida local advocacy council.

1626 (3)

1627 (b) In order to determine whether the facility is
1628 adequately protecting residents' rights, the biennial survey
1629 shall include private informal conversations with a sample of
1630 residents and consultation with the state ombudsman program
1631 ~~council~~ in the planning and service area in which the facility
1632 is located to discuss residents' experiences within the
1633 facility.

1634 Section 40. Section 429.34, Florida Statutes, is amended
1635 to read:

1636 429.34 Right of entry and inspection.—In addition to the
1637 requirements of s. 408.811, a ~~any~~ duly designated officer or



Amendment No.

1638 employee of the department, the Department of Children and
1639 Families Family Services, the Medicaid Fraud Control Unit of the
1640 Office of the Attorney General, the state or local fire marshal,
1641 or a representative member of the Office of the State Long-Term
1642 Care Ombudsman may ~~state or local long term care ombudsman~~
1643 ~~council shall have the right to enter unannounced upon and into~~
1644 the premises of any facility licensed under ~~pursuant to~~ this
1645 part in order to determine the state of compliance with ~~the~~
1646 ~~provisions of~~ this part, part II of chapter 408, and applicable
1647 rules. Data collected by the office ~~state or local long term~~
1648 ~~care ombudsman councils~~ or the state or local advocacy councils
1649 may be used by the agency in investigations involving violations
1650 of regulatory standards.

1651 Section 41. Subsection (2) of section 429.35, Florida
1652 Statutes, is amended to read:

1653 429.35 Maintenance of records; reports.—

1654 (2) Within 60 days after the date of the biennial
1655 inspection visit required under s. 408.811 or within 30 days
1656 after the date of any interim visit, the agency shall forward
1657 the results of the inspection to the office ~~local ombudsman~~
1658 ~~council in whose planning and service area, as defined in part~~
1659 ~~II of chapter 400, the facility is located;~~ to at least one
1660 public library or, in the absence of a public library, the
1661 county seat in the county in which the inspected assisted living
1662 facility is located; and, when appropriate, to the district
1663 Adult Services and Mental Health Program Offices.



Amendment No.

1664 Section 42. Subsection (6) of section 429.67, Florida
1665 Statutes, is amended to read:

1666 429.67 Licensure.—

1667 (6) In addition to the requirements of s. 408.811, access
1668 to a licensed adult family-care home must be provided at
1669 reasonable times for the appropriate officials of the
1670 department, the Department of Health, the Department of Children
1671 and Families Family Services, the agency, and the State Fire
1672 Marshal, who are responsible for the development and maintenance
1673 of fire, health, sanitary, and safety standards, to inspect the
1674 facility to assure compliance with these standards. In addition,
1675 access to a licensed adult family-care home must be provided at
1676 reasonable times to representatives of the Office of State for
1677 the local Long-Term Care Ombudsman council.

1678 Section 43. Subsection (2) of section 429.85, Florida
1679 Statutes, is amended to read:

1680 429.85 Residents' bill of rights.—

1681 (2) The provider shall ensure that residents and their
1682 legal representatives are made aware of the rights, obligations,
1683 and prohibitions set forth in this part. Residents must also be
1684 given the statewide toll-free telephone number and e-mail
1685 address of the state ombudsman program and the telephone number
1686 of names, addresses, and telephone numbers of the local
1687 ombudsman council and the central abuse hotline where they may
1688 lodge complaints.



Amendment No.

1689 Section 44. Subsection (17) of section 744.444, Florida
1690 Statutes, is amended to read:

1691 744.444 Power of guardian without court approval.—Without
1692 obtaining court approval, a plenary guardian of the property, or
1693 a limited guardian of the property within the powers granted by
1694 the order appointing the guardian or an approved annual or
1695 amended guardianship report, may:

1696 (17) Provide confidential information about a ward which
1697 ~~that~~ is related to an investigation arising under part I of
1698 chapter 400 to a representative of the Office of the State Long-
1699 Term Care Ombudsman ~~local or state ombudsman council member~~
1700 conducting such an investigation. Any such ombudsman shall have
1701 a duty to maintain the confidentiality of such information.

1702 Section 45. This act shall take effect July 1, 2014.

1703

1704

1705

1706

1707

T I T L E A M E N D M E N T

1708 Remove everything before the enacting clause and insert:

1709 An act relating to the state ombudsman program; amending s.
1710 400.0060, F.S.; revising and providing definitions; amending s.
1711 400.0061, F.S.; revising legislative intent with respect to
1712 citizen ombudsmen; deleting references to ombudsman councils and
1713 transferring their responsibilities to representatives of the
1714 Office of State Long-Term Care Ombudsman; amending s. 400.0063,



Amendment No.

1715 F.S.; revising duties of the office; amending s. 400.0065, F.S.;

1716 revising the purpose of the office; revising the duties and

1717 authority of the state ombudsman; requiring the state ombudsman

1718 to submit an annual report to the Governor, the Legislature, and

1719 specified agencies and entities; amending s. 400.0067, F.S.;

1720 revising duties and membership of the State Long-Term Care

1721 Ombudsman Council; amending s. 400.0069, F.S.; requiring the

1722 state ombudsman to designate and direct program districts;

1723 providing duties of representatives of the office in the

1724 districts; revising the appointments of and qualifications for

1725 district ombudsmen; prohibiting certain individuals from serving

1726 as ombudsmen; deleting provisions that provide for an election

1727 of a chair of a local council and the meeting times for the

1728 local council; amending s. 400.0070, F.S.; providing conditions

1729 under which a representative of the office could be found to

1730 have a conflict of interest; requiring the Department of Elderly

1731 Affairs, in consultation with the state ombudsman, to define by

1732 rule what constitutes a conflict of interest; amending s.

1733 400.0071, F.S.; requiring the Department of Elderly Affairs to

1734 consult with the state ombudsman to adopt rules pertaining to

1735 complaint procedures; amending s. 400.0073, F.S.; providing

1736 procedures for investigation of complaints; amending s.

1737 400.0074, F.S.; revising procedures for conducting onsite

1738 administrative assessments; authorizing the department to adopt

1739 rules; amending s. 400.0075, F.S.; revising complaint

1740 notification and resolution procedures; amending s. 400.0078,

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Amendment No.

1741 F.S.; providing for a resident or representative of a resident
1742 to receive additional information regarding resident rights;
1743 amending s. 400.0079, F.S.; providing immunity from liability
1744 for a representative of the office under certain circumstances;
1745 amending s. 400.0081, F.S.; requiring long-term care facilities
1746 to provide representatives of the office with access to
1747 facilities, residents, and records for certain purposes;
1748 amending s. 400.0083, F.S.; conforming provisions to changes
1749 made by the act; amending s. 400.0087, F.S.; providing for the
1750 office to coordinate ombudsman services with Disability Rights
1751 Florida; amending s. 400.0089, F.S.; conforming provisions to
1752 changes made by the act; amending s. 400.0091, F.S.; revising
1753 training requirements for representatives of the office and
1754 ombudsmen; amending ss. 20.41, 400.021, 400.022, 400.0255,
1755 400.1413, 400.162, 400.19, 400.191, 400.23, 400.235, 415.102,
1756 415.1034, 415.104, 415.1055, 415.106, 415.107, 429.02, 429.07,
1757 429.19, 429.26, 429.28, 429.34, 429.35, 429.67, 429.85, and
1758 744.444, F.S.; conforming provisions to changes made by the act;
1759 providing an effective date.

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 203 : Unaccompanied Homeless Youth

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons			X		
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman			X		
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood	X				
Richard Corcoran (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

McKinlay, Melissa (General Public) - Waive In Support
 Junior Leagues of Florida
 675 Belle Grove Lane
 Royal Palm Beach Fl 33411
 Phone: (561) 452-6217

McQuone, Michael (Lobbyist) - Waive In Support
 Florida Conference of Catholic Bishops
 201 W Park Ave
 Tallahassee FL 32301
 Phone: (850) 284-9130

Farmer, Dana (Lobbyist) - Waive In Support
 Disability Rights Florida
 2728 Centerview Drive, Suite 102
 Tallahassee FL 32301
 Phone: (850) 617-9709

King, Natalie (Lobbyist) - Waive In Support
 Suncoast Community Health
 235 W. Brandon Blvd
 Brandon FL 33511
 Phone: (813) 924-8213

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 323 : Pharmacy Technicians

Not Considered

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 419 : Pub. Rec./Department of Health

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman	X				
Ronald Renuart	X				
Kenneth Roberson					X
John Wood					X
Richard Corcoran (Chair)	X				
Total Yeas: 16					
		Total Nays: 0			

Appearances:

Wendel, Bryan (Lobbyist) (State Employee) - Waive In Support
 Florida Department of Health
 2585 Merchants Row Blvd
 Tallahassee FL 32399
 Phone: (850) 245-4006

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 455 : Restitution for Juvenile Offenses

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons			X		
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman			X		
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood	X				
Richard Corcoran (Chair)	X				
Total Yeas: 16					
		Total Nays: 0			

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 463 : Background Screening

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons			X		
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman			X		
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood	X				
Richard Corcoran (Chair)	X				
Total Yeas: 16					
		Total Nays: 0			

Appearances:

Gran, Jill (Lobbyist) - Waive In Support
 Florida Alcohol and Drug Abuse Association
 2868 Mahan Dr., Ste 3
 Tallahassee FL 32308
 Phone: (850) 878-2168

McKinlay, Aleisa (Lobbyist) (State Employee) - Waive In Support
 Director, Vocational Rehab, Department of Education
 4070 Esplanade Way
 Tallahassee FL 32309
 Phone: (850) 245-3311

Farmer, Dana (Lobbyist) - Waive In Support
 Disability Rights Florida
 2728 Centerview Drive, Suite 102
 Tallahassee FL 32301
 Phone: (850) 617-9709

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 511 : Cancer Control and Research

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman			X		
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood	X				
Richard Corcoran (Chair)	X				
Total Yeas: 17					
		Total Nays: 0			

CS/HB 511 Amendments

Amendment 139219

Adopted Without Objection

Amendment 674807

Adopted Without Objection

Amendment 765845

Adopted Without Objection

Appearances:

Youmans, Heather (Lobbyist) - Waive In Support
 American Cancer Society
 2619 Centennial Blvd. Suite 101
 Tallahassee FL 32308
 Phone: (850) 251-2111

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Coley offered the following:

4

5 **Amendment**

6 Remove line 56 and insert:

7 oncology and is not from an institution or organization already
 8 represented on the council; one member must be a representative
 9 of the Florida

10



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Coley offered the following:

4

5 **Amendment**

6 Remove lines 72-81 and insert:

7 ~~(FOCAS) organization;~~ one member must be a member representative
 8 of the Florida Medical Association who specializes in the field
 9 of oncology and who represents a cancer center not already
 10 represented on the council; ~~one member must be a member of the~~
 11 ~~Florida Pediatric Society;~~ ~~one member must be a representative~~
 12 ~~of the Florida Radiological Society;~~ ~~one member must be a~~
 13 ~~representative of the Florida Society of Pathologists;~~ one
 14 member must be a representative of the H. Lee Moffitt Cancer
 15 Center and Research Institute, Inc.; one member must be a member
 16 of the Florida Hospital Association who specializes in the field
 17 of oncology and who represents a comprehensive cancer center not



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 511 (2014)

Amendment No. 2

18 | already represented on the council; one member must be a
19 | representative of the Association
20 |



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Coley offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove lines 146-161 and insert:

7 Control and Research Plan" which shall be consistent with the
 8 State Health Plan and integrated and coordinated with existing
 9 programs in this state.

10 (i) ~~(j)~~ The council shall collaborate with the Florida
 11 Biomedical Research Advisory Council to formulate and annually
 12 review and recommend to the State Surgeon General a statewide
 13 research plan. Additionally, the council shall develop and
 14 annually review a statewide "Florida Cancer Treatment Plan" plan
 15 for the care and treatment of persons suffering from cancer. The
 16 council shall ~~and~~ recommend the establishment of standard
 17 requirements for the organization, equipment, and conduct of



Amendment No. 3

18 cancer units or departments in hospitals and clinics in this
19 state. The council may recommend to the State Surgeon General
20 the designation of cancer units following a survey of the needs
21 and facilities for treatment of cancer in the various localities
22 throughout the state. The State Surgeon General shall consider
23 the plans ~~plan~~ in developing departmental priorities and funding
24 priorities and standards under chapter 395.

25 (j) ~~(k)~~ The council is responsible for including in the
26 Florida Cancer Control and Research Plan recommendations for the
27 coordination and
28
29
30

31 -----
32 **T I T L E A M E N D M E N T**

33 Remove line 8 and insert:

34 renaming the Florida Cancer Plan; requiring the council to
35 collaborate with the Biomedical Research Advisory Council to
36 formulate and review a statewide research plan; requiring the
37 council to develop and review a statewide treatment plan;
38 deleting council,
39

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 589 : Children and Youth Cabinet

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones			X		
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman	X				
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood			X		
Richard Corcoran (Chair)	X				
Total Yeas: 16					
		Total Nays: 0			

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee
3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 591 : Newborn Health Screening

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolien Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones	X				
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman	X				
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood			X		
Richard Corcoran (Chair)	X				
Total Yeas: 17		Total Nays: 0			

HB 591 Amendments

Amendment 605051

Adopted Without Objection

Amendment 503955

Adopted Without Objection

Appearances:

Eccles, Patsy (Lobbyist) (State Employee) - Waive In Support
 FI School For Deaf And Blind
 2942 Golden Eagle Dr E
 Tallahassee FI 32312
 Phone: (850) 320-1413

Mena, Alayla (General Public) - Waive In Support
 3820 Losco Rd, Apt. 313
 Jacksonville FI 32257
 Phone: (904) 586-6091

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 591 : Newborn Health Screening (continued)

Appearances: (continued)

Mena, Jorge (General Public) - Waive In Support

Parents Choice Coalition
3820 Losco Rd., Apt 313
Jacksonville Fl 32257
Phone: (904) 343-4564

Mena, Shantal (General Public) - Waive In Support

Parents Choice Coalition
3820 Losco Rd., Apt 313
Jacksonville Fl 32257
Phone: (904) 586-6091

Bulger, Theresa (Lobbyist) - Waive In Support

Florida Coalition
253 Hayden
Tallahassee Fl 32308
Phone: (904) 880-9063

Jones, Elaine (General Public) - Waive In Support

Parents Choice Coalition
12400 Blue Heron Way
Leesburg Fl 34788
Phone: (352) 589-6107

Mena, Sasha Eleyne (General Public) - Waive In Support

3820 Losco Rd., Apt. 313
Jacksonville Fl 32257
Phone: (904) 586-6091

Jones, Aiden (General Public) - Waive In Support

Parents Coalition
3570 Ballestero Dr. S
Jacksonville Fl 32257
Phone: (423) 260-2349

Jones, Stacey (General Public) - Waive In Support

Parents Coalition
3570 Ballestero Dr. S
Jacksonville Fl 32257
Phone: (423) 260-2349

Leavitt, Jordan (General Public) - Waive In Support

2407 Covington Creek Cir E
Jacksonville Fl 32224
Phone: (904) 982-4503

Leavitt, Debra (General Public) - Proponent

FACE - Parents Coalition
2407 Covington Creek Cir E
Jacksonville Fl 32224
Phone: (904) 982-4503

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

HB 591 : Newborn Health Screening (continued)

Appearances: (continued)

Valle, J.C. del (Lobbyist) - Waive In Support
University of Miami
Coral Gables FL 33134

Wendel, Bryan (Lobbyist) (State Employee) - Waive In Support
Florida Department of Health
2585 Merchants Row Blvd
Tallahassee FL 32399
Phone: (850) 245-4006

Khakpour, Layla Marie (General Public) - Waive In Support
Parents Choice Coalition
4107 Bald Eagle Ln.
Jacksonville FL 32257
Phone: (904) 333-4232

Khakpour, Angela Murray (General Public) - Waive In Support
Parents Choice Coalition
4107 Bald Eagle Ln.
Jacksonville FL 32257
Phone: (904) 333-4232

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Harrell offered the following:

4
5 **Amendment (with title amendment)**

6 Remove lines 55-63 and insert:

7 Section 2. Subsection (3) of section 383.145, Florida

8 Statutes, is amended to read:

9 383.145 Newborn and infant hearing screening.-

10
11
12
13
14
15
16
17

T I T L E A M E N D M E N T

Remove lines 8-9 and insert:

release; amending s. 383.145, F.S.; updating



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Harrell offered the following:

4
5 **Amendment (with title amendment)**

6 Between lines 84 and 85, insert:

7 Section 3. Section 383.146, Florida Statutes, is created
8 to read:

9 383.146 Infants and toddlers who are deaf or hard of
10 hearing; notice of service providers.-

11 (1) At the time that an audiologist diagnoses an infant or
 12 toddler as having a permanent hearing impairment, the
 13 audiologist or their designee shall ask the child's parent or
 14 legal guardian if he or she would like to provide contact
 15 information to receive direct correspondence from qualified
 16 Early Steps providers that offer early intervention services and
 17 who specialize in serving children with hearing loss. A parent



Amendment No. 2

18 or legal guardian shall authorize the release of the contact
19 information by signing a consent form.

20 (2) The department shall post on its website a list of
21 qualified Early Steps providers of early intervention services
22 who specialize in serving children with hearing loss and who
23 have notified the department of their interest to provide direct
24 communication to families who wish to receive information about
25 the services that they provide.

26 (3) The audiologist or designee shall send by secure
27 transmission the consent form to those providers listed on the
28 department's website.

29
30
31 -----
32 **T I T L E A M E N D M E N T**

33 Remove line 10 and insert:

34 a cross-reference; creating s. 383.146, F.S.; requiring an
35 audiologist to provide an opportunity for the parent or legal
36 guardian of an infant or toddler who is diagnosed with a
37 permanent hearing impairment to provide contact information so
38 that he or she may receive information directly from specified
39 service providers; requiring the Department of Health to post a
40 list of certain service providers and institutions; requiring
41 the audiologist to transmit the information; providing an
42 effective date.

COMMITTEE MEETING REPORT
Health & Human Services Committee

3/20/2014 9:00:00AM

Location: Morris Hall (17 HOB)

PCB HHSC 14-01 : State Employee Group Health Plan

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Jason Brodeur	X				
Gwyndolen Clarke-Reed	X				
W. Travis Cummings	X				
Katie Edwards	X				
Joseph Gibbons	X				
Gayle Harrell	X				
Matt Hudson	X				
Mia Jones		X			
Shevrin Jones	X				
Amanda Murphy	X				
Jose Oliva	X				
Jimmy Patronis	X				
Cary Pigman	X				
Ronald Renuart	X				
Kenneth Roberson	X				
John Wood			X		
Richard Corcoran (Chair)	X				
Total Yeas: 16		Total Nays: 1			

Committee meeting was reported out: Thursday, March 20, 2014 2:10:12PM