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ASPEN: Regulation Set (RS)

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Aspen State Regulation Set: A 4.03 ASSISTED LIVING FACILITY

ST - A0000 - Initial Comments

Title Initial Comments

Statute or Rule

Type Memo Tag

Regulation Definition

Interpretive Guideline

These guidelines are meant solely to provide guidance to surveyors in the survey process.

ST - A0001 - Definitions

Title Definitions

Statute or Rule 429.02; 429.256, 58A-5.0131

Type Rule

Regulation Definition

Interpretive Guideline

429.02

(4) " Aging in place " or " age in place " means the process of providing increased or adjusted services to a person to compensate for the physical or mental decline that may occur with the aging process, in order to maximize the person ' s dignity and independence and permit them to remain in a familiar, noninstitutional, residential environment for as long as possible. Such services may be provided by facility staff, volunteers, family, or friends, or through contractual arrangements with a third party.

(5) " Assisted living facility " means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or

The Assisted Living Unit (ALU) telephone number located in paragraph (2) was changed to 850-412-4304 when AHCA transitioned to the Voice Over IP (VOIP) telephone system.

Activities of daily living includes other similar tasks according to 429.02 FS

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administrator.

(6) "Chemical restraint" means a pharmacologic drug that physically limits, restricts, or deprives an individual of movement or mobility, and is used for discipline or convenience and not required for the treatment of medical symptoms.

(10) "Emergency" means a situation, physical condition, or method of operation which presents imminent danger of death or serious physical or mental harm to facility residents.

(13) "Limited nursing services" means acts that may be performed by a person licensed under part I of Chapter 464. Limited nursing services shall be for persons who meet the admission criteria established by the department for assisted living facilities and shall not be complex enough to require 24-hour nursing supervision and many include such services as the application and care of routine dressings, and care of casts, braces, and splints.

(14) "Managed risk" means the process by which the facility staff discuss the service plan and the needs of the resident with the resident and, if applicable, the resident's representative or designee or the resident's surrogate, guardian, or attorney in fact, in such a way that the consequences of a decision, including any inherent risk, are explained to all parties and reviewed periodically in conjunction with the service plan, taking into account changes in the resident's status and the ability of the facility to respond accordingly.

(15) "Mental health resident" means an individual who receives social security disability income due to a mental disorder as determined by the Social Security Administration or receives supplemental security income due to a mental disorder as determined by the Social Security Administration and receives optional state supplementation.

(16) "Personal services" means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services

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which the department may define by rule. " Personal services " shall not be construed to mean the provision of medical, nursing, dental, or mental health services.

(17) "Physical restraint" means a device which physically limits, restricts, or deprives an individual of movement or mobility, including, but not limited to, a half-bed rail, a full-bed rail, a geriatric chair, and a posey restraint. The term " physical restraint " shall also include any device which was not specifically manufactured as a restraint but which has been altered, arranged, or otherwise used for this purpose. The term shall not include bandage material used for the purpose of binding a wound or injury.

(18) "Relative" means an individual who is the father, mother, stepfather, stepmother, son, daughter, brother, sister, grandmother, grandfather, great-grandmother, great-grandfather, grandson, granddaughter, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of an owner or administrator.

(22) "Shared responsibility" means exploring the options available to a resident within a facility and the risks involved with each option when making decisions pertaining to the resident ' s abilities, preferences, and service needs, thereby enabling the resident and, if applicable, the resident ' s representative or designee, or the resident ' s surrogate, guardian, or attorney in fact, and the facility to develop a service plan which best meets the resident ' s needs and seeks to improve the resident ' s quality of life.

429.256, F.S. Definitions:

(a) "Informed consent" means advising the resident, or the resident's surrogate, guardian, or attorney in fact, that an assisted living facility is not required to have a licensed nurse on staff, that the resident may be receiving assistance with

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self-administration of medication from an unlicensed person, and that such assistance, if provided by an unlicensed person, will or will not be overseen by a licensed nurse.

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

58A-5.0131, FAC

In addition to the terms defined in Section 429.02, F.S., the following definitions are applicable in this rule chapter:

(1) "Advertise" means any written, printed, oral, visual, or electronic promotion, statement of availability, qualifications, services offered, or other similar communication appearing in or on television, radio, the Internet, billboards, newspapers, magazines, business cards, flyers, brochures or other medium for the purpose of attracting potential residents to an assisted living facility. A complimentary listing of a licensed facility's name, address, and telephone number in the telephone directory is not considered advertising.

(2) "Agency Central Office" means the Agency for Health Care Administration Assisted Living Unit (ALU), located at 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308-5403. The ALU telephone number and website address is (850) 412-4304, and http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/index.shtml#al.

(3) "Agency Field Office" means the Agency for Health Care Administration's Office in a particular geographic area. Information regarding local offices is available online at: <http://ahca.myflorida.com/mchq/index.shtml#six>.

(4) "Apartment" means a self-contained dwelling unit with a

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bathroom, kitchen area, and living and sleeping space that is contracted for use as a residence by one or more persons who maintain a common household.

(5) " Assistance with Activities of Daily Living " means individual assistance with the following:

(a) Ambulation - Providing physical support to enable the resident to move about within or outside the facility. Physical support includes supporting or holding the resident ' s hand, elbow, or arm; holding on to a support belt worn by the resident to assist in providing stability or direction while the resident ambulates; or pushing the resident ' s wheelchair. The term does not include assistance with transfer.

(b) Bathing - Assembling towels, soaps, and other necessary supplies, helping the resident in and out of the bathtub or shower, turning the water on and off, adjusting water temperatures, washing and drying portions of the body that are difficult for the resident to reach, or being available while the resident is bathing.

(c) Dressing - Helping the resident to choose, and to put on and remove clothing.

(d) Eating - Helping with cutting food, pouring beverages, and feeding residents who are unable to feed themselves.

(e) Grooming - Helping the resident with shaving, with oral care, with care of the hair, and with nail care.

(f) Toileting - Assisting the resident to the bathroom, helping to undress, positioning on the commode, and helping with related personal hygiene, including assistance with changing an adult brief. Assistance with toileting includes assistance with the routine emptying of a catheter or ostomy bag.

(6) " Assistance With Transfer " means providing verbal and physical cuing or physical assistance or both while the resident moves between bed and a standing position or between bed and chair or wheelchair.

(7) " Bedridden " means confined to bed because of inability to ambulate or transfer to a wheelchair even with assistance, or

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to sit safely in a chair or wheelchair without personal assistance or physical restraint.

(8) " Capacity " means the number of residents for which a facility has been licensed to provide residential care.

(9) " Case Manager " means an individual employed by or under contract with any agency or organization, public, or private, who has the responsibility for assessing resident needs; planning services; coordinating and assisting residents to gain access to needed medical, mental health, social, housing, educational or other services; monitoring service delivery; and evaluating the effects of service delivery.

(10) " Certified Nursing Assistant (CNA) " means a person certified under Part II, Chapter 464, F.S.

(11) " Deficiency " means an instance of non-compliance with the requirements of Part II, Chapter 408, F.S., Part I, Chapter 429, F.S., Rule Chapter 59A-35, F.A.C., and this rule chapter.

(12) " Direct Care Staff " means Staff in Regular Contact or Staff in Direct Contact with residents that provide personal or nursing services to residents, including administrators and managers providing such services.

(13) " Distinct Part " means designated bedrooms or apartments, bathrooms and a living area; or a separately identified wing, floor, or building that includes bedrooms or apartments, bathrooms and a living area. The distinct part may include a separate dining area, or meals may be served in another part of the facility.

(14) " Elopement " means an occurrence in which a resident leaves a facility without following facility policy and procedures.

(15) " Food Service " means the storage, preparation, serving, and cleaning up of food intended for consumption in a facility or a formal agreement that meals will be regularly catered by a third party.

(16) " Health Care Provider " means a physician or physician

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's assistant licensed under Chapter 458 or 459, F.S., or advanced registered nurse practitioner licensed under Chapter 464, F.S.

(17) " Licensed Dietitian or Nutritionist " means a dietitian or nutritionist licensed in accordance with Section 468.509, F.S.

(18) " Long-term Care Ombudsman Program (LTCOP) " means the long-term care ombudsman program established under Part I, Chapter 400, F.S.

(19) " Manager " means an individual who is authorized to perform the same functions of the administrator, and is responsible for the operation and maintenance of an assisted living facility while under the supervision of the administrator of that facility. For the purpose of this definition, a manager does not include staff authorized to perform limited administrative functions during an administrator 's temporary absence.

(20) " Mental Disorder " for the purposes of identifying a mental health resident, means schizophrenia and other psychotic disorders; affective disorders; anxiety related disorders; and personality and dissociative disorders. However, mental disorder does not include residents with a primary diagnosis of Alzheimer 's disease, other dementias, or mental retardation.

(21) " Mental Health Care Provider " means an individual, agency, or organization providing mental health services to clients of the Department of Children and Families; an individual licensed by the state to provide mental health services; or an entity employing or contracting with individuals licensed by the state to provide mental health services.

(22) " Mental Health Case Manager " means a case manager employed by or under contract to a mental health care provider to assist mental health residents residing in a facility holding a limited mental health license.

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(23) " Nurse " means a licensed practical nurse (LPN), registered nurse (RN), or advanced registered nurse practitioner (ARNP) licensed under Chapter 464, F.S.

(24) " Nursing Assessment " means a written review of information collected from observation of and interaction with a resident, the resident ' s record, and any other relevant sources; the analysis of the information; and recommendations for modification of the resident ' s care, if warranted.

(25) " Nursing Progress Notes " or " Progress Report " means a written record of nursing services, other than medication administration or the taking of vital signs, provided to each resident who receives such services pursuant to a limited nursing or extended congregate care license. The progress notes must be completed by the nurse who delivered the service and must describe the date, type, scope, amount, duration, and outcome of services that are rendered; the general status of the resident ' s health; any deviations; any contact with the resident ' s physician; and must contain the signature and credential initials of the person rendering the service.

(26) " Optional State Supplementation (OSS) " means the state program providing monthly payments to eligible residents pursuant to Section 409.212, F.S., and Rule Chapter 65A-2, F.A.C.

(27) " Owner " means the person, partnership, association, limited liability company, or corporation, which owns or leases the facility, and is licensed by the agency. The term does not include a person, partnership, association, limited liability company, or corporation that contracts only to manage or operate the facility.

(28) " Physician " means an individual licensed under Chapter 458 or 459, F.S.

(29) " Registered Dietitian " means an individual registered with the Commission on Dietetic Registration, the accrediting body of the Academy of Nutrition and Dietetics.

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(30) " Renovation " means additions, repairs, restorations, or other improvements to the physical plant of the facility within a 5 year period that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before the renovation.

(31) " Respite Care " means facility-based supervision of an impaired adult for the purpose of relieving the primary caregiver.

(32) " Significant Change " means a sudden or major shift in behavior or mood inconsistent with the resident ' s diagnosis, or a deterioration in health status such as unplanned weight change, stroke, heart condition, enrollment in hospice, or stage 2, 3, or 4 pressure sore. Ordinary day-to-day fluctuations in functioning and behavior, a short-term illness such as a cold, or the gradual deterioration in the ability to carry out the activities of daily living that accompanies the aging process are not considered significant changes.

(33) " Staff " means any individual employed by a facility; or contracting with a facility to provide direct or indirect services to residents; or employees of firms under contract to the facility to provide direct or indirect services to residents when present in the facility. The term includes volunteers performing any service that counts toward meeting any staffing requirement of this rule chapter.

(34) " Staff in Regular Contact " or " Staff in Direct Contact " mean all staff whose duties may require them to interact with residents on a daily basis.

(35) " Third Party " means any individual or business entity providing services to residents who is not staff of the facility .

(36) " Universal Precautions " are a set of precautions designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens when providing first aid or health care. Under universal precautions, blood and certain body fluids of all residents are considered potentially infectious for HIV, HBV,

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and other bloodborne pathogens.

(37) " Unscheduled Service Need " means a need for a personal service, nursing service, or mental health intervention that generally cannot be predicted in advance of the need for service, and that must be met promptly within a time frame that provides reasonable assurance that the health, safety, and welfare of residents is preserved.

ST - A0002 - Licensure - Unlicensed Facilities

Title Licensure - Unlicensed Facilities

Statute or Rule 429.08 FS

Type Rule

Regulation Definition

(1)(a) This section applies to the unlicensed operation of an assisted living facility in addition to the requirements of part II of chapter 408.

(b) Except as provided under paragraph (d), any person who owns, operates, or maintains an unlicensed assisted living facility commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(c) Any person found guilty of violating paragraph (a) a second or subsequent time commits a felony of the second degree, punishable as provided under s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate offense.

(d) Any person who owns, operates, or maintains an unlicensed assisted living facility due to a change in this part or a modification in rule within 6 months after the effective date of such change and who, within 10 working days after receiving notification from the agency, fails to cease operation or apply for a license under this part commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Each day of continued operation is a separate

Interpretive Guideline

Surveyor Probe:

Review for current license. Ensure that residents that have been referred to another facility were transferred to a licensed facility.

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offense.

(e) The agency shall publish a list, by county, of licensed assisted living facilities. This information may be provided electronically or through the agency ' s Internet site.

(2) It is unlawful to knowingly refer a person for residency to an unlicensed assisted living facility; to an assisted living facility the license of which is under denial or has been suspended or revoked; or to an assisted living facility that has a moratorium pursuant to part II of chapter 408.

(a) Any health care practitioner, as defined in s. 456.001, who is aware of the operation of an unlicensed facility shall report that facility to the agency. Failure to report a facility that the practitioner knows or has reasonable cause to suspect is unlicensed shall be reported to the practitioner ' s licensing board.

(b) Any provider as defined in s. 408.803 which knowingly discharges a patient or client to an unlicensed facility is subject to sanction by the agency.

(c) Any employee of the agency or department, or the Department of Children and Families, who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium pursuant to part II of chapter 408 is subject to disciplinary action by the agency or department, or the Department of Children and Families.

(d) The employer of any person who is under contract with the agency or department, or the Department of Children and Families, and who knowingly refers a person for residency to an unlicensed facility; to a facility the license of which is under denial or has been suspended or revoked; or to a facility that has a moratorium pursuant to part II of chapter 408 shall be fined and required to prepare a corrective action plan designed to prevent such referrals.

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ST - A0003 - Licensure - Change of Ownership (CHOW)

Title Licensure - Change of Ownership (CHOW)

Statute or Rule 58A-5.014 FAC

Type Rule

Regulation Definition

(2) CHANGE OF OWNERSHIP. In addition to the requirements for a change of ownership contained in Part II, Chapter 408, F.S., Section 429.12, F.S., and Rule Chapter 59A-35, F.A.C., the following provisions relating to resident funds apply pursuant to Section 429.27, F.S.:

(a) At the time of transfer of ownership, all resident funds on deposit, advance payments of resident rents, resident security deposits, and resident trust funds held by the current licensee must be transferred to the applicant. Proof of such transfer must be provided to the agency at the time of the agency survey and before the issuance of a standard license. This provision does not apply to entrance fees paid to a continuing care facility subject to the acquisition provisions in Section 651.024, F.S.

(b) The transferor must provide to each resident a statement detailing the amount and type of funds credited to the resident for whom funds are held by the facility.

(c) The transferee must notify each resident in writing of the manner in which the transferee is holding the resident 's funds and state the name and address of the depository where the funds are being held, the amount held, and type of funds credited.

Interpretive Guideline

Surveyor Probe:

Review if there has been a change in ownership.

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ST - A0004 - Licensure - Requirements

Title Licensure - Requirements

Statute or Rule 58A-5.016 FAC

Type Rule

Regulation Definition

(1) SERVICE PROHIBITION. An assisted living facility may not represent that it provides any service other than a service for which it is licensed to provide.

(2) CHANGE IN USE OF SPACE REQUIRING AGENCY CENTRAL OFFICE APPROVAL. A change in the use of space that increases or decreases a facility ' s capacity must not be made without prior approval from the Agency Central Office. Approval must be based on the compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety and sanitation inspection requirements referenced in Rule 58A-5.0161, F.A.C.

(3) CHANGE IN USE OF SPACE REQUIRING AGENCY FIELD OFFICE APPROVAL. A change in the use of space that involves converting an area to resident use, which has not previously been inspected for such use, must not be made without prior approval from the Agency Field Office. Approval must be based on compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety and sanitation inspection standards referenced in Rule 58A-5.0161, F.A.C.

(4) CONTIGUOUS PROPERTY. If a facility consists of more than one building, all buildings included under a single license must be on contiguous property. " Contiguous property " means property under the same ownership separated by no more than a two-lane street that traverses the property. A licensed location may be expanded to include additional

Interpretive Guideline

Surveyor Probe:

Review that the services being provided are those that have been licensed.

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contiguous property with the approval of the agency to ensure continued compliance with the requirements and standards of Part II, Chapter 408, F.S., Part I, Chapter 429, F.S., Rule Chapter 59A-35, F.A.C., and this rule chapter.

(5) **PROOF OF INSPECTIONS.** A copy of the annual fire safety and sanitation inspections described in Rule 58A-5.0161, F.A.C., must be submitted annually to the Agency Central Office. The annual inspections must be submitted no later than 30 calendar days after the inspections. Failure to comply with this requirement may result in administrative action pursuant to Part II, Chapter 408, F.S., Section 429.14, F.S., and Rule Chapter 59A-35, F.A.C.

(6) **RESIDENTS RECEIVING STATE-FUNDED SERVICES.** Upon request, the facility administrator or designee must identify residents receiving state-funded services to the agency and the department for monitoring purposes authorized by state and federal laws.

ST - A0006 - Licensure - Rebates Prohibited; Penalties

Title Licensure - Rebates Prohibited; Penalties

Statute or Rule 429.195 FS

Type Rule

Regulation Definition

Rebates prohibited; penalties.-

(1) An assisted living facility licensed under this part may not contract or promise to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement in any form whatsoever with any person, health care provider, or health care facility as provided under s. 817.505.

(2) This section does not apply to:

(a) An individual employed by the assisted living facility, or with whom the facility contracts to provide marketing services for the facility, if the individual clearly indicates that he or she works with or for the facility.

Interpretive Guideline

Surveyor Probes:

Review contracted arrangement if kickbacks are suspected.

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(b) Payments by an assisted living facility to a referral service that provides information, consultation, or referrals to consumers to assist them in finding appropriate care or housing options for seniors or disabled adults if the referred consumers are not Medicaid recipients.

(c) A resident of an assisted living facility who refers a friend, family members, or other individuals with whom the resident has a personal relationship to the assisted living facility, in which case the assisted living facility may provide a monetary reward to the resident for making such referral.

(3) A violation of this section is patient brokering and is punishable as provided in s. 817.505.

ST - A0007 - Admissions - Criteria

Title Admissions - Criteria

Statute or Rule 429.26(11) FS; 58A-5.0181(1) FAC

Type Rule

Regulation Definition

429.26

(11) No resident who requires 24-hour nursing supervision, except for a resident who is an enrolled hospice patient pursuant to part IV of chapter 400, shall be retained in a facility licensed under this part.

58A-5.0181

(1) ADMISSION CRITERIA.

(a) An individual must meet the following minimum criteria in order to be admitted to a facility holding a standard, limited nursing or limited mental health license:

1. Be at least 18 years of age.
2. Be free from signs and symptoms of any communicable disease that is likely to be transmitted to other residents or staff; however, an individual who has human

Interpretive Guideline

Surveyor Probe:

Make observations of residents and conduct interviews with residents and/or family members to confirm appropriateness of admission. Review a sample of resident for compliance as necessary to validate concerns.

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immunodeficiency virus (HIV) infection may be admitted to a facility, provided that the individual would otherwise be eligible for admission according to this rule.

3. Be able to perform the activities of daily living, with supervision or assistance if necessary.
4. Be able to transfer, with assistance if necessary. The assistance of more than one person is permitted.
5. Be capable of taking medication, by either self-administration, assistance with self-administration, or by administration of medication.
 - a. If the resident needs assistance with self-administration, the facility must inform the resident of the professional qualifications of facility staff who will be providing this assistance. If unlicensed staff will be providing assistance with self-administration of medication, the facility must obtain written informed consent from the resident or the resident ' s surrogate, guardian, or attorney-in-fact.
 - b. The facility may accept a resident who requires the administration of medication, if the facility has a nurse to provide this service, or the resident or the resident ' s legal representative, designee, surrogate, guardian, or attorney-in-fact contracts with a licensed third party to provide this service to the resident.
6. Not have any special dietary needs that cannot be met by the facility.
7. Not be a danger to self or others as determined by a physician, or mental health practitioner licensed under Chapters 490 or 491, F.S.
8. Not require 24-hour licensed professional mental health treatment.
9. Not be bedridden.
10. Not have any stage 3 or 4 pressure sores. A resident requiring care of a stage 2 pressure sore may be admitted provided that:
 - a. Such resident either:

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- (I) Resides in a standard licensed facility and contracts directly with a licensed home health agency or a nurse to provide care, or
 - (II) Resides in a limited nursing services licensed facility and services are provided pursuant to a plan of care issued by a health care provider, or the resident contracts directly with a licensed home health agency or a nurse to provide care;
 - b. The condition is documented in the resident ' s record and admission and discharge log; and
 - c. If the resident ' s condition fails to improve within 30 days as documented by a health care provider, the resident must be discharged from the facility.
11. Not require any of the following nursing services:
- a. Oral, nasopharyngeal, or tracheotomy suctioning;
 - b. Assistance with tube feeding;
 - c. Monitoring of blood gases;
 - d. Intermittent positive pressure breathing therapy; or
 - e. Treatment of surgical incisions or wounds, unless the surgical incision or wound and the condition that caused it, has been stabilized and a plan of care developed.
12. Not require 24-hour nursing supervision.
13. Not require skilled rehabilitative services as described in Rule 59G-4.290, F.A.C.
14. Have been determined by the facility administrator to be appropriate for admission to the facility. The administrator must base the decision on:
- a. An assessment of the strengths, needs, and preferences of the individual, and the medical examination report required by Section 429.26, F.S., and subsection (2) of this rule;
 - b. The facility ' s admission policy and the services the facility is prepared to provide or arrange in order to meet resident needs. Such services may not exceed the scope of the facility ' s license unless specified elsewhere in this rule; and
 - c. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established in Section

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429.41, F.S., and Rule Chapter 69A-40, F.A.C.

(b) A resident who otherwise meets the admission criteria for residency in a standard licensed facility, but who requires assistance with the administration and regulation of portable oxygen, assistance with routine colostomy care, or assistance and monitoring of the application of anti-embolism stockings or hosiery as prescribed by a health care provider in accordance with manufacturer ' s guidelines, may be admitted to a facility with a standard license as long as the following conditions are met:

1. The facility must have a nurse on staff or under contract to provide the assistance or to provide training to the resident to perform these functions.
2. Nursing staff may not provide training to unlicensed persons to perform skilled nursing services, and may not delegate the nursing services described in this section to certified nursing assistants or unlicensed persons as defined in Section 429.256(1)(b), F.S. Certified nursing assistants may not be delegated the nursing services described in this section, but may apply anti-embolism stockings or hosiery under the supervision of a nurse in accordance with paragraph 64B9-15.002(1)(e), F.A.C. This provision does not restrict a resident or a resident ' s representative from contracting with a licensed third party to provide the assistance if the facility is agreeable to such an arrangement and the resident otherwise meets the criteria for admission and continued residency in a facility with a standard license.

(c) An individual enrolled in and receiving hospice services may be admitted to an assisted living facility as long as the individual otherwise meets resident admission criteria.

(d) Resident admission criteria for facilities holding an extended congregate care license are described in Rule 58A-5.030, F.A.C

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ST - A0008 - Admissions - Health Assessment

Title Admissions - Health Assessment

Statute or Rule 429.26(4-6) FS; 58A-5.0181(2) FAC

Type Rule

Regulation Definition

429.26

(4) If possible, each resident shall have been examined by a licensed physician, a licensed physician assistant, or a licensed nurse practitioner within 60 days before admission to the facility. The signed and completed medical examination report shall be submitted to the owner or administrator of the facility who shall use the information contained therein to assist in the determination of the appropriateness of the resident ' s admission and continued stay in the facility. The medical examination report shall become a permanent part of the record of the resident at the facility and shall be made available to the agency during inspection or upon request. An assessment that has been completed through the Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program fulfills the requirements for a medical examination under this subsection and s. 429.07(3) (b)6.

(5) Except as provided in s. 429.07, if a medical examination has not been completed within 60 days before the admission of the resident to the facility, a licensed physician, licensed physician assistant, or licensed nurse practitioner shall examine the resident and complete a medical examination form provided by the agency within 30 days following the admission to the facility to enable the facility owner or administrator to determine the appropriateness of the admission. The medical examination form shall become a permanent part of the record of the resident at the facility and shall be made available to the agency during inspection by the

Interpretive Guideline

Surveyor Probes:

Make observations of residents and conduct interviews with residents and/or family members to confirm appropriateness of assessment. Review a sample of resident for compliance as necessary to validate concerns.

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agency or upon request.

(6) Any resident accepted in a facility and placed by the department or the Department of Children and Families shall have been examined by medical personnel within 30 days before placement in the facility. The examination shall include an assessment of the appropriateness of placement in a facility. The findings of this examination shall be recorded on the examination form provided by the agency. The completed form shall accompany the resident and shall be submitted to the facility owner or administrator. Additionally, in the case of a mental health resident, the Department of Children and Families must provide documentation that the individual has been assessed by a psychiatrist, clinical psychologist, clinical social worker, or psychiatric nurse, or an individual who is supervised by one of these professionals, and determined to be appropriate to reside in an assisted living facility. The documentation must be in the facility within 30 days after the mental health resident has been admitted to the facility. An evaluation completed upon discharge from a state mental hospital meets the requirements of this subsection related to appropriateness for placement as a mental health resident providing it was completed within 90 days prior to admission to the facility. The applicable department shall provide to the facility administrator any information about the resident that would help the administrator meet his or her responsibilities under subsection (1). Further, department personnel shall explain to the facility operator any special needs of the resident and advise the operator whom to call should problems arise. The applicable department shall advise and assist the facility administrator where the special needs of residents who are recipients of optional state supplementation require such assistance.

58A-5.0181

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(2) HEALTH ASSESSMENT. As part of the admission criteria, an individual must undergo a face-to-face medical examination completed by a health care provider as specified in either paragraph (a) or (b) of this subsection.

(a) A medical examination completed within 60 calendar days before to the individual ' s admission to a facility pursuant to Section 429.26(4), F.S. The examination must address the following:

1. The physical and mental status of the resident, including the identification of any health-related problems and functional limitations;
2. An evaluation of whether the individual will require supervision or assistance with the activities of daily living;
3. Any nursing or therapy services required by the individual;
4. Any special diet required by the individual;
5. A list of current medications prescribed, and whether the individual will require any assistance with the administration of medication;
6. Whether the individual has signs or symptoms of Tuberculosis, Methicillin Resistant Staphylococcus Aureus, Scabies or any other communicable disease, which are likely to be transmitted to other residents or staff;
7. A statement on the day of the examination that, in the opinion of the examining health care provider, the individual ' s needs can be met in an assisted living facility; and
8. The date of the examination, and the name, signature, address, telephone number, and license number of the examining health care provider. The medical examination may be conducted by a health care provider licensed under Chapter 458, 459 or 464, F.S.

(b) A medical examination completed after the resident ' s admission to the facility within 30 calendar days of the admission date. The examination must be recorded on AHCA Form 1823, Resident Health Assessment for Assisted Living Facilities, October 2010. The form is hereby incorporated by

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reference. AHCA Form 1823 may be obtained
<http://www.flrules.org/Gateway/reference.asp?No=Ref-04006>.

Faxed or electronic copies of the completed form are acceptable. The form must be completed as instructed.

1. Items on the form that may have been omitted by the health care provider during the examination do not necessarily require an additional face-to-face examination for completion. The facility may obtain the omitted information either orally or in writing from the health care provider.

2. Omitted information must be documented in the resident ' s record. Information received orally must include the name of the health care provider, the name of the facility staff recording the information, and the date the information was provided.

3. Electronic documentation may be used in place of completing the section on AHCA Form 1823 referencing Services Offered or Arranged by the Facility for the Resident. The electronic documentation must include all of the elements described in this section of AHCA Form 1823.

(c) Any information required by paragraph (a) that is not contained in the medical examination report conducted before the individual ' s admission to the facility must be obtained by the administrator using AHCA Form 1823 within 30 days after admission.

(d) Medical examinations of residents placed by the department, by the Department of Children and Families, or by an agency under contract with either department must be conducted within 30 days before placement in the facility and recorded on AHCA Form 1823 described in paragraph (b).

(e) An assessment that has been conducted through the Comprehensive, Assessment, Review and Evaluation for Long-Term Care Services (CARES) program may be substituted for the medical examination requirements of Section 429.26, F.S., and this rule.

(f) Any orders for medications, nursing, therapeutic diets, or

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other services to be provided or supervised by the facility issued by the health care provider conducting the medical examination may be attached to the health assessment. A health care provider may attach a DH Form 1896, Florida Do Not Resuscitate Order Form, for residents who do not wish cardiopulmonary resuscitation to be administered in the case of cardiac or respiratory arrest.

(g) A resident placed on a temporary emergency basis by the Department of Children and Families pursuant to Section 415.105 or 415.1051, F.S., is exempt from the examination requirements of this subsection for up to 30 days. However, a resident accepted for temporary emergency placement must be entered on the facility ' s admission and discharge log and counted in the facility census; a facility may not exceed its licensed capacity in order to accept such a resident. A medical examination must be conducted on any temporary emergency placement resident accepted for regular admission

ST - A0009 - Admissions - Admission Package

Title Admissions - Admission Package

Statute or Rule 58A-5.0181(3) FAC; 400.0078(2)

Type Rule

Regulation Definition

(3) ADMISSION PACKAGE.

(a) The facility must make available to potential residents a written statement(s) that includes the following information listed below. A copy of the facility resident contract or facility brochure containing all the required information must meet this requirement.

1. The facility ' s admission and continued residency criteria;
2. The daily, weekly or monthly charge to reside in the facility and the services, supplies, and accommodations provided by the facility for that rate;
3. Personal care services that the facility is prepared to

Interpretive Guideline

Surveyor Probe:

Review an admission package as necessary for compliance determination.

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- provide to residents and additional costs to the resident, if any;
4. Nursing services that the facility is prepared to provide to residents and additional costs to the resident, if any;
 5. Food service and the ability of the facility to accommodate special diets;
 6. The availability of transportation and additional costs to the resident, if any;
 7. Any other special services that are provided by the facility and additional cost if any;
 8. Social and leisure activities generally offered by the facility;
 9. Any services that the facility does not provide but will arrange for the resident and additional cost, if any;
 10. The facility rules and regulations that residents must follow as described in Rule 58A-5.0182, F.A.C.;
 11. The facility policy concerning Do Not Resuscitate Orders pursuant to Section 429.255, F.S. and Rule 58A-5.0186, F.A.C., and Advance Directives pursuant to Chapter 765, F.S.
 12. The facility ' s residency criteria for residents receiving extended congregate care services if the facility also has an extended congregate care license; and a description of the additional personal, supportive, and nursing services provided by the facility; additional costs; and any limitations, if any, on where extended congregate care residents must reside based on the policies and procedures described in Rule 58A-5.030, F.A.C.;
 13. If the facility advertises that it provides special care for individuals with Alzheimer ' s disease and related disorders, a written description of those special services as required in Section 429.177, F.S.; and
 14. The facility ' s resident elopement response policies and procedures.
- (b) Before or at the time of admission, the resident, responsible party, guardian, or attorney-in-fact, if applicable, must be provided with the following:
1. A copy of the resident ' s contract that meets the

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requirements of Rule 58A-5.025, F.A.C.;

2. A copy of the facility statement described in paragraph (a) of this subsection if one has not already been provided;
3. A copy of the resident ' s bill of rights as required by Rule 58A-5.0182, F.A.C.; and
4. A Long-Term Care Ombudsman Program brochure that includes the telephone number and address of the district office.

(c) Documents required by this subsection must be in English. If the resident is not able to read, or does not understand English and translated documents are not available, the facility must explain its policies to a family member or friend of the resident or another individual who can communicate the information to the resident.

400.0078

(2) Upon admission to a long-term care facility, each resident or representative of a resident must receive information regarding the purpose of the State Long-Term Care Ombudsman Program, the statewide toll-free telephone number for receiving complaints, information that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right, and other relevant information regarding how to contact the program. Each resident or his or her representative must be furnished additional copies of this information upon request.

ST - A0010 - Admissions - Continued Residency

Title Admissions - Continued Residency

Statute or Rule 429.26(1&9) FS; 58A-5.0181(4) FAC

Type Rule

Regulation Definition

429.26

(1) The owner or administrator of a facility is responsible for

Interpretive Guideline

Surveyor Probe:

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determining the appropriateness of admission of an individual to the facility and for determining the continued appropriateness of residence of an individual in the facility. A determination shall be based upon an assessment of the strengths, needs, and preferences of the resident, the care and services offered or arranged for by the facility in accordance with facility policy, and any limitations in law or rule related to admission criteria or continued residency for the type of license held by the facility under this part. A resident may not be moved from one facility to another without consultation with and agreement from the resident or, if applicable, the resident's representative or designee or the resident's family, guardian, surrogate, or attorney in fact. In the case of a resident who has been placed by the department or the Department of Children and Families, the administrator must notify the appropriate contact person in the applicable department.

(9) A terminally ill resident who no longer meets the criteria for continued residency may remain in the facility if the arrangement is mutually agreeable to the resident and the facility; additional care is rendered through a licensed hospice, and the resident is under the care of a physician who agrees that the physical needs of the resident are being met.

58A-5.0181

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (e) of this subsection, criteria for continued residency in any licensed facility must be the same as the criteria for admission. As part of the continued residency criteria, a resident must have a face-to-face medical examination by a health care provider at least every 3 years after the initial assessment, or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The results of the examination must be

Make observations of residents on tour, interview residents and/or family members for information as to the appropriateness of continued residency. If necessary, review documentation of the face-to-face medical examination.

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recorded on AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule. The form must be completed in accordance with that paragraph.

(a) The resident may be bedridden for up to 7 consecutive days.

(b) A resident requiring care of a stage 2 pressure sore may be retained provided that:

1. The resident contracts directly with a licensed home health agency or a nurse to provide care, or the facility has a limited nursing services license and services are provided pursuant to a plan of care issued by a health care provider;
2. The condition is documented in the resident ' s record; and
3. If the resident ' s condition fails to improve within 30 days, as documented by a health care provider, the resident must be discharged from the facility.

(c) A terminally ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met:

1. The resident qualifies for, is admitted to, and consents to the services of a licensed hospice that coordinates and ensures the provision of any additional care and services that may be needed;
2. Continued residency is agreeable to the resident and the facility;
3. An interdisciplinary care plan, which specifies the services being provided by hospice and those being provided by the facility, is developed and implemented by a licensed hospice in consultation with the facility; and
4. Documentation of the requirements of this paragraph is maintained in the resident ' s file.

(d) The administrator is responsible for monitoring the continued appropriateness of placement of a resident in the facility at all times.

(e) A hospice resident that meets the qualifications of continued residency pursuant to this subsection may only

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receive services from the assisted living facility ' s staff within the scope of the facility ' s license.

(f) Assisted living facility staff may provide any nursing service permitted under the facility ' s license and total help with the activities of daily living for residents admitted to hospice; however, staff may not exceed the scope of their professional licensure or training.

(g) Continued residency criteria for facilities holding an extended congregate care license are described in Rule 58A-5.030, F.A.C.

ST - A0011 - Admissions - Discharge

Title Admissions - Discharge

Statute or Rule 58A-5.0181(5) FAC

Type Rule

Regulation Definition

Interpretive Guideline

(5) DISCHARGE. If the resident no longer meets the criteria for continued residency, or the facility is unable to meet the resident ' s needs, as determined by the facility administrator or health care provider, the resident must be discharged in accordance with Section 429.28, F.S

ST - A0025 - Resident Care - Supervision

Title Resident Care - Supervision

Statute or Rule 429.26(7) FS; 58A-5.0182(1) FAC

Type Rule

Regulation Definition

Interpretive Guideline

429.26
(7) The facility must notify a licensed physician when a resident exhibits signs of dementia or cognitive impairment or

Surveyor Probe:
Observe residents ' care and services, interview residents and/or family members to confirm their satisfaction with

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has a change of condition in order to rule out the presence of an underlying physiological condition that may be contributing to such dementia or impairment. The notification must occur within 30 days after the acknowledgment of such signs by facility staff. If an underlying condition is determined to exist, the facility shall arrange, with the appropriate health care provider, the necessary care and services to treat the condition.

their care. Review a sample of records as necessary to confirm compliance concerns.

58A-5.0182

(1) An assisted living facility must provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) SUPERVISION. Facilities must offer personal supervision as appropriate for each resident, including the following:

(a) Monitoring of the quantity and quality of resident diets in accordance with Rule 58A-5.020, F.A.C.

(b) Daily observation by designated staff of the activities of the resident while on the premises, and awareness of the general health, safety, and physical and emotional well-being of the resident.

(c) Maintaining a general awareness of the resident ' s whereabouts. The resident may travel independently in the community.

(d) Contacting the resident ' s health care provider and other appropriate party such as the resident ' s family, guardian, health care surrogate, or case manager if the resident exhibits a significant change; contacting the resident ' s family, guardian, health care surrogate, or case manager if the resident is discharged or moves out.

(e) Maintaining a written record, updated as needed, of any significant changes, any illnesses that resulted in medical attention, changes in the method of medication administration, or other changes that resulted in the provision of additional services.

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ST - A0026 - Resident Care - Social & Leisure Activities

Title Resident Care - Social & Leisure Activities

Statute or Rule 58A-5.0182(2) FAC

Type Rule

Regulation Definition

(2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community.

(a) The facility must provide an ongoing activities program. The program must provide diversified individual and group activities in keeping with each resident ' s needs, abilities, and interests.

(b) The facility must consult with the residents in selecting, planning, and scheduling activities. The facility must demonstrate residents ' participation through one or more of the following methods: resident meetings, committees, a resident council, suggestion box, group discussions, questionnaires, or any other form of communication appropriate to the size of the facility.

(c) Scheduled activities must be available at least 6 days a week for a total of not less than 12 hours per week. Watching television is not an activity for the purpose of meeting the 12 hours per week of scheduled activities unless the television program is a special one-time event of special interest to residents of the facility. A facility whose residents choose to attend day programs conducted at adult day care centers, senior centers, mental health centers, or other day programs may count those attendance hours towards the required 12 hours per week of scheduled activities. An activities calendar must be posted in common areas where residents normally congregate.

(d) If residents assist in planning a special activity such as an outing, seasonal festivity, or an excursion, up to 3 hours may

Interpretive Guideline

Surveyor Probe:

Make observations of residents.

Interview residents and/or family members to confirm that their interests are being considered.

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be counted toward the required activity time.

ST - A0027 - Resident Care - Arrangement for Health Care

Title Resident Care - Arrangement for Health Care

Statute or Rule 58A-5.0182(3) FAC

Type Rule

Regulation Definition

(3) ARRANGEMENT FOR HEALTH CARE. In order to facilitate resident access to health care as needed, the facility must:

- (a) Assist residents in making appointments and remind residents about scheduled appointments for medical, dental, nursing, or mental health services.
- (b) Provide transportation to needed medical, dental, nursing or mental health services, or arrange for transportation through family and friends, volunteers, taxi cabs, public buses, and agencies providing transportation.
- (c) The facility may not require residents to receive services from a particular health care provider.

Interpretive Guideline

Surveyor Probe:

Interview residents and family members regarding the assistance that the facility has provided for medical appointments.

ST - A0028 - Resident Care - Activities of Daily Living

Title Resident Care - Activities of Daily Living

Statute or Rule 58A-5.0182(4) FAC

Type Rule

Regulation Definition

(4) ACTIVITIES OF DAILY LIVING. Facilities must offer supervision of or assistance with activities of daily living as needed by each resident. Residents should be encouraged to be as independent as possible in performing activities of daily living.

Interpretive Guideline

Surveyor Probe:

Observe and interview residents and/or family members regarding ADL assistance. Also interview staff members related to the level of assistance required by the residents.

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ST - A0029 - Resident Care - Nursing Services

Title Resident Care - Nursing Services

Statute or Rule 58A-5.0182(5) FAC

Type Rule

Regulation Definition

(5) NURSING SERVICES.

(a) Pursuant to Section 429.255, F.S., the facility may employ or contract with a nurse to:

1. Take or supervise the taking of vital signs;
2. Manage pill-organizers and administer medications as described in Rule 58A-5.0185, F.A.C.;
3. Give prepackaged enemas pursuant to a physician ' s order; and
4. Maintain nursing progress notes.

(b) Pursuant to Section 429.255(2), F.S., the nursing services listed in paragraph (a) may also be delivered in the facility by family members or friends of the resident provided the family member or friend does not receive compensation for such services.

Interpretive Guideline

Surveyor Probe:

Review personnel records for that appropriate employed or contracted nurse.

ST - A0030 - Resident Care - Rights & Facility Procedures

Title Resident Care - Rights & Facility Procedures

Statute or Rule 58A-5.0182(6) FAC; 429.28(1-2) FS

Type Rule

Regulation Definition

58A-5.0182(6) RESIDENT RIGHTS AND FACILITY PROCEDURES.

(a) A copy of the Resident Bill of Rights as described in Section 429.28, F.S., or a summary provided by the

Interpretive Guideline

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Long-Term Care Ombudsman Program must be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to Rule 58A-5.0181, F.A.C.

(b) In accordance with Section 429.28, F.S., the facility must have a written grievance procedure for receiving and responding to resident complaints, and for residents to recommend changes to facility policies and procedures. The facility must be able to demonstrate that such procedure is implemented upon receipt of a complaint.

(c) The telephone number for lodging complaints against a facility or facility staff must be posted in full view in a common area accessible to all residents. The telephone numbers are: the Long-Term Care Ombudsman Program, 1(888)831-0404; Disability Rights Florida, 1(800)342-0823; the Agency Consumer Hotline 1(888)419-3456, and the statewide toll-free telephone number of the Florida Abuse Hotline, 1(800)96-ABUSE or 1(800)962-2873. The telephone numbers must be posted in close proximity to a telephone accessible by residents and must be a minimum of 14-point font.

(d) The facility must have a written statement of its house rules and procedures that must be included in the admission package provided pursuant to Rule 58A-5.0181, F.A.C. The rules and procedures must at a minimum address the facility 's policies regarding:

1. Resident responsibilities;
2. Alcohol and tobacco;
3. Medication storage;
4. Resident elopement;
5. Reporting resident abuse, neglect, and exploitation;
6. Administrative and housekeeping schedules and requirements;
7. Infection control, sanitation, and universal precautions; and
8. The requirements for coordinating the delivery of services

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to residents by third party providers.

(e) Residents may not be required to perform any work in the facility without compensation, unless the facility rules or the facility contract includes a requirement that residents be responsible for cleaning their own sleeping areas or apartments. If a resident is employed by the facility, the resident must be compensated in compliance with state and federal wage laws.

(f) The facility must provide residents with convenient access to a telephone to facilitate the resident ' s right to unrestricted and private communication, pursuant to Section 429.28(1)(d), F.S. The facility must not prohibit unidentified telephone calls to residents. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there must be, at a minimum, a readily accessible telephone on each floor of each building where residents reside.

(g) In addition to the requirements of Section 429.41(1)(k), F.S., the use of physical restraints by a facility must be reviewed by the resident ' s physician annually. Any device, including half-bed rails, which the resident chooses to use and can remove or avoid without assistance, is not considered a physical restraint.

429.28 Resident bill of rights.-

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

- (a) Live in a safe and decent living environment, free from abuse and neglect.
- (b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.

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(c) Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents.

(d) Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations.

(e) Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.

(f) Manage his or her financial affairs unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in s. 429.27.

(g) Share a room with his or her spouse if both are residents of the facility.

(h) Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather.

(i) Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any resident.

(j) Access to adequate and appropriate health care consistent with established and recognized standards within the community.

(k) At least 45 days' notice of relocation or termination of

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residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

(1) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. Each facility shall establish a grievance procedure to facilitate the residents' exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups.

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. ... The notice must state that a complaint made to the Office of State Long-Term Ombudsman or a local long-term care ombudsman council, the names and identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. The facility must ensure a resident's access to a telephone to call the local ombudsman council, central abuse hotmail, and Disability Rights Florida.

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ST - A0031 - Resident Care - Third Party Services

Title Resident Care - Third Party Services

Statute or Rule 58A-5.0182(7) FAC

Type Rule

Regulation Definition

Interpretive Guideline

(7) THIRD PARTY SERVICES.

(a) Nothing in this rule chapter is intended to prohibit a resident or the resident ' s representative from independently arranging, contracting, and paying for services provided by a third party of the resident ' s choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for admission and continued residency and the resident complies with the facility ' s policy relating to the delivery of services in the facility by third parties. The facility ' s policies must require the third party to coordinate with the facility regarding the resident ' s condition and the services being provided.

(b) When residents require or arrange for services from a third party provider, the facility administrator or designee must allow for the receipt of those services, provided that the resident meets the criteria for admission and continued residency. The facility, when requested by residents or representatives, must coordinate with the provider to facilitate the receipt of care and services provided to meet the particular resident ' s needs.

(c) If residents accept the assistance from the facility to arrange and coordinate third party services, the facility ' s assistance does not represent a guarantee that third party services will be received. If the facility ' s efforts to make arrangements for third party services are unsuccessful or declined by residents, the facility must include this documentation in the residents ' record explaining why its

Surveyor Probe:

Review as necessary for compliance determination.

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efforts were unsuccessful. This documentation will serve to demonstrate its compliance with this subsection.

ST - A0032 - Resident Care - Elopement Standards

Title Resident Care - Elopement Standards

Statute or Rule 58A-5.0182(8) FAC

Type Rule

Regulation Definition

(8) ELOPEMENT STANDARDS.

(a) Residents Assessed at Risk for Elopement. All residents assessed at risk for elopement or with any history of elopement must be identified so staff can be alerted to their needs for support and supervision.

1. As part of its resident elopement response policies and procedures, the facility must make, at a minimum, a daily effort to determine that at risk residents have identification on their persons that includes their name and the facility ' s name, address, and telephone number. Staff attention must be directed towards residents assessed at high risk for elopement, with special attention given to those with Alzheimer ' s disease or related disorders assessed at high risk.

2. At a minimum, the facility must have a photo identification of at risk residents on file that is accessible to all facility staff and law enforcement as necessary. The facility ' s file must contain the resident ' s photo identification within 10 days of admission or within 10 days of being assessed at risk for elopement subsequent to admission. The photo identification may be provided by the facility, the resident, or the resident ' s representative.

(b) Facility Resident Elopement Response Policies and Procedures. The facility must develop detailed written policies and procedures for responding to a resident elopement. At a minimum, the policies and procedures must provide for:

1. An immediate search of the facility and premises;

Interpretive Guideline

Surveyor Probe:

Review a sample of residents as necessary for compliance determination.

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2. The identification of staff responsible for implementing each part of the elopement response policies and procedures, including specific duties and responsibilities;
 3. The identification of staff responsible for contacting law enforcement, the resident ' s family, guardian, health care surrogate, and case manager if the resident is not located pursuant to subparagraph (8)(b)1.; and
 4. The continued care of all residents within the facility in the event of an elopement.
- (c) Facility Resident Elopement Drills. The facility must conduct and document resident elopement drills pursuant to Sections 429.41(1)(a)3. and 429.41(1)(l), F.S.

ST - A0050 - Medication - Self Administered Medications

Title Medication - Self Administered Medications

Statute or Rule 429.256(2) FS;58A-5.0185(1) FAC

Type Rule

Regulation Definition

429.256(2)
Residents who are capable of self-administering their own medications without assistance shall be encouraged and allowed to do so. However, an unlicensed person may, consistent with a dispensed prescription ' s label or the package directions of an over-the-counter medication, assist a resident whose condition is medically stable with the self-administration of routine, regularly scheduled medications that are intended to be self-administered. Assistance with self-medication by an unlicensed person may occur only upon a documented request by, and the written informed consent of, a resident or the resident ' s surrogate, guardian, or attorney in fact. For the purposes of this section, self-administered medications include both legend and over-the-counter oral dosage forms, topical dosage forms and topical ophthalmic, otic, and nasal dosage forms including solutions, suspensions,

Interpretive Guideline

Surveyor Probes:

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sprays, and inhalers.

58A-5.0185(1)

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, licensed facilities may assist with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) SELF ADMINISTERED MEDICATIONS.

(a) Residents who are capable of self-administering their medications without assistance must be encouraged and allowed to do so.

(b) If facility staff observes health changes that could reasonably be attributed to the improper self-administration of medication, staff must consult with the resident concerning any problems the resident may be experiencing in self-administering the medications. The consultation should describe the services offered by the facility that aid the resident with medication administration through the use of a pill organizer, through providing assistance with self-administration of medications, or through administering medications. The facility must contact the resident ' s health care provider when observable health changes occur that may be attributed to the resident ' s medications. The facility must document such contacts in the resident ' s records.

ST - A0051 - Medication - Pill Organizers

Title Medication - Pill Organizers

Statute or Rule 58A-5.0185(2) FAC

Type Rule

Regulation Definition

(2) PILL ORGANIZERS.

(a) A " pill organizer " means a container that is designed to

Interpretive Guideline

Nurse means a licensed practical nurse (LPN), registered nurse (RN), or advanced registered nurse practitioner (ARNP).

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hold solid doses of medication and is divided according to day and time increments.

(b) A resident who self-administers medications may use a pill organizer.

(c) A nurse may manage a pill organizer to be used only by residents who self-administer medications. The nurse is responsible for instructing the resident in the proper use of the pill organizer. The nurse must manage the pill organizer in the following manner:

1. Obtain the labeled medication container from the storage area or the resident;
2. Transfer the medication from the original container into a pill organizer, labeled with the resident ' s name, according to the day and time increments as prescribed;
3. Return the medication container to the storage area or resident; and
4. Document the date and time the pill organizer was filled in the resident ' s record.

(d) If there is a determination that the resident is not taking medications as prescribed after the medicinal benefits are explained, it must be noted in the resident ' s record and the facility must consult with the resident concerning providing assistance with self-administration or the administration of medications if such services are offered by the facility. The facility must contact the resident ' s health care provider regarding questions, concerns, or observations relating to the resident ' s medications. Such communication must be documented in the resident ' s record

Surveyor Probes:

Ask for names of residents using pill organizers. Review the resident's health assessment, facility's assessment of resident's medication management, and progress notes of those residents to determine they do not need help with their medications.

Interview staff to determine if proper steps are followed. If possible, observe a nurse filling a pill organizer. Interview residents regarding use of the pill organizer. If staff have identified a resident who is unable to use their pill organizer properly, what steps are taken?

If the pill organizer is spilled, what procedure or steps are followed?

When a prescription is changed or a medication discontinued, does nursing staff reload the pill organizer correctly?

Are the original prescription bottles or containers retained by the facility or a list kept providing the required information?

Does the resident's record note the resident is not taking their medications and the facility consultation with the resident? Does the resident's record document communication with the resident's health care provider, family, guardian or health care surrogate?

Is there a pattern to the medications the resident was not taking properly?

ST - A0052 - Medication - Assistance with Self-Admin

Title Medication - Assistance with Self-Admin

Statute or Rule 58A-5.0185 (3)

Type Rule

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Regulation Definition

(3) ASSISTANCE WITH SELF-ADMINISTRATION.

(a) Any unlicensed person providing assistance with self administration of medication must be 18 years of age or older, trained to assist with self administered medication pursuant to the training requirements of Rule 58A-5.0191, F.A.C., and must be available to assist residents with self-administered medications in accordance with procedures described in Section 429.256, F.S. and this rule.

(b) In addition to the specifications of Section 429.256(3), F.S., assistance with self-administration of medication includes verbally prompting a resident to take medications as prescribed.

(c) In order to facilitate assistance with self-administration, trained staff may prepare and make available such items as water, juice, cups, and spoons. Trained staff may also return unused doses to the medication container. Medication, which appears to have been contaminated, must not be returned to the container.

(d) Trained staff must observe the resident take the medication. Any concerns about the resident ' s reaction to the medication or suspected noncompliance must be reported to the resident ' s health care provider and documented in the resident ' s record.

(e) When a resident who receives assistance with medication is away from the facility and from facility staff, the following options are available to enable the resident to take medication as prescribed:

1. The health care provider may prescribe a medication schedule that coincides with the resident ' s presence in the facility;
2. The medication container may be given to the resident, a friend, or family member upon leaving the facility, with this fact noted in the resident ' s medication record;
3. The medication may be transferred to a pill organizer pursuant to the requirements of subsection (2), and given to

Interpretive Guideline

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the resident, a friend, or family member upon leaving the facility, with this fact noted in the resident ' s medication record; or

4. Medications may be separately prescribed and dispensed in an easier to use form, such as unit dose packaging;

(f) Assistance with self-administration of medication does not include the activities detailed in Section 429.256(4), F.S.

1. As used in Section 429.256(4)(h), F.S., the term " competent resident " means that the resident is cognizant of when a medication is required and understands the purpose for taking the medication.

2. As used in Section 429.256(4)(i), F.S., the terms " judgment " and " discretion " mean interpreting vital signs and evaluating or assessing a resident ' s condition.

ST - A0053 - Medication - Administration

Title Medication - Administration

Statute or Rule 58A-5.0185(4) FAC

Type Rule

Regulation Definition

(4) MEDICATION ADMINISTRATION.

(a) For facilities that provide medication administration, a staff member licensed to administer medications must be available to administer medications in accordance with a health care provider ' s order or prescription label.

(b) Unusual reactions or a significant change in the resident ' s health or behavior must be documented in the resident ' s record and reported immediately to the resident ' s health care provider. The contact with the health care provider must also be documented in the resident ' s record.

(c) Medication administration includes conducting any examination or testing, such as blood glucose testing, or other procedure necessary for the proper administration of medication that the resident cannot conduct personally and

Interpretive Guideline

Surveyor Probe:

Medication administration includes conducting any examination or testing such as blood glucose testing or other procedure necessary for the proper administration of medication the resident cannot personally conduct and can only be performed by licensed staff.

The Clinical Laboratory Licensure Unit telephone number located in paragraph (d) was changed to 850-412-4500 when AHCA transitioned to the Voice Over IP (VOIP) telephone system.

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that can be performed by licensed staff.

(d) A facility that performs clinical laboratory tests for residents, including blood glucose testing, must be in compliance with the federal Clinical Laboratory Improvement Amendments of 1988 (CLIA) and Part I of Chapter 483, F.S. A valid copy of the State Clinical Laboratory License, if required, and the federal CLIA Certificate must be maintained in the facility. A state license or federal CLIA certificate is not required if residents perform the test themselves or if a third party assists residents in performing the test. The facility is not required to maintain a State Clinical Laboratory License or a federal CLIA Certificate if facility staff assist residents in performing clinical laboratory testing with the residents' equipment. Information about the State Clinical Laboratory License and federal CLIA Certificate is available from the Laboratory Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 32, Tallahassee, FL 32308; telephone (850) 412-4500.

ST - A0054 - Medication - Records

Title Medication - Records

Statute or Rule 58A-5.0185(5) FAC

Type Rule

Regulation Definition

(5) MEDICATION RECORDS.

(a) For residents who use a pill organizer managed in subsection (2), the facility must keep either the original labeled medication container; or a medication listing with the prescription number, the name and address of the issuing pharmacy, the health care provider's name, the resident's name, the date dispensed, the name and strength of the drug, and the directions for use.

(b) The facility must maintain a daily medication observation record (MOR) for each resident who receives assistance with

Interpretive Guideline

Surveyor Probe:

Review the resident's record as necessary to determine compliance.

All MORs must be accurate and up-to-date.

Surveyor Probes:

Study the MOR for any omissions, delays, pre-dating of medications.

MOR documents reasons for omission of delay.

MOR must be signed at time medication is given.

Look for medications that are pre-signed by staff.

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self-administration of medications or medication administration. A medication observation record must include the name of the resident and any known allergies the resident may have; the name of the resident ' s health care provider, the health care provider ' s telephone number; the name, strength, and directions for use of each medication; and a chart for recording each time the medication is taken, any missed dosages, refusals to take medication as prescribed, or medication errors. The medication observation record must be immediately updated each time the medication is offered or administered.

(c) For medications that serve as chemical restraints, the facility must, pursuant to Section 429.41, F.S., maintain a record of the prescribing physician ' s annual evaluation of the use of the medication.

"Chemical restraint" means a pharmacologic drug that physically limits, restricts, or deprives an individual of movement or mobility, and is used for discipline or convenience and not required for the treatment of medical symptoms.

The use of chemical restraints is limited to prescribed dosages of medications authorized by the resident's physician and must be consistent with the resident's diagnosis. Residents who are receiving medications that can serve as chemical restraints must be evaluated by their physician at least annually to assess:

1. The continued need for the medication.
2. The level of the medication in the resident's blood.
3. The need for adjustments in the prescription.

See documentation from physician that resident's use of the medication has been assessed or the resident has been seen by a psychiatrist for medication review.

ST - A0055 - Medication - Storage and Disposal

Title Medication - Storage and Disposal

Statute or Rule 58A-5.0185(6) FAC

Type Rule

Regulation Definition

(6) MEDICATION STORAGE AND DISPOSAL.

(a) In order to accommodate the needs and preferences of residents and to encourage residents to remain as independent as possible, residents may keep their medications, both prescription and over-the-counter, in their possession both on or off the facility premises; or in their rooms or apartments, which must be kept locked when residents are absent, unless the medication is in a secure place within the rooms or apartments or in some other secure place that is out of sight of other residents. However, both prescription and over-the-counter medications for residents must be centrally stored if:

1. The facility administers the medication;

Interpretive Guideline

(OTC) products. The term OTC includes, but is not limited to, OTC medications, vitamins, nutritional supplements and nutraceuticals, hereafter referred to as OTC products, which can be sold without a prescription.

Surveyor must observe where drugs are stored and note whether the medication cabinet, room, medication cart or other area is locked and the key is out of sight.

During the facility tour, observe whether there are drugs visible on counter tops, dressers, night stands, etc. If medications are observed during the tour, this needs to be further explored. Observe whether the resident appears able to be responsible for his/her medication. If not, this should be brought to the attention of the administrator.

If not kept secured in resident room or apartment and the resident requests facility courtesy storage, their medications must be centrally stored.

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2. The resident requests central storage. The facility must maintain a list of all medications being stored pursuant to such a request;
3. The medication is determined and documented by the health care provider to be hazardous if kept in the personal possession of the person for whom it is prescribed;
4. The resident fails to maintain the medication in a safe manner as described in this paragraph;
5. The facility determines that because of physical arrangements and the conditions or habits of residents, the personal possession of medication by a resident poses a safety hazard to other residents; or
6. The facility ' s rules and regulations require central storage of medication and that policy has been provided to the resident before admission as required in Rule 58A-5.0181, F.A.C.

(b) Centrally stored medications must be:

1. Kept in a locked cabinet, locked cart, or other locked storage receptacle, room, or area at all times;
2. Located in an area free of dampness and abnormal temperature, except that a medication requiring refrigeration must be refrigerated. Refrigerated medications must be secured by being kept in a locked container within the refrigerator, by keeping the refrigerator locked, or by keeping the area in which refrigerator is located locked;
3. Accessible to staff responsible for filling pill-organizers, assisting with self administration, or administering medication. Such staff must have ready access to keys or codes to the medication storage areas at all times; and
4. Kept separately from the medications of other residents and properly closed or sealed.

(c) Medication that has been discontinued but has not expired must be returned to the resident or the resident ' s representative, as appropriate, or may be centrally stored by the facility for future use by the resident at the resident ' s

Review records of residents who have been discharged for notation of drug disposition in their files . Examine medication cabinets for drugs prescribed for residents who have been discharged or discontinued or for which the medication has expired.

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request. If centrally stored by the facility, the discontinued medication must be stored separately from medication in current use, and the area in which it is stored must be marked "discontinued medication." Such medication may be reused if prescribed by the resident's health care provider.

(d) When a resident's stay in the facility has ended, the administrator must return all medications to the resident, the resident's family, or the resident's guardian unless otherwise prohibited by law. If, after notification and waiting at least 15 days, the resident's medications are still at the facility, the medications are considered abandoned and may be disposed of in accordance with paragraph (e).

(e) Medications that have been abandoned or have expired must be disposed of within 30 days of being determined abandoned or expired and the disposal must be documented in the resident's record. The medication may be taken to a pharmacist for disposal or may be destroyed by the administrator or designee with one witness.

(f) Facilities that hold a Special-ALF permit issued by the Board of Pharmacy may return dispensed medicinal drugs to the dispensing pharmacy pursuant to Rule 64B16-28.870, F.A.C.

ST - A0056 - Medication - Labeling and Orders

Title Medication - Labeling and Orders

Statute or Rule 58A-5.0185(7) FAC

Type Rule

Regulation Definition

(7) MEDICATION LABELING AND ORDERS.

(a) The facility may not store prescription drugs for self-administration, assistance with self-administration, or administration unless it is properly labeled and dispensed in accordance with Chapters 465 and 499, F.S., and Rule 64B16-28.108, F.A.C. If a customized patient medication

Interpretive Guideline

Surveyor Probes:

Examine all prescription drugs stored and controlled by the facility to determine they have been ordered by the health care provider and labeled by a licensed pharmacist. Check for out-dated centrally stored prescription medications.

Interview staff about unlabeled drugs.

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package is prepared for a resident, and separated into individual medicinal drug containers, then the following information must be recorded on each individual container:

1. The resident ' s name; and
 2. Identification of each medicinal drug in the container.
- (b) Except with respect to the use of pill organizers as described in subsection (2), no individual other than a pharmacist may transfer medications from one storage container to another.
- (c) If the directions for use are " as needed " or " as directed, " the health care provider must be contacted and requested to provide revised instructions. For an " as needed " prescription, the circumstances under which it would be appropriate for the resident to request the medication and any limitations must be specified; for example, " as needed for pain, not to exceed 4 tablets per day. " The revised instructions, including the date they were obtained from the health care provider and the signature of the staff who obtained them, must be noted in the medication record, or a revised label must be obtained from the pharmacist.
- (d) Any change in directions for use of a medication for which the facility is providing assistance with self-administration or administering medication must be accompanied by a written medication order issued and signed by the resident ' s health care provider, or a faxed or electronic copy of such order. The new directions must promptly be recorded in the resident ' s medication observation record. The facility may then place an " alert " label on the medication container that directs staff to examine the revised directions for use in the medication observation record, or obtain a revised label from the pharmacist.
- (e) A nurse may take a medication order by telephone. Such order must be promptly documented in the resident ' s medication observation record. The facility must obtain a written medication order from the health care provider within

Only a nurse may transfer medication into a pill organizer for the management of medications for residents who self-administer.

The term "timely manner" can be addressed by the facility in their rules and regulations.

When reviewing medications, determine if any need to be refilled. Ask both staff and residents what the facility's procedure is to ensure that dosages are not missed. Do medication records reflect missed dosages? If so, what explanation is provided by staff and/or residents?

If family members have the responsibility for ensuring timely refilling of resident prescriptions, did the facility give the resident family member(s) ample notice of need to refill?

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10 working days. A faxed or electronic copy of a signed order is acceptable.

(f) The facility must make every reasonable effort to ensure that prescriptions for residents who receive assistance with self-administration of medication or medication administration are filled or refilled in a timely manner.

(g) Pursuant to Section 465.0276(5), F.S., and Rule 61N-1.006, F.A.C., sample or complimentary prescription drugs that are dispensed by a health care provider, must be kept in their original manufacturer ' s packaging, which must include the practitioner ' s name, the resident ' s name for whom they were dispensed, and the date they were dispensed. If the sample or complimentary prescription drugs are not dispensed in the manufacturer ' s labeled package, they must be kept in a container that bears a label containing the following:

1. Practitioner ' s name;
2. Resident ' s name;
3. Date dispensed;
4. Name and strength of the drug;
5. Directions for use; and
6. Expiration date.

(h) Pursuant to Section 465.0276(2)(c), F.S., before dispensing any sample or complimentary prescription drug, the resident ' s health care provider must provide the resident with a written prescription, or a faxed or electronic copy of such order.

ST - A0057 - Medication - Over The Counter (OTC) Products

Title Medication - Over The Counter (OTC) Products

Statute or Rule 58A-5.0185(8) FAC

Type Rule

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Regulation Definition

(8) OVER THE COUNTER (OTC) PRODUCTS. For purposes of this subsection, the term over the counter includes, but is not limited to, over the counter medications, vitamins, nutritional supplements and nutraceuticals, hereafter referred to as OTC products, that can be sold without a prescription.

(a) A stock supply of OTC products for multiple resident use is not permitted in any facility.

(b) OTC products, including those prescribed by a health care provider, must be labeled with the resident 's name and the manufacturer 's label with directions for use, or the health care provider 's directions for use. No other labeling requirements are required.

(c) Residents or their representatives may purchase OTC products from an establishment of their choice.

(d) A health care provider 's order is required when a nurse provides assistance with self-administration or administration of OTC products. When an order for an OTC product exists, the order must meet the requirements of paragraphs (b) and (c) of this subsection. A health care provider 's order for OTC products is not required when a resident self-administers his or her medications, or when unlicensed staff provides assistance with self-administration of medications

Interpretive Guideline

A stock supply of OTC's products for multiple resident use is not permitted because ALFs do not have institutional pharmacy permits.

Look for OTC products and determine if a residents name appears or ask reason for the OTC use.

When an OTC product is prescribed by a physician, the medication becomes a prescription and must be properly labeled by a pharmacist or physician

ST - A0058 - Pharmacy & Dietary; Uncorrected Deficiencies

Title Pharmacy & Dietary; Uncorrected Deficiencies

Statute or Rule 429.42(1-2) FS; 58A-5.033(3)(a) FAC

Type Rule

Regulation Definition

429.42 Pharmacy and dietary services.-

(1) Any assisted living facility in which the agency has

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documented a class I or class II deficiency or uncorrected class III deficiencies regarding medicinal drugs or over-the-counter preparations, including their storage, use, delivery, or administration, or dietary services, or both, during a biennial survey or a monitoring visit or an investigation in response to a complaint, shall, in addition to or as an alternative to any penalties imposed under s. 429.19, be required to employ the consultant services of a licensed pharmacist, a licensed registered nurse, or a registered or licensed dietitian, as applicable. The consultant shall, at a minimum, provide onsite quarterly consultation until the inspection team from the agency determines that such consultation services are no longer required.

(2) A corrective action plan for deficiencies related to assistance with the self-administration of medication or the administration of medication must be developed and implemented by the facility within 48 hours after notification of such deficiency, or sooner if the deficiency is determined by the agency to be life-threatening.

59A-5.033(3)

(3) EMPLOYMENT OF A CONSULTANT.

(a) Medication Deficiencies.

1. If a class I, class II, or uncorrected class III deficiency directly relating to facility medication practices as established in Rule 58A-5.0185, F.A.C., is documented by the agency pursuant to an inspection of the facility, the agency must notify the facility in writing that the facility must employ or contract the services of a pharmacist licensed pursuant to Section 465.0125, F.S., or registered nurse as determined by the agency.

2. After developing and implementing a corrective action plan in compliance with Section 429.42(2), F.S., the initial on-site consultant visit must take place within 7 working days of the notice of the class I or II deficiency and within 14 working

Verify the presence of the consultant services of a licensed pharmacist, or a licensed registered nurse.

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days of the notice of an uncorrected class III deficiency. The facility must have available for review by the agency a copy of the license of the consultant pharmacist or registered nurse and the consultant's signed and dated review of the corrective action plan no later than 10 working days subsequent to the initial on-site consultant visit.

3. The facility must provide the agency with, at a minimum, quarterly on-site corrective action plan updates until the agency determines after written notification by the consultant and facility administrator that deficiencies are corrected and staff has been trained to ensure that proper medication standards are followed and that such consultant services are no longer required. The agency must provide the facility with written notification of such determination.

ST - A0075 - Use of Personnel; Emergency Care (AED)

Title Use of Personnel; Emergency Care (AED)

Statute or Rule 429.255(3-5) FS

Type Rule

Regulation Definition

(3)(a) An assisted living facility licensed under this part with 17 or more beds shall have on the premises at all times a functioning automated external defibrillator as defined in s. 768.1325(2)(b).

(b) The facility is encouraged to register the location of each automated external defibrillator with a local emergency medical services medical director.

(c) The provisions of ss. 768.13 and 768.1325 apply to automated external defibrillators within the facility.

(4) Facility staff may withhold or withdraw cardiopulmonary resuscitation or the use of an automated external defibrillator if presented with an order not to resuscitate executed pursuant to s. 401.45. The department shall adopt rules providing for the implementation of such orders. Facility staff and facilities

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shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator pursuant to such an order and rules adopted by the department. The absence of an order to resuscitate executed pursuant to s. 401.45 does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator as otherwise permitted by law.

(5) The Department of Elderly Affairs may adopt rules to implement the provisions of this section relating to use of an automated external defibrillator.

ST - A0076 - Do Not Resuscitate Orders (DNROs)

Title Do Not Resuscitate Orders (DNROs)

Statute or Rule 58A-5.0186 FAC

Type Rule

Regulation Definition

(1) POLICIES AND PROCEDURES.

(a) Each assisted living facility must have written policies and procedures that explain its implementation of state laws and rules relative to Do Not Resuscitate Orders (DNROs). An assisted living facility may not require execution of a DNRO as a condition of admission or treatment. The assisted living facility must provide the following to each resident, or resident ' s representative, at the time of admission:

1. Form SCHS-4-2006, " Health Care Advance Directives - The Patient ' s Right to Decide, " April 2006, or with a copy of some other substantially similar document, which incorporates information regarding advance directives included in Chapter 765, F.S. Form SCHS-4-2006 is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or the agency ' s

Interpretive Guideline

Surveyor Probe:

Review policies and procedures for DNROs as necessary for compliance determination.

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Web site at:

http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf; and

2. DH Form 1896, Florida Do Not Resuscitate Order Form, December, 2004, which is hereby incorporated by reference.

This form may be obtained by calling the Department of Health ' s toll free number (800)226-1911, extension 2780 or online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04005>.

(b) There must be documentation in the resident ' s record indicating whether a DH Form 1896 has been executed. If a DH Form 1896 has been executed, a yellow copy of that document must be made a part of the resident ' s record. If the assisted living facility does not receive a copy of a resident ' s executed DH Form 1896, the assisted living facility must document in the resident ' s record that it has requested a copy.

(c) The executed DH Form 1896 must be readily available to medical staff in the event of an emergency.

(2) LICENSE REVOCATION. An assisted living facility ' s license is subject to revocation pursuant to Section 408.815, F.S., if, as a condition of treatment or admission, the facility requires an individual to execute or waive DH Form 1896.

(3) DNRO PROCEDURES. Pursuant to Section 429.255, F.S., an assisted living facility must honor a properly executed DH Form 1896 as follows:

(a) In the event a resident experiences cardiac or pulmonary arrest, staff trained in cardiopulmonary resuscitation (CPR) or a health care provider present in the facility, may withhold cardiopulmonary resuscitation (artificial ventilation, cardiac compression, endotracheal intubation and defibrillation).

(b) In the event a resident is receiving hospice services and experiences cardiac or pulmonary arrest, facility staff must immediately contact hospice staff. The hospice procedures take precedence over those of the assisted living facility.

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ST - A0077 - Staffing Standards - Administrators

Title Staffing Standards - Administrators

Statute or Rule 429.176 FS; 58A-5.019(1) FAC

Type Rule

Regulation Definition

429.176
Notice of change of administrator.-If, during the period for which a license is issued, the owner changes administrators, the owner must notify the agency of the change within 10 days and provide documentation within 90 days that the new administrator has completed the applicable core educational requirements under s. 429.52.

58A-5.019

Staffing Standards.

(1) ADMINISTRATORS. Every facility must be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of appropriate care to all residents as required by Part II, Chapter 408, F.S., Part I, Chapter 429, F.S., Rule Chapter 59A-35, F.A.C., and this rule chapter.

(a) An administrator must:

1. Be at least 21 years of age;
2. If employed on or after October 30, 1995, have, at a minimum, a high school diploma or G.E.D.;
3. Be in compliance with Level 2 background screening requirements pursuant to Sections 408.809 and 429.174, F.S.; and
4. Complete the core training and core competency test requirements pursuant to Rule 58A-5.0191, F.A.C., no later than 90 days after becoming employed as a facility administrator. Individuals who have successfully completed

Interpretive Guideline

Surveyor Probe:

Review personnel record as necessary for compliance determination.

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these requirements before December 1, 2014, are not required to take either the 40 hour core training or test unless specified elsewhere in this rule. Administrators who attended core training prior to July 1, 1997, are not required to take the competency test unless specified elsewhere in this rule.

5. Satisfy the continuing education requirements pursuant to Rule 58A-5.0191, F.A.C. Administrators who are not in compliance with these requirements must retake the core training and core competency test requirements in effect on the date the non-compliance is discovered by the agency or the department.

(b) In the event of extenuating circumstances, such as the death of a facility administrator, the agency may permit an individual who otherwise has not satisfied the training requirements of subparagraphs (1)(a)4. of this rule to temporarily serve as the facility administrator for a period not to exceed 90 days. During the 90 day period, the individual temporarily serving as facility administrator must:

1. Complete the core training and core competency test requirements pursuant to Rule 58A-5.0191, F.A.C.; and
2. Complete all additional training requirements if the facility maintains licensure as an extended congregate care or limited mental health facility.

(c) Administrators may supervise a maximum of either three assisted living facilities or a group of facilities on a single campus providing housing and health care Administrators who supervise more than one facility must appoint in writing a separate manager for each facility. However, an administrator supervising a maximum of three assisted living facilities, each licensed for 16 or fewer beds and all within a 15 mile radius of each other, is only required to appoint two managers to assist in the operation and maintenance of those facilities.

(d) An individual serving as a manager must satisfy the same qualifications, background screening, core training and competency test requirements, and continuing education

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requirements of an administrator pursuant to paragraph (1)(a) of this rule. Managers who attended the core training program prior to July 1, 1997, are not required to take the competency test unless specified elsewhere in this rule. In addition, a manager may not serve as a manager of more than a single facility, except as provided in paragraph (1)(c) of this rule, and may not simultaneously serve as an administrator of any other facility.

(e) Pursuant to Section 429.176, F.S., facility owners must notify the Agency Central Office within 10 days of a change in facility administrator on the Notification of Change of Administrator form, AHCA Form 3180-1006, May 2013, which is incorporated by reference and available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-04002>.

ST - A0078 - Staffing Standards - Staff

Title Staffing Standards - Staff

Statute or Rule 58A-5.019(2) FAC

Type Rule

Regulation Definition

(2) STAFF.

(a) Within 30 days after beginning employment, newly hired staff must submit a written statement from a health care provider documenting that the individual does not have any signs or symptoms of communicable disease. The examination performed by the health care provider must have been conducted no earlier than 6 months before submission of the statement. Newly hired staff does not include an employee transferring without a break in service from one facility to another when the facility is under the same management or ownership.

1. Evidence of a negative tuberculosis examination must be documented on an annual basis. Documentation provided by the Florida Department of Health or a licensed health care

Interpretive Guideline

Surveyor Probes:

Review a sample of personnel records as necessary for compliance determination.

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provider certifying that there is a shortage of tuberculosis testing materials, shall satisfy the annual tuberculosis examination requirement. An individual with a positive tuberculosis test must submit a health care provider ' s statement that the individual does not constitute a risk of communicating tuberculosis.

2. If any staff member has, or is suspected of having, a communicable disease, such individual must be immediately removed from duties until a written statement is submitted from a health care provider indicating that the individual does not constitute a risk of transmitting a communicable disease.

(b) Staff must be qualified to perform their assigned duties consistent with their level of education, training, preparation, and experience. Staff providing services requiring licensing or certification must be appropriately licensed or certified. All staff must exercise their responsibilities, consistent with their qualifications, to observe residents, to document observations on the appropriate resident ' s record, and to report the observations to the resident ' s health care provider in accordance with this rule chapter.

(c) All staff must comply with the training requirements of Rule 58A-5.0191, F.A.C.

(d) An assisted living facility contracting to provide services to residents must ensure that individuals providing services are qualified to perform their assigned duties in accordance with this rule chapter. The contract between the facility and the staffing agency or contractor must specifically describe the services the staffing agency or contractor will provide to residents.

(e) For facilities with a licensed capacity of 17 or more residents, the facility must:

1. Develop a written job description for each staff position and provide a copy of the job description to each staff member; and
2. Maintain time sheets for all staff.

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(f) Level 2 background screening must be conducted for staff, including staff contracted by the facility to provide services to residents, pursuant to Sections 408.809 and 429.174, F.S.

ST - A0079 - Staffing Standards - Levels

Title Staffing Standards - Levels

Statute or Rule 58A-5.019(3) FAC

Type Rule

Regulation Definition

(3) STAFFING STANDARDS.

(a) Minimum staffing:

1. Facilities must maintain the following minimum staff hours per week:

Number of Residents	Staff Hours/Week
0-5	168
6-15	212
16- 25	253
26-35	294
36-45	335
46-55	375
56- 65	416
66-75	457
76-85	498
86-95	539

For every 20 residents over 95 add 42 staff hours per week.

2. Independent living residents as referenced in subsection 58A-5.024(3), F.A.C., who occupy beds included within the licensed capacity of an assisted living facility and who receive no personal, limited nursing, or extended congregate care services, are not counted as a resident for purposes of computing minimum staff hours.

3. At least one staff member who has access to facility and resident records in case of an emergency must be in the facility at all times when residents are in the facility. Residents serving

Interpretive Guideline

Surveyor Probes:

Interview staff as necessary to verify staff schedules. Interview residents and/or families regarding staffing. Review schedules as necessary for required elements.

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as paid or volunteer staff may not be left solely in charge of other residents while the facility administrator, manager or other staff are absent from the facility.

4. In facilities with 17 or more residents, there must be at least one staff member awake at all hours of the day and night.

5. A staff member who has completed courses in First Aid and Cardiopulmonary Resuscitation (CPR) and holds a currently valid card documenting completion of such courses must be in the facility at all times.

a. Documentation of attendance at First Aid or CPR courses offered by an accredited college, university or vocational school; a licensed hospital; the American Red Cross, American Heart Association, or National Safety Council; or a provider approved by the Department of Health, satisfies this requirement.

b. A nurse is considered as having met the course requirements for both First Aid and CPR. In addition, an emergency medical technician or paramedic currently certified under Part III, Chapter 401, F.S., is considered as having met the course requirements for both First Aid and CPR.

6. During periods of temporary absence of the administrator or manager of more than 48 hours when residents are on the premises, a staff member who is at least 21 years of age must be physically present and designated in writing to be in charge of the facility. No staff member shall be in charge of a facility for a consecutive period of 21 days or more, or for a total of 60 days within a calendar year, without being an administrator or manager.

7. Staff whose duties are exclusively building or grounds maintenance, clerical, or food preparation do not count towards meeting the minimum staffing hours requirement.

8. The administrator or manager 's time may be counted for the purpose of meeting the required staffing hours, provided the administrator or manager is actively involved in the day-to-day operation of the facility, including making

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decisions and providing supervision for all aspects of resident care, and is listed on the facility ' s staffing schedule.

9. Only on-the-job staff may be counted in meeting the minimum staffing hours. Vacant positions or absent staff may not be counted.

(b) Notwithstanding the minimum staffing requirements specified in paragraph (a), all facilities, including those composed of apartments, must have enough qualified staff to provide resident supervision, and to provide or arrange for resident services in accordance with the residents ' scheduled and unscheduled service needs, resident contracts, and resident care standards as described in Rule 58A-5.0182, F.A.C.

(c) The facility must maintain a written work schedule that reflects its 24-hour staffing pattern for a given time period. Upon request, the facility must make the daily work schedules of direct care staff available to residents or representatives, for that resident ' s care.

(d) The facility must provide staff immediately when the agency determines that the requirements of paragraph (a) are not met. The facility must immediately increase staff above the minimum levels established in paragraph (a) if the agency determines that adequate supervision and care are not being provided to residents, resident care standards described in Rule 58A-5.0182, F.A.C., are not being met, or that the facility is failing to meet the terms of residents ' contracts. The agency will consult with the facility administrator and residents regarding any determination that additional staff is required. Based on the recommendations of the local fire safety authority, the agency may require additional staff when the facility fails to meet the fire safety standards described in Section 429.41(1)(a), F.S., and Rule Chapter 69A-40, F.A.C., until such time as the local fire safety authority informs the agency that fire safety requirements are being met.

1. When additional staff is required above the minimum, the

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agency will require the submission of a corrective action plan within the time specified in the notification indicating how the increased staffing is to be achieved to meet resident service needs. The plan will be reviewed by the agency to determine if the plan increases the staff to needed levels to meet resident needs.

2. When the facility can demonstrate to the agency that resident needs are being met, or that resident needs can be met without increased staffing, modifications may be made in staffing requirements for the facility and the facility will no longer be required to maintain a plan with the agency.

(e) Facilities that are co-located with a nursing home may use shared staffing provided that staff hours are only counted once for the purpose of meeting either assisted living facility or nursing home minimum staffing ratios.

(f) Facilities holding a limited mental health, extended congregate care, or limited nursing services license must also comply with the staffing requirements of Rule 58A-5.029, 58A-5.030, or 58A-5.031, F.A.C., respectively.

ST - A0080 - Training - Core & Competency Test

Title Training - Core & Competency Test

Statute or Rule 429.52(1-2) FS; 58A-5.0191(1) FAC

Type Rule

Regulation Definition

429.52

(1) Administrators and other assisted living facility staff must meet minimum training and education requirements established by the Department of Elderly Affairs by rule. This training and education is intended to assist facilities to appropriately respond to the needs of residents, to maintain resident care and facility standards, and to meet licensure requirements.

(2) The department shall establish a competency test and a

Interpretive Guideline

Surveyor Probe:

Review personnel records as necessary for compliance determination.

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minimum required score to indicate successful completion of the training and educational requirements. The competency test must be developed by the department in conjunction with the agency and providers. The required training and education must cover at least the following topics:

- (a) State law and rules relating to assisted living facilities.
- (b) Resident rights and identifying and reporting abuse, neglect, and exploitation.
- (c) Special needs of elderly persons, persons with mental illness, and persons with developmental disabilities and how to meet those needs.
- (d) Nutrition and food service, including acceptable sanitation practices for preparing, storing, and serving food.
- (e) Medication management, recordkeeping, and proper techniques for assisting residents with self-administered medication.
- (f) Firesafety requirements, including fire evacuation drill procedures and other emergency procedures.
- (g) Care of persons with Alzheimer ' s disease and related disorders.

58A-5.0191

Staff Training Requirements and Competency Test.

(1) ASSISTED LIVING FACILITY CORE TRAINING REQUIREMENTS AND COMPETENCY TEST.

- (a) The assisted living facility core training requirements established by the department pursuant to Section 429.52, F.S., shall consist of a minimum of 26 hours of training plus a competency test.
- (b) Administrators and managers must successfully complete the assisted living facility core training requirements within 3 months from the date of becoming a facility administrator or manager. Successful completion of the core training requirements includes passing the competency test. The minimum passing score for the competency test is 75%.

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Administrators who have attended core training prior to July 1, 1997, and managers who attended the core training program prior to April 20, 1998, shall not be required to take the competency test. Administrators licensed as nursing home administrators in accordance with Part II of Chapter 468, F.S., are exempt from this requirement.

(c) Administrators and managers shall participate in 12 hours of continuing education in topics related to assisted living every 2 years as provided under Section 429.52, F.S.

(d) A newly hired administrator or manager who has successfully completed the assisted living facility core training and continuing education requirements, shall not be required to retake the core training. An administrator or manager who has successfully completed the core training but has not maintained the continuing education requirements will be considered a new administrator or manager for the purposes of the core training requirements and must:

1. Retake the assisted living facility core training; and
2. Retake and pass the competency test.

(e) The fees for the competency test shall not exceed \$200. The payment for the competency test fee shall be remitted to the entity administering the test. A new fee is due each time the test is taken

ST - A0081 - Training - Staff In-Service

Title Training - Staff In-Service

Statute or Rule 58A-5.0191(2) FAC

Type Rule

Regulation Definition

(2) STAFF IN-SERVICE TRAINING. Facility administrators or managers shall provide or arrange for the following in-service training to facility staff:

- (a) Staff who provide direct care to residents, other than nurses, certified nursing assistants, or home health aides

Interpretive Guideline

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination.

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trained in accordance with Rule 59A-8.0095, F.A.C., must receive a minimum of 1 hour in-service training in infection control, including universal precautions, and facility sanitation procedures before providing personal care to residents.

Documentation of compliance with the staff training requirements of 29 CFR 1910.1030, relating to blood borne pathogens, may be used to meet this requirement.

(b) Staff who provide direct care to residents must receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects:

1. Reporting major incidents.
2. Reporting adverse incidents.
3. Facility emergency procedures including chain-of-command and staff roles relating to emergency evacuation.

(c) Staff who provide direct care to residents, who have not taken the core training program, shall receive a minimum of 1 hour in-service training within 30 days of employment that covers the following subjects:

1. Resident rights in an assisted living facility.
2. Recognizing and reporting resident abuse, neglect, and exploitation.

(d) Staff who provide direct care to residents, other than nurses, CNAs, or home health aides trained in accordance with Rule 59A-8.0095, F.A.C., must receive 3 hours of in-service training within 30 days of employment that covers the following subjects:

1. Resident behavior and needs.
2. Providing assistance with the activities of daily living.

(e) Staff who prepare or serve food, who have not taken the assisted living facility core training must receive a minimum of 1-hour-in-service training within 30 days of employment in safe food handling practices.

(f) All facility staff shall receive in-service training regarding the facility 's resident elopement response policies and procedures within thirty (30) days of employment.

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1. All facility staff shall be provided with a copy of the facility's resident elopement response policies and procedures.
2. All facility staff shall demonstrate an understanding and competency in the implementation of the elopement response policies and procedures.

ST - A0082 - Training - HIV/AIDS

Title Training - HIV/AIDS

Statute or Rule 58A-5.0191(3) FAC

Type Rule

Regulation Definition

(3) HUMAN IMMUNODEFICIENCY VIRUS/ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS). Pursuant to Section 381.0035, F.S., all facility employees, with the exception of employees subject to the requirements of Section 456.033, F.S., must complete a one-time education course on HIV and AIDS, including the topics prescribed in the Section 381.0035, F.S. New facility staff must obtain the training within 30 days of employment. Documentation of compliance must be maintained in accordance with subsection (12) of this rule.

Interpretive Guideline

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination.

ST - A0083 - Training - First Aid and CPR

Title Training - First Aid and CPR

Statute or Rule 58A-5.0191(4) FAC

Type Rule

Regulation Definition

(4) FIRST AID AND CARDIOPULMONARY RESUSCITATION (CPR). A staff member who has completed courses in First Aid and CPR and holds a currently valid card

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Review a sample of personnel records as necessary for compliance determination

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documenting completion of such courses must be in the facility at all times.

(a) Documentation of attendance at First Aid or CPR course offered by an accredited college, university or vocational school; a licensed hospital; the American Red Cross, American Heart Association, or National Safety Council; or a provider approved by the Department of Health, shall satisfy this requirement.

(b) A nurse shall be considered as having met the training requirement for First Aid. An emergency medical technician or paramedic currently certified under Part III of Chapter 401, F.S., shall be considered as having met the training requirements for both First Aid and CPR.

ST - A0084 - Training - Assis Self-Admin Meds & Med Mgmt

Title Training - Assis Self-Admin Meds & Med Mgmt

Statute or Rule 58A-5.0191(5) FAC

Type Rule

Regulation Definition

(5) ASSISTANCE WITH SELF-ADMINISTERED MEDICATION AND MEDICATION MANAGEMENT. Unlicensed persons who will be providing assistance with self-administered medications as described in Rule 58A-5.0185, F.A.C., must meet the training requirements pursuant to Section 429.52(5), F.S., prior to assuming this responsibility. Courses provided in fulfillment of this requirement must meet the following criteria:

(a) Training must cover state law and rule requirements with respect to the supervision, assistance, administration, and management of medications in assisted living facilities; procedures and techniques for assisting the resident with self-administration of medication including how to read a prescription label; providing the right medications to the right resident; common medications; the importance of taking

Interpretive Guideline

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination

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medications as prescribed; recognition of side effects and adverse reactions and procedures to follow when residents appear to be experiencing side effects and adverse reactions; documentation and record keeping; and medication storage and disposal. Training shall include demonstrations of proper techniques and provide opportunities for hands-on learning through practice exercises.

(b) The training must be provided by a registered nurse or licensed pharmacist who shall issue a training certificate to a trainee who demonstrates an ability to:

1. Read and understand a prescription label;
2. Provide assistance with self-administration in accordance with Section 429.256, F.S., and Rule 58A-5.0185, F.A.C., including:
 - a. Assist with oral dosage forms, topical dosage forms, and topical ophthalmic, otic and nasal dosage forms;
 - b. Measure liquid medications, break scored tablets, and crush tablets in accordance with prescription directions;
 - c. Recognize the need to obtain clarification of an " as needed " prescription order;
 - d. Recognize a medication order which requires judgment or discretion, and to advise the resident, resident ' s health care provider or facility employer of inability to assist in the administration of such orders;
 - e. Complete a medication observation record;
 - f. Retrieve and store medication; and
 - g. Recognize the general signs of adverse reactions to medications and report such reactions.

(c) Unlicensed persons, as defined in Section 429.256(1)(b), F.S., who provide assistance with self-administered medications and have successfully completed the initial 4 hour training, must obtain, annually, a minimum of 2 hours of continuing education training on providing assistance with self-administered medications and safe medication practices in an assisted living facility. The 2 hours of continuing education training shall only be provided by a licensed registered nurse, or a licensed pharmacist.

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ST - A0085 - Training - Nutrition & Food Service

Title Training - Nutrition & Food Service

Statute or Rule 58A-5.0191(6) FAC

Type Rule

Regulation Definition

(6) NUTRITION AND FOOD SERVICE. The administrator or person designated by the administrator as responsible for the facility ' s food service and the day-to-day supervision of food service staff must obtain, annually, a minimum of 2 hours continuing education in topics pertinent to nutrition and food service in an assisted living facility. A certified food manager, licensed dietician, registered dietary technician or health department sanitarians are qualified to train assisted living facility staff in nutrition and food service.

Interpretive Guideline

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination

ST - A0086 - Training - ADRD

Title Training - ADRD

Statute or Rule 58A-5.0191(9) FAC

Type Rule

Regulation Definition

(9) ALZHEIMER ' S DISEASE AND RELATED DISORDERS (" ADRD ") TRAINING REQUIREMENTS. Facilities which advertise that they provide special care for persons with ADRD, or who maintain secured areas as described in Chapter 4, Section 434.4.6 of the Florida Building Code, as adopted in Rule 9N-1.001, F.A.C., Florida Building Code Adopted, must ensure that facility staff receive the following training.

(a) Facility staff who have regular contact with or provide

Interpretive Guideline

Surveyor Probe:

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direct care to residents with ADRD, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between April 20, 1998 and July 1, 2003 shall satisfy this requirement. Facility staff who meet the requirements for ADRD training providers under paragraph (g) of this subsection will be considered as having met this requirement. " Staff who have regular contact " means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training, entitled " Alzheimer ' s Disease and Related Disorders Level I Training, " must address the following subject areas:

1. Understanding Alzheimer ' s disease and related disorders;
2. Characteristics of Alzheimer ' s disease;
3. Communicating with residents with Alzheimer ' s disease;
4. Family issues;
5. Resident environment; and
6. Ethical issues.

(b) Staff who have received both the initial one hour and continuing three hours of ADRD training pursuant to Sections 400.1755, 429.917, and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility Alzheimer ' s Disease and Related Disorders Level I Training.

(c) Facility staff who provide direct care to residents with ADRD must obtain an additional 4 hours of training, entitled " Alzheimer ' s Disease and Related Disorders Level II Training, " within 9 months of employment. Facility staff who meet the requirements for ADRD training providers under paragraph (g) of this subsection will be considered as having met this requirement. Alzheimer ' s Disease and Related Disorders Level II Training must address the following subject areas as they apply to these disorders:

1. Behavior management;
2. Assistance with ADLs;
3. Activities for residents;
4. Stress management for the care giver; and

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5. Medical information.

(d) A detailed description of the subject areas that must be included in an ADRD curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document " Training Guidelines for the Special Care of Persons with Alzheimer ' s Disease and Related Disorders, " dated March 1999, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(e) Direct care staff shall participate in 4 hours of continuing education annually as required under Section 429.178, F.S. Continuing education received under this paragraph may be used to meet 3 of the 12 hours of continuing education required by Section 429.52, F.S., and subsection (1) of this rule, or 3 of the 6 hours of continuing education for extended congregate care required by subsection (7) of this rule.

(f) Facility staff who have only incidental contact with residents with ADRD must receive general written information provided by the facility on interacting with such residents, as required under Section 429.178, F.S., within three (3) months of employment. " Incidental contact " means all staff who neither provide direct care nor are in regular contact with such residents.

(g) Persons who seek to provide ADRD training in accordance with this subsection must provide the department or its designee with documentation that they hold a Bachelor ' s degree from an accredited college or university or hold a license as a registered nurse, and:

1. Have 1 year teaching experience as an educator of caregivers for persons with Alzheimer ' s disease or related disorders; or
2. Three years of practical experience in a program providing care to persons with Alzheimer ' s disease or related disorders; or
3. Completed a specialized training program in the subject

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matter of this program and have a minimum of two years of practical experience in a program providing care to persons with Alzheimer ' s disease or related disorders.

(h) With reference to requirements in paragraph (g), a Master ' s degree from an accredited college or university in a subject related to the content of this training program can substitute for the teaching experience. Years of teaching experience related to the subject matter of this training program may substitute on a year-by-year basis for the required Bachelor ' s degree referenced in paragraph (g).

ST - A0087 - Alzheimer's Training - Prov & Curriculum Appr

Title Alzheimer's Training - Prov & Curriculum Appr

Statute or Rule 58A-5.0194 FAC

Type Rule

Regulation Definition

(1) The Alzheimer ' s Disease or Related Disorders (" ADRD ") training provider and curriculum must be approved by the department or its designee before commencing training activities. The department or its designee will maintain a list of approved ADRD training providers and curricula, which may be obtained from

<http://usfweb3.usf.edu/trainingonAging/default.aspx>.

(a) ADRD Training Providers.

1. Individuals who seek to become an ADRD training provider must provide the department or its designee with the documentation of the following educational, teaching, or practical experience:

a. A Master ' s degree from an accredited college or university in a health care, human service, or gerontology related field;

or

b. A Bachelor ' s degree from an accredited college or university, or licensure as a registered nurse, and:

(I) Proof of 1 year of teaching experience as an educator of

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caregivers for individuals with Alzheimer ' s disease or related disorders; or

(II) Proof of completion of a specialized training program specifically relating to Alzheimer ' s disease or related disorders, and a minimum of 2 years of practical experience in a program providing direct care to individuals with Alzheimer ' s disease or related disorders; or

(III) Proof of 3 years of practical experience in a program providing direct care to persons with Alzheimer ' s disease or related disorders.

c. Teaching experience pertaining to Alzheimer ' s disease or related disorders may substitute on a year-by-year basis for the required Bachelor ' s degree.

2. Applicants seeking approval as ADRD training providers must complete DOEA form ALF/ADRD-001, Application for Alzheimer ' s Disease or Related Disorders Training Provider Certification, dated November 2013, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 and online at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04000>.

(b) ADRD Training Curricula. Applicants seeking approval of ADRD curricula must complete DOEA form ALF/ADRD-002, Application for Alzheimer ' s Disease or Related Disorders Training Three-Year Curriculum Certification, dated November 2013, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 and online at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04001>.

Approval of the curriculum will be granted based on how well the curriculum addresses the subject areas referenced in subparagraphs 58A-5.0191(4)(a)2. and 58A-5.0191(4)(a)5.,

F.A.C. Curriculum approval will be granted for 3 years. After 3 years the curriculum must be resubmitted to the department or its designee for approval.

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(2) Approved ADRD training providers must maintain records of each course taught for a period of 3 years following each training presentation. Course records must include the title of the approved ADRD training curriculum, the curriculum approval number, the number of hours of training, the training provider ' s name and approval number, the date and location of the course, and a roster of trainees.

(3) Upon successful completion of training, the trainee must be issued a certificate by the approved training provider. The certificate must include the trainee ' s name, the title of the approved ADRD training, the curriculum approval number, the number of hours of training received, the date and location of the course, the training provider ' s name and approval number, and dated signature.

(4) The department or its designee reserves the right to attend and monitor ADRD training courses, review records and course materials approved pursuant to this rule, and revoke approval for the following reasons: non-adherence to approved curriculum, failing to maintain required training credentials, or knowingly disseminating any false or misleading information.

(5) ADRD training providers satisfying the requirements of Section 400.1755, F.S., relating to nursing homes, and Section 400.6045, F.S., relating to hospices, will satisfy the Level 1 and Level 2 training provider requirements of subparagraph 58A-5.0191(4)(a)3. and paragraph 58A-5.0191(4)(a), subsection (5), F.A.C. ADRD training curricula satisfying the requirements of Section 400.1755, F.S., relating to nursing homes, and Section 400.6045, F.S., relating to hospices, will satisfy the Level 1 curriculum requirements of subparagraph 58A-5.0191(4)(a)3., F.A.C.

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ST - A0088 - Alzheimer's/Other Disorders - Disclosures

Title Alzheimer's/Other Disorders - Disclosures

Statute or Rule 429.177 FS

Type Rule

Regulation Definition

Patients with Alzheimer ' s disease or other related disorders; certain disclosures.-A facility licensed under this part which claims that it provides special care for persons who have Alzheimer ' s disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The facility must give a copy of all such advertisements or a copy of the document to each person who requests information about programs and services for persons with Alzheimer ' s disease or other related disorders offered by the facility and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the facility ' s records as part of the license renewal procedure.

Interpretive Guideline

Surveyor Probes:

Review advertisements (yellow pages) and brochures as necessary for compliance determination.

ST - A0089 - Alzheimer's/Other Disorders - Special Care

Title Alzheimer's/Other Disorders - Special Care

Statute or Rule 429.178 FS

Type Rule

Regulation Definition

Special care for persons with Alzheimer ' s disease or other related disorders.-
(1) A facility which advertises that it provides special care for persons with Alzheimer ' s disease or other related disorders

Interpretive Guideline

Surveyor Probes:

Observe residents and staff for special care activities. Interview staff, residents and/or families as necessary for compliance determination.

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must meet the following standards of operation:

(a)1. If the facility has 17 or more residents, have an awake staff member on duty at all hours of the day and night; or
2. If the facility has fewer than 17 residents, have an awake staff member on duty at all hours of the day and night or have mechanisms in place to monitor and ensure the safety of the facility ' s residents.

(b) Offer activities specifically designed for persons who are cognitively impaired.

(c) Have a physical environment that provides for the safety and welfare of the facility ' s residents.

(d) Employ staff who have completed the training and continuing education required in subsection (2).

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

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

(c) An individual who is employed by a facility that provides special care for residents with Alzheimer ' s disease or other related disorders, but who only has incidental contact with such residents, must be given, at a minimum, general information on interacting with individuals with Alzheimer ' s disease or other related disorders, within 3 months after

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beginning employment.

(3) In addition to the training required under subsection (2), a direct caregiver must participate in a minimum of 4 contact hours of continuing education each calendar year. The continuing education must include one or more topics included in the dementia-specific training developed or approved by the department, in which the caregiver has not received previous training.

(4) Upon completing any training listed in subsection (2), the employee or direct caregiver shall be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility. The employee or direct caregiver must comply with other applicable continuing education requirements.

(5) The department, or its designee, shall approve the initial and continuing education courses and providers.

(6) The department shall keep a current list of providers who are approved to provide initial and continuing education for staff of facilities that provide special care for persons with Alzheimer ' s disease or other related disorders.

(7) Any facility more than 90 percent of whose residents receive monthly optional supplementation payments is not required to pay for the training and education programs required under this section. A facility that has one or more such residents shall pay a reduced fee that is proportional to the percentage of such residents in the facility. A facility that does not have any residents who receive monthly optional supplementation payments must pay a reasonable fee, as established by the department, for such training and education programs.

(8) The department shall adopt rules to establish standards for trainers and training and to implement this section.

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ST - A0090 - Training - Do Not Resuscitate Orders

Title Training - Do Not Resuscitate Orders

Statute or Rule 58A-5.0191(11) FAC

Type Rule

Regulation Definition

Interpretive Guideline

(11) DO NOT RESUSCITATE ORDERS TRAINING.

(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of training in the facility ' s policies and procedures regarding DNROs within 60 days after the effective date of this rule.

(b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must receive at least one hour of training in the facility ' s policy and procedures regarding DNROs within 30 days after employment.

(c) Training shall consist of the information included in Rule 58A-5.0186, F.A.C.

Surveyor Probe:

Review as necessary for compliance determination.

ST - A0091 - Training - Documentation & Monitoring

Title Training - Documentation & Monitoring

Statute or Rule 58A-5.0191(12) FAC

Type Rule

Regulation Definition

Interpretive Guideline

(12) TRAINING DOCUMENTATION AND MONITORING.

(a) Except as otherwise noted, certificates, or copies of certificates, of any training required by this rule must be documented in the facility ' s personnel files. The documentation must include the following:

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination

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1. The title of the training program;
 2. The subject matter of the training program;
 3. The training program agenda;
 4. The number of hours of the training program;
 5. The trainee ' s name, dates of participation, and location of the training program;
 6. The training provider ' s name, dated signature and credentials, and professional license number, if applicable.
- (b) Upon successful completion of training pursuant to this rule, the training provider must issue a certificate to the trainee as specified in this rule.
- (c) The facility must provide the Department of Elder Affairs and the Agency for Health Care Administration with training documentation and training certificates for review, as requested. The department and agency reserve the right to attend and monitor all facility in-service training, which is intended to meet regulatory requirements.

ST - A0092 - Food Service - General Responsibilities

Title Food Service - General Responsibilities

Statute or Rule 58A-5.020(1) FAC

Type Rule

Regulation Definition

(1) GENERAL RESPONSIBILITIES. When food service is provided by the facility, the administrator, or an individual designated in writing by the administrator, must be responsible for total food services and the day-to-day supervision of food services staff. In addition, the following requirements apply:

(a) If the designee is an individual who has not completed an approved assisted living facility core training course, such individual must complete the food and nutrition services module of the core training course before assuming responsibility for the facility ' s food service. The designee is not subject to the 1 hour in-service training in safe food

Interpretive Guideline

Surveyor Probe:
Review a personnel record as necessary for compliance determination

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handling practices.

(b) If the designee is a certified food manager, certified dietary manager, registered or licensed dietitian, dietetic registered technician, or health department sanitarian, the designee is exempt from the requirement to complete the food and nutrition services module of the core training course before assuming responsibility for the facility ' s food service as required in paragraph (1)(a) of this rule.

(c) An administrator or designee must perform his or her duties in a safe and sanitary manner.

(d) An administrator or designee must provide regular meals that meet the nutritional needs of residents, and therapeutic diets as ordered by the resident ' s health care provider for residents who require special diets.

(e) An administrator or designee must comply with the food service continuing education requirements specified in Rule 58A-5.0191, F.A.C.

ST - A0093 - Food Service - Dietary Standards

Title Food Service - Dietary Standards

Statute or Rule 58A-5.020(2) FAC

Type Rule

Regulation Definition

(2) DIETARY STANDARDS.

(a) The meals provided by the assisted living facility must be planned based on the current USDA Dietary Guidelines for Americans, 2010, which are incorporated by reference and available for review at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04003>, and the current summary of Dietary Reference Intakes established by the Food and Nutrition Board of the Institute of Medicine of the National Academies, 2010, which are incorporated by reference and available for review at: <http://iom.edu/Activities/Nutrition/SummaryDRIs/~media/Fil>

Interpretive Guideline

Surveyor Probe:

Review menus as necessary for compliance determination.

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es/Activity%20Files/Nutrition/DRIs/

New%20Material/5DRI%20Values%20SummaryTables%2014.pdf. Therapeutic diets must meet these nutritional standards to the extent possible.

(b) The residents' nutritional needs must be met by offering a variety of meals adapted to the food habits, preferences, and physical abilities of the residents, and must be prepared through the use of standardized recipes. For facilities with a licensed capacity of 16 or fewer residents, standardized recipes are not required. Unless a resident chooses to eat less, the facility must serve the standard minimum portions of food according to the Dietary Reference Intakes.

(c) All regular and therapeutic menus to be used by the facility must be reviewed annually by a licensed or registered dietitian, a licensed nutritionist, or a registered dietetic technician supervised by a licensed or registered dietitian, or a licensed nutritionist to ensure the meals meet the nutritional standards established in this rule. The annual review must be documented in the facility files and include the original signature of the reviewer, registration or license number, and date reviewed. Portion sizes must be indicated on the menus or on a separate sheet.

1. Daily food servings may be divided among three or more meals per day, including snacks, as necessary to accommodate resident needs and preferences.

2. Menu items may be substituted with items of comparable nutritional value based on the seasonal availability of fresh produce or the preferences of the residents.

(d) Menus must be dated and planned at least 1 week in advance for both regular and therapeutic diets. Residents must be encouraged to participate in menu planning. Planned menus must be conspicuously posted or easily available to residents.

Regular and therapeutic menus as served, with substitutions noted before or when the meal is served, must be kept on file in the facility for 6 months.

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(e) Therapeutic diets must be prepared and served as ordered by the health care provider.

1. Facilities that offer residents a variety of food choices through a select menu, buffet style dining, or family style dining are not required to document what is eaten unless a health care provider's order indicates that such monitoring is necessary. However, the food items that enable residents to comply with the therapeutic diet must be identified on the menus developed for use in the facility.
2. The facility must document a resident's refusal to comply with a therapeutic diet and provide notification to the resident's health care provider of such refusal.

(f) For facilities serving three or more meals a day, no more than 14 hours must elapse between the end of an evening meal containing a protein food and the beginning of a morning meal. Intervals between meals must be evenly distributed throughout the day with not less than 2 hours nor more than 6 hours between the end of one meal and the beginning of the next. For residents without access to kitchen facilities, snacks must be offered at least once per day. Snacks are not considered to be meals for the purposes of calculating the time between meals.

(g) Food must be served attractively at safe and palatable temperatures. All residents must be encouraged to eat at tables in the dining areas. A supply of eating ware sufficient for all residents, including adaptive equipment if needed by any resident, must be on hand.

(h) A 3-day supply of nonperishable food, based on the number of weekly meals the facility has contracted with residents to serve, must be on hand at all times. The quantity must be based on the resident census and not on licensed capacity. The supply must consist of foods that can be stored safely without refrigeration. Water sufficient for drinking and food preparation must also be stored, or the facility must have a plan for obtaining water in an emergency, with the plan coordinated with and reviewed by the local disaster preparedness authority.

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ST - A0094 - Food Service - Food Hygiene

Title Food Service - Food Hygiene

Statute or Rule 58A-5.020(3) FAC

Type Rule

Regulation Definition

(3) FOOD HYGIENE. Copies of inspection reports issued by the county health department for the last 2 years pursuant to Rule 64E-12.004 or Chapter 64E-11, F.A.C., as applicable, depending on the licensed capacity of the assisted living facility, must be on file in the facility.

Interpretive Guideline

Surveyor Probes:
Review reports as necessary for compliance determination.

ST - A0095 - Food Service - Contracted Food Service

Title Food Service - Contracted Food Service

Statute or Rule 58A-5.020(4) FAC

Type Rule

Regulation Definition

(4) CONTRACTED FOOD SERVICE. When food service is contracted by the facility, the facility must ensure that the contracted food service meets all dietary standards imposed by this rule and is adequately protected upon delivery to the facility pursuant to subsection 64E-12.004(4), F.A.C. The facility must maintain:

- (a) A copy of the current contract between the facility and the food service contractor.
- (b) A copy of the annually issued certificate or license authorizing the operation of the food service contractor issued by the applicable regulating agency. The license or certificate must provide documentation of the food service contractor's compliance with food service regulatory requirements

Interpretive Guideline

Surveyor Probes:
Review contracts as necessary for compliance determination.

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ST - A0120 - Fiscal - Financial Stability

Title Fiscal - Financial Stability

Statute or Rule 429.17(3) FS; 429.275(1)58A-5.021(1) FAC

Type Rule

Regulation Definition

Interpretive Guideline

429.17

(3) In addition to the requirements of part II of chapter 408, each facility must report to the agency any adverse court action concerning the facility ' s financial viability, within 7 days after its occurrence. The agency shall have access to books, records, and any other financial documents maintained by the facility to the extent necessary to determine the facility ' s financial stability.

429.275

(1) The administrator or owner of a facility shall maintain accurate business records that identify, summarize, and classify funds received and expenses disbursed and shall use written accounting procedures and a recognized accounting system.

58A-5.021

(1) FINANCIAL STABILITY. The facility must be administered on a sound financial basis in order to ensure adequate resources to meet resident needs pursuant to the requirements of Part II, Chapter 408, F.S., Part I, Chapter 429, F.S., Rule Chapter 59A-35, F.A.C., and this rule chapter.

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ST - A0123 - Fiscal - Resident Trust Funds

Title Fiscal - Resident Trust Funds

Statute or Rule 429.27(3-4) FS; 58A-5.021(2) FAC

Type Rule

Regulation Definition

Interpretive Guideline

429.27

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

(4) Any funds or other property belonging to or due to a resident, or expendable for his or her account, which is received by a facility shall be trust funds which shall be kept separate from the funds and property of the facility and other residents or shall be specifically credited to such resident. Such trust funds shall be used or otherwise expended only for the account of the resident. At least once every 3 months, unless upon order of a court of competent jurisdiction, the facility shall furnish the resident and his or her guardian, trustee, or conservator, if any, a complete and verified statement of all funds and other property to which this subsection applies, detailing the amount and items received, together with their sources and disposition. In any event, the facility shall furnish such statement annually and upon the discharge or transfer of a resident. Any governmental agency or private charitable agency contributing funds or other property to the account of a resident shall also be entitled to receive such statement annually and upon the discharge or transfer of the resident.

Surveyor Probe:

Request accounting of funds as necessary for compliance determination.

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58A-5.021

(2) RESIDENT TRUST FUNDS. Funds or other property received by the facility belonging to or due a resident, including personal funds, must be held as trust funds and expended only for the resident ' s account. Resident funds or property may be held in one bank account if a separate written accounting for each resident is maintained. A separate bank account is required for facility funds; co-mingling resident funds with facility funds is prohibited. Written accounting procedures for resident trust funds must include income and expense records of the trust fund, including the source and disposition of the funds.

ST - A0125 - Fiscal - Surety Bonds

Title Fiscal - Surety Bonds

Statute or Rule 429.27(2) FS; 58A-5.021(3) FAC

Type Rule

Regulation Definition

429.27

(2) A facility, or an owner, administrator, employee, or representative thereof, may not act as the guardian, trustee, or conservator for any resident of the assisted living facility or any of such resident ' s property. An owner, administrator, or staff member, or representative thereof, may not act as a competent resident ' s payee for social security, veteran ' s, or railroad benefits without the consent of the resident. Any facility whose owner, administrator, or staff, or representative thereof, serves as representative payee for any resident of the facility shall file a surety bond with the agency in an amount equal to twice the average monthly aggregate income or personal funds due to residents, or expendable for their account, which are received by a facility. Any facility whose

Interpretive Guideline

Surveyor Probe:

Review surety bond as necessary for compliance determination.

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owner, administrator, or staff, or a representative thereof, is granted power of attorney for any resident of the facility shall file a surety bond with the agency for each resident for whom such power of attorney is granted. The surety bond shall be in an amount equal to twice the average monthly income of the resident, plus the value of any resident ' s property under the control of the attorney in fact. The bond shall be executed by the facility as principal and a licensed surety company. The bond shall be conditioned upon the faithful compliance of the facility with this section and shall run to the agency for the benefit of any resident who suffers a financial loss as a result of the misuse or misappropriation by a facility of funds held pursuant to this subsection. Any surety company that cancels or does not renew the bond of any licensee shall notify the agency in writing not less than 30 days in advance of such action, giving the reason for the cancellation or nonrenewal. Any facility owner, administrator, or staff, or representative thereof, who is granted power of attorney for any resident of the facility shall, on a monthly basis, be required to provide the resident a written statement of any transaction made on behalf of the resident pursuant to this subsection, and a copy of such statement given to the resident shall be retained in each resident ' s file and available for agency inspection.

58A-5.021

(3) SURETY BONDS. Pursuant to the requirements of Section 429.27(2), F.S.:

(a) For entities that own more than one facility in the state, one surety bond may be purchased to cover the needs of all residents served by the entities.

(b) The following additional bonding requirements apply to facilities serving residents receiving OSS:

1. If serving as representative payee for a resident receiving OSS, the minimum bond proceeds must equal twice the value of the resident ' s monthly aggregate income, which must

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include any supplemental security income or social security disability income plus the OSS payments, including the personal needs allowance.

2. If holding a power of attorney for a resident receiving OSS, the minimum bond proceeds must equal twice the value of the resident ' s monthly aggregate income, which must include any supplemental security income or social security disability income; the OSS payments, including the personal allowance; plus the value of any property belonging to a resident held at the facility.

(c) Upon the annual issuance of a new bond or continuation bond, the facility must file a copy of the bond with the Agency Central Office.

ST - A0127 - Fiscal - Liability Insurance

Title Fiscal - Liability Insurance

Statute or Rule 429.275 (3) FS; 58A-5.021(4) FAC

Type Rule

Regulation Definition

429.275

(3) The administrator or owner of a facility shall maintain liability insurance coverage that is in force at all times.

58A-5.021

(4) LIABILITY INSURANCE. Pursuant to Section 429.275, F.S., facilities must maintain liability insurance coverage, as defined in Section 624.605, F.S., that remains in force at all times. On the renewal date of the facility ' s policy or whenever a facility changes policies, the facility must file documentation of continued coverage with the Agency Central Office. Such documentation must be issued by the insurance company and must include the name and street address of the facility, a reference that the facility is an assisted living facility, the facility ' s licensed capacity, and the dates of

Interpretive Guideline

Surveyor Probe:

Review insurance coverage as necessary for compliance determination.

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coverage.

ST - A0150 - Physical Plant - New Facilities

Title Physical Plant - New Facilities

Statute or Rule 58A-5.023(1) FAC

Type Rule

Regulation Definition

(1) NEW FACILITIES. Newly constructed facilities to be licensed as assisted living facilities, and existing structures, not previously licensed as assisted living facilities, to be converted to assisted living facilities, as well as any subsequent additions, modifications, alterations, renovations or refurbishing of such facilities, are required by governmental entities other than the Department of Elder Affairs to adhere to certain building code and fire safety standards. Such standards may be found in:

- (a) Chapter 4, Section 434, of the Florida Building Code as adopted in Rule 61G20-1.001, F.A.C.;
- (b) Section 633.022, F.S., Uniform Firesafety Standards, and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities; and
- (c) The National Fire Protection Association codes described in Section 429.41, F.S.

Interpretive Guideline

Surveyor Probe:

Observe as necessary for compliance determination, and refer to the Florida Building Code etc.

ST - A0151 - Physical Plant - Existing Facilities

Title Physical Plant - Existing Facilities

Statute or Rule 58A-5.023(2) FAC

Type Rule

Regulation Definition

(2) EXISTING FACILITIES.

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(a) An assisted living facility must comply with the rule or building code in effect at the time of initial licensure, as well as the rule or building code in effect at the time of any additions, modifications, alterations, refurbishment, renovations or reconstruction. Determination of the installation of a fire sprinkler system in an existing facility must comply with the requirements described in Section 429.41, F.S.

(b) A facility undergoing change of ownership is considered an existing facility for purposes of this rule.

Observe as necessary for compliance determination, and refer to the Florida Building Code etc.

ST - A0152 - Physical Plant - Safe Living Environ/Other

Title Physical Plant - Safe Living Environ/Other

Statute or Rule 58A-5.023(3) FAC

Type Rule

Regulation Definition

(3) OTHER REQUIREMENTS.

(a) All facilities must:

1. Provide a safe living environment pursuant to Section 429.28(1)(a), F.S.;
2. Be maintained free of hazards; and
3. Ensure that all existing architectural, mechanical, electrical and structural systems, and appurtenances are maintained in good working order.

(b) Pursuant to Section 429.27, F.S., residents must be given the option of using their own belongings as space permits. When the facility supplies the furnishings, each resident bedroom or sleeping area must have at least the following furnishings:

1. A clean, comfortable bed with a mattress no less than 36 inches wide and 72 inches long, with the top surface of the mattress at a comfortable height to ensure easy access by the resident;
2. A closet or wardrobe space for hanging clothes;

Interpretive Guideline

Surveyor Probe:

Observe and interview resident and staff as necessary for compliance determination.

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3. A dresser, chest or other furniture designed for storage of clothing or personal effects;
 4. A table or nightstand, bedside lamp or floor lamp, and waste basket; and
 5. A comfortable chair, if requested.
- (c) The facility must maintain master or duplicate keys to resident bedrooms to be used in the event of an emergency.
- (d) Residents who use portable bedside commodes must be provided with privacy during use.
- (e) Facilities must make available linens and personal laundry services for residents who require such services. Linens provided by a facility must be free of tears, stains and must not be threadbare.

ST - A0160 - Records - Facility

Title Records - Facility

Statute or Rule 58A-5.024(1) FAC

Type Rule

Regulation Definition

The facility must maintain required records in a manner that makes such records readily available at the licensee ' s physical address for review by a legally authorized entity. If records are maintained in an electronic format, facility staff must be readily available to access the data and produce the requested information. For purposes of this section, " readily available " means the ability to immediately produce documents, records, or other such data, either in electronic or paper format, upon request.

(1) FACILITY RECORDS. Facility records must include:

- (a) The facility ' s license displayed in a conspicuous and public place within the facility.
- (b) An up-to-date admission and discharge log listing the names of all residents and each resident ' s:

1. Date of admission, the facility or place from which the

Interpretive Guideline

Surveyor Probe:

Review a sample of records as necessary for compliance determination.

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resident was admitted, and if applicable, a notation indicating that the resident was admitted with a stage 2 pressure sore; and

2. Date of discharge, reason for discharge, and identification of the facility or home address to which the resident was discharged. Readmission of a resident to the facility after discharge requires a new entry in the log. Discharge of a resident is not required if the facility is holding a bed for a resident who is out of the facility but intending to return pursuant to Rule 58A-5.025, F.A.C. If the resident dies while in the care of the facility, the log must indicate the date of death.

(c) A log listing the names of all temporary emergency placement and respite care residents if not included on the log described in paragraph (b).

(d) The facility ' s emergency management plan, with documentation of review and approval by the county emergency management agency, as described in Rule 58A-5.026, F.A.C., that must be readily available by facility staff.

(e) The facility ' s liability insurance policy required in Rule 58A-5.021, F.A.C.;

(f) For facilities that have a surety bond, a copy of the surety bond currently in effect as required by Rule 58A-5.021, F.A.C.

(g) The admission package presented to new or prospective residents (less the resident ' s contract) described in Rule 58A-5.0181, F.A.C.

(h) If the facility advertises that it provides special care for persons with Alzheimer ' s disease or related disorders, a copy of all such facility advertisements as required by Section 429.177, F.S.

(i) A grievance procedure for receiving and responding to resident complaints and recommendations as described in Rule 58A-5.0182, F.A.C.

(j) All food service records required in Rule 58A-5.020,

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F.A.C., including menus planned and served and county health department inspection reports. Facilities that contract for food services, must include a copy of the contract for food services and the food service contractor ' s license or certificate to operate.

(k) All fire safety inspection reports issued by the local authority or the State Fire Marshal pursuant to Section 429.41, F.S., and Rule Chapter 69A-40, F.A.C., issued within the last 2 years.

(l) All sanitation inspection reports issued by the county health department pursuant to Section 381.031, F.S., and Chapter 64E-12, F.A.C., issued within the last 2 years.

(m) Pursuant to Section 429.35, F.S., all completed survey, inspection and complaint investigation reports, and notices of sanctions and moratoriums issued by the agency within the last 5 years.

(n) The facility ' s resident elopement response policies and procedures.

(o) The facility ' s documented resident elopement response drills.

(p) For facilities licensed as limited mental health, extended congregate care, or limited nursing services, records required as stated in Rules 58A-5.029, 58A-5.030 and 58A-5.031, F.A.C., respectively.

ST - A0161 - Records - Staff

Title Records - Staff

Statute or Rule 429.275(2) FS; 58A-5.024(2) FAC

Type Rule

Regulation Definition

429.275

(2) The administrator or owner of a facility shall maintain personnel records for each staff member which contain, at a minimum, documentation of background screening, if

Interpretive Guideline

Surveyor Probe:

Review a sample of personnel records as necessary for compliance determination.

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applicable, documentation of compliance with all training requirements of this part or applicable rule, and a copy of all licenses or certification held by each staff who performs services for which licensure or certification is required under this part or rule.

58A-5.024

(2) STAFF RECORDS.

(a) Personnel records for each staff member must contain, at a minimum, a copy of the employment application, with references furnished, and documentation verifying freedom from signs or symptoms of communicable disease. In addition, records must contain the following, as applicable:

1. Documentation of compliance with all staff training and continuing education required by Rule 58A-5.0191, F.A.C.;
2. Copies of all licenses or certifications for all staff providing services that require licensing or certification;
3. Documentation of compliance with level 2 background screening for all staff subject to screening requirements as specified in Section 429.174, F.S., and Rule 58A-5.019, F.A.C.;
4. For facilities with a licensed capacity of 17 or more residents, a copy of the job description given to each staff member pursuant to Rule 58A-5.019, F.A.C.;
5. Documentation verifying direct care staff and administrator participation in resident elopement drills pursuant to paragraph 58A-5.0182(8)(c), F.A.C.

(b) The facility is not required to maintain personnel records for staff provided by a licensed staffing agency or staff employed by an entity contracting to provide direct or indirect services to residents and the facility. However, the facility must maintain a copy of the contract between the facility and the staffing agency or contractor as described in Rule 58A-5.019, F.A.C.

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(c) The facility must maintain the written work schedules and staff time sheets for the most current 6 months as required by Rule 58A-5.019, F.A.C.

ST - A0162 - Records - Resident

Title Records - Resident

Statute or Rule 58A-5.024(3) FAC

Type Rule

Regulation Definition

- (3) RESIDENT RECORDS. Resident records must be maintained on the premises and include:
- (a) Resident demographic data as follows:
1. Name;
 2. Sex;
 3. Race;
 4. Date of birth;
 5. Place of birth, if known;
 6. Social security number;
 7. Medicaid and/or Medicare number, or name of other health insurance carrier;
 8. Name, address, and telephone number of next of kin, legal representative, or individual designated by the resident for notification in case of an emergency; and
 9. Name, address, and telephone number of the health care provider and case manager, if applicable.
- (b) A copy of the Resident Health Assessment form, AHCA Form 1823 described in Rule 58A-5.0181, F.A.C.
- (c) Any orders for medications, nursing services, therapeutic diets, do not resuscitate orders, or other services to be provided, supervised, or implemented by the facility that require a health care provider 's order.
- (d) Documentation of a resident 's refusal of a therapeutic diet pursuant to Rule 58A-5.020, F.A.C., if applicable.
- (e) The resident care record described in paragraph

Interpretive Guideline

Surveyor Probe:
Review a sample of records as necessary for compliance determination.

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58A-5.0182(1)(e), F.A.C.

(f) A weight record that is initiated on admission. Information may be taken from AHCA Form 1823 or the resident ' s health assessment. Residents receiving assistance with the activities of daily living must have their weight recorded semi-annually.

(g) For facilities that will have unlicensed staff assisting the resident with the self-administration of medication, a copy of the written informed consent described in Rule 58A-5.0181, F.A.C., if such consent is not included in the resident ' s contract.

(h) For facilities that manage a pill organizer, assist with self-administration of medications or administer medications for a resident, copies of the required medication records maintained pursuant to Rule 58A-5.0185, F.A.C.

(i) A copy of the resident ' s contract with the facility, including any addendums to the contract as described in Rule 58A-5.025, F.A.C.

(j) For a facility whose owner, administrator, staff, or representative thereof, serves as an attorney in fact for a resident, a copy of the monthly written statement of any transaction made on behalf of the resident as required in Section 429.27, F.S.

(k) For any facility that maintains a separate trust fund to receive funds or other property belonging to or due a resident, a copy of the quarterly written statement of funds or other property disbursed as required in Section 429.27, F.S.

(l) If the resident is an OSS recipient, a copy of the Department of Children and Families form Alternate Care Certification for Optional State Supplementation (OSS), CF-ES 1006, October 2005, which is hereby incorporated by reference and available for review at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04004>.

The absence of this form will not be the basis for administrative action against a facility if the facility can demonstrate that it has made a good faith effort to obtain the

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required documentation from the Department of Children and Families.

(m) Documentation of the appointment of a health care surrogate, health care proxy, guardian, or the existence of a power of attorney, where applicable.

(n) For hospice patients, the interdisciplinary care plan and other documentation that the resident is a hospice patient as required in Rule 58A-5.0181, F.A.C.

(o) The resident ' s Do Not Resuscitate Order, DH Form 1896, if applicable.

(p) For independent living residents who receive meals and occupy beds included within the licensed capacity of an assisted living facility, but who are not receiving any personal, limited nursing, or extended congregate care services, record keeping may be limited to the following at the discretion of the facility:

1. A log listing the names of residents participating in this arrangement;
2. The resident demographic data required in this paragraph;
3. The health assessment described in Rule 58A-5.0181, F.A.C.;
4. The resident ' s contract described in Rule 58A-5.025, F.A.C.; and
5. A health care provider ' s order for a therapeutic diet if such diet is prescribed and the resident participates in the meal plan offered by the facility.

(q) Except for resident contracts, which must be retained for 5 years, all resident records must be retained for 2 years following the departure of a resident from the facility unless it is required by contract to retain the records for a longer period of time. Upon request, residents must be provided with a copy of their records upon departure from the facility.

(r) Additional resident records requirements for facilities holding a limited mental health, extended congregate care, or limited nursing services license are provided in Rules 58A-5.029, 58A-5.030 and 58A-5.031, F.A.C., respectively.

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ST - A0163 - Records - Resident, Penalties for Alteration

Title Records - Resident, Penalties for Alteration

Statute or Rule 429.49 FS

Type Rule

Regulation Definition

Resident records; penalties for alteration.-

(1) Any person who fraudulently alters, defaces, or falsifies any medical or other record of an assisted living facility, or causes or procures any such offense to be committed, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A conviction under subsection (1) is also grounds for restriction, suspension, or termination of license privileges.

Interpretive Guideline

Surveyor Probe:

Review a sample of records as necessary for compliance determination.

ST - A0164 - Records - Inspection Availability

Title Records - Inspection Availability

Statute or Rule 58A-5.024(4) FAC

Type Rule

Regulation Definition

(4) RECORD INSPECTION.

(a) The resident ' s records must be available to the resident; the resident ' s legal representative, designee, surrogate, guardian, attorney in fact, or case manager; or the resident ' s estate, and such additional parties as authorized in writing or by law.

(b) Pursuant to Section 429.35, F.S., agency reports that pertain to any agency survey, inspection, or monitoring visit must be available to the residents and the public. In facilities that are co-located with a licensed nursing home, the

Interpretive Guideline

429.35 Maintenance of records; reports.-

(1) Every facility shall maintain, as public information available for public inspection under such conditions as the agency shall prescribe, records containing copies of all inspection reports pertaining to the facility that have been issued by the agency to the facility. Copies of inspection reports shall be retained in the records for 5 years from the date the reports are filed or issued.

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

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inspection of record for all common areas is the nursing home inspection report.

(3) Every facility shall post a copy of the last inspection report of the agency for that facility in a prominent location within the facility so as to be accessible to all residents and to the public. Upon request, the facility shall also provide a copy of the report to any resident of the facility or to an applicant for admission to the facility.

Surveyor Probe:

Review a sample of records as necessary for compliance determination.

ST - A0165 - Risk Mgmt & QA; Adverse Incident Report

Title Risk Mgmt & QA; Adverse Incident Report

Statute or Rule 429.23(1-4 & 6-10) FS; 58A-5.0241 FAC

Type Rule

Regulation Definition

429.23 Internal risk management and quality assurance program; adverse incidents and reporting requirements.-

(1) Every facility licensed under this part may, as part of its administrative functions, voluntarily establish a risk management and quality assurance program, the purpose of which is to assess resident care practices, facility incident reports, deficiencies cited by the agency, adverse incident reports, and resident grievances and develop plans of action to correct and respond quickly to identify quality differences.

(2) Every facility licensed under this part is required to maintain adverse incident reports. For purposes of this section, the term, " adverse incident " means:

(a) An event over which facility personnel could exercise control rather than as a result of the resident ' s condition and results in:

1. Death;
2. Brain or spinal damage;
3. Permanent disfigurement;
4. Fracture or dislocation of bones or joints;
5. Any condition that required medical attention to which the resident has not given his or her consent, including failure to

Interpretive Guideline

Surveyor Probe:

Review a sample of records as necessary for compliance determination.

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honor advanced directives;

6. Any condition that requires the transfer of the resident from the facility to a unit providing more acute care due to the incident rather than the resident ' s condition before the incident; or

7. An event that is reported to law enforcement or its personnel for investigation; or

(b) Resident elopement, if the elopement places the resident at risk of harm or injury.

(3) Licensed facilities shall provide within 1 business day after the occurrence of an adverse incident, by electronic mail, facsimile, or United States mail, a preliminary report to the agency on all adverse incidents specified under this section.

The report must include information regarding the identity of the affected resident, the type of adverse incident, and the status of the facility ' s investigation of the incident.

(4) Licensed facilities shall provide within 15 days, by electronic mail, facsimile, or United States mail, a full report to the agency on all adverse incidents specified in this section. The report must include the results of the facility ' s investigation into the adverse incident.

(6) Abuse, neglect, or exploitation must be reported to the Department of Children and Families as required under chapter 415.

(7) The information reported to the agency pursuant to subsection (3) which relates to persons licensed under chapter 458, chapter 459, chapter 461, chapter 464, or chapter 465 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by a health

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care professional who is subject to disciplinary action, in which case the provisions of s. 456.073 apply.

(8) If the agency, through its receipt of the adverse incident reports prescribed in this part or through any investigation, has reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate board, the agency shall report this fact to such regulatory board.

(9) The adverse incident reports and preliminary adverse incident reports required under this section are confidential as provided by law and are not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or appropriate regulatory board.

(10) The Department of Elderly Affairs may adopt rules necessary to administer this section.

58A-5.0241 Adverse Incident Report.

(1) INITIAL ADVERSE INCIDENT REPORT. The preliminary adverse incident report required by Section 429.23(3), F.S., must be submitted within 1 business day after the incident pursuant to Rule 59A-35.110, F.A.C., which requires online reporting.

(2) FULL ADVERSE INCIDENT REPORT. For each adverse incident reported in subsection (1) above, the facility must submit a full report within 15 days of the incident. The full report must be submitted pursuant to Rule 59A-35.110, F.A.C., which requires online reporting.

ST - A0166 - Risk Mgmt & QA; Liability Claim Report

Title Risk Mgmt & QA; Liability Claim Report

Statute or Rule 429.23(5) FS; 58A-5.0242 FAC

Type Rule

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Regulation Definition

429.23, FS

Internal risk management and quality assurance program; adverse incidents and reporting requirements.-

(5) Each facility shall report monthly to the agency any liability claim filed against it. The report must include the name of the resident, the dates of the incident leading to the claim, if applicable, and the type of injury or violation of rights alleged to have occurred. This report is not discoverable in any civil or administrative action, except in such actions brought by the agency to enforce the provisions of this part.

58A-5.0242 Liability Claim Report.

(1) MONTHLY LIABILITY CLAIM REPORT. Each assisted living facility must report monthly any liability claim filed against the facility pursuant to Rule 59A-35.110, F.A.C., which requires online reporting. Each facility must comply with the reporting time frames and transmission requirements specified in Section 429.23(5), F.S.

(2) If a liability claim has not been filed against the facility in a given month, no report is required.

Interpretive Guideline

Surveyor Probe:

Review liability claim report as necessary for compliance determination.

ST - A0167 - Resident Contracts

Title Resident Contracts

Statute or Rule 58A-5.025 FAC

Type Rule

Regulation Definition

(1) Pursuant to Section 429.24, F.S., the facility must offer a contract for execution by the resident or the resident ' s legal representative before or at the time of admission. The contract must contain the following provisions:

(a) A list of the specific services, supplies and

Interpretive Guideline

Surveyor Probe:

Review a sample of records as necessary for compliance determination.

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accommodations to be provided by the facility to the resident, including limited nursing and extended congregate care services that the resident elects to receive;

(b) The daily, weekly, or monthly rate;

(c) A list of any additional services and charges to be provided that are not included in the daily, weekly, or monthly rates, or a reference to a separate fee schedule that must be attached to the contract;

(d) A provision stating that at least 30 days written notice will be given before any rate increase;

(e) Any rights, duties, or obligations of residents, other than those specified in Section 429.28, F.S.;

(f) The purpose of any advance payments or deposit payments, and the refund policy for such advance or deposit payments;

(g) A refund policy that must conform to Section 429.24(3), F.S.;

(h) A written bed hold policy and provisions for terminating a bed hold agreement if a facility agrees in writing to reserve a bed for a resident who is admitted to a nursing home, health care facility, or psychiatric facility. The resident or responsible party must notify the facility in writing of any change in status that would prevent the resident from returning to the facility. Until such written notice is received, the agreed upon daily, weekly, or monthly rate may be charged by the facility unless the resident's medical condition prevents the resident from giving written notification, such as when a resident is comatose, and the resident does not have a responsible party to act on the resident's behalf;

(i) A provision stating whether the facility is affiliated with any religious organization and, if so, which organization and its relationship to the facility;

(j) A provision that, upon determination by the administrator or health care provider that the resident needs services beyond those that the facility is licensed to provide, the resident or the resident's representative, or agency acting on the resident's

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behalf, must be notified in writing that the resident must make arrangements for transfer to a care setting that is able to provide services needed by the resident. In the event the resident has no one to represent him or her, the facility must refer the resident to the social service agency for placement. If there is disagreement regarding the appropriateness of placement, provisions outlined in Section 429.26(8), F.S., will take effect;

(k) A provision that residents must be assessed upon admission pursuant to subsection 58A-5.0181(2), F.A.C., and every 3 years thereafter, or after a significant change, pursuant to subsection (4) of that rule;

(l) The facility ' s policies and procedures for self-administration, assistance with self-administration, and administration of medications, if applicable, pursuant to Rule 58A-5.0185, F.A.C. This also includes provisions regarding over-the-counter (OTC) products pursuant to subsection (8) of that rule; and

(m) The facility ' s policies and procedures related to a properly executed DH Form 1896, Do Not Resuscitate Order.

(2) The resident, or the resident ' s representative, must be provided with a copy of the executed contract.

(3) The facility may not levy an additional charge for any supplies, services, or accommodations that the facility has agreed by contract to provide as part of the standard daily, weekly, or monthly rate. The resident or resident ' s representative must be furnished in advance with an itemized written statement setting forth additional charges for any services, supplies, or accommodations available to residents not covered under the contract. An addendum must be added to the resident contract to reflect the additional services, supplies, or accommodations not provided under the original agreement. Such addendum must be dated and signed by the facility and the resident or resident ' s legal representative and a copy given to the resident or resident ' s representative.

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ST - A0180 - Emergency Management

Title Emergency Management

Statute or Rule 58A-5.026(1) FAC

Type Rule

Regulation Definition

Emergency Management.

(1) EMERGENCY PLAN COMPONENTS. Pursuant to Section 429.41, F.S., each facility must prepare a written comprehensive emergency management plan in accordance with the " Emergency Management Criteria for Assisted Living Facilities, " dated October 1995, which is incorporated by reference and available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-04010>.

This document is available from the local emergency management agency. The emergency management plan must, at a minimum, address the following:

- (a) Provision for all hazards;
- (b) Provision for the care of residents remaining in the facility during an emergency, including pre-disaster or emergency preparation; protecting the facility; supplies; emergency power; food and water; staffing; and emergency equipment;
- (c) Provision for the care of residents who must be evacuated from the facility during an emergency including identification of such residents and transfer of resident records; evacuation transportation; sheltering arrangements; supplies; staffing; emergency equipment; and medications;
- (d) Provision for the care of additional residents who may be evacuated to the facility during an emergency including the identification of such residents, staffing, and supplies;
- (e) Identification of residents with Alzheimer ' s disease or related disorders, and residents with mobility limitations who may need specialized assistance either at the facility or in case of evacuation;

Interpretive Guideline

Surveyor Probe:

Review the emergency plan as necessary for compliance determination.

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- (f) Identification of and coordination with the local emergency management agency;
- (g) Arrangement for post-disaster activities including responding to family inquiries, obtaining medical intervention for residents, transportation, and reporting to the local emergency management agency the number of residents who have been relocated, and the place of relocation; and
- (h) The identification of staff responsible for implementing each part of the plan.

ST - A0181 - Emergency Plan Approval

Title Emergency Plan Approval

Statute or Rule 58A-5.026(2) FAC

Type Rule

Regulation Definition

(2) EMERGENCY PLAN APPROVAL. The plan must be submitted for review and approval to the local emergency management agency.

(a) If the local emergency management agency requires revisions to the emergency management plan, such revisions must be made and the plan resubmitted to the local office within 30 days of receiving notification that the plan must be revised.

(b) A new facility as described in Rule 58A-5.023, F.A.C., and facilities whose ownership has been transferred, must submit an emergency management plan within 30 days after obtaining a license.

(c) The facility must review its emergency management plan on an annual basis. Any substantive changes must be submitted to the local emergency agency for review and approval.

1. Changes in the name, address, telephone number, or position of staff listed in the plan are not considered substantive revisions for the purposes of this rule.

Interpretive Guideline

Surveyor Probe:

Review the plan for approval as necessary for compliance determination.

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2. Changes in the identification of specific staff must be submitted to the local emergency management agency annually as a signed and dated addendum that is not subject to review and approval.

(d) The local emergency management agency is the final administrative authority for emergency management plans prepared by assisted living facilities.

(e) Any plan approved by the local emergency management agency is considered to have met all the criteria and conditions established in this rule.

ST - A0182 - Emergency Mgmt - Plan Implementation

Title Emergency Mgmt - Plan Implementation

Statute or Rule 58A-5.026(3) FAC

Type Rule

Regulation Definition

(3) PLAN IMPLEMENTATION.

(a) All staff must be trained in their duties and are responsible for implementing the emergency management plan.

(b) If telephone service is not available during an emergency, the facility must request assistance from local law enforcement or emergency management personnel in maintaining communication.

Interpretive Guideline

Surveyor Probe:

Interview staff for knowledge as necessary for compliance determination.

ST - A0183 - Emergency Mgmt - Facility Evacuation

Title Emergency Mgmt - Facility Evacuation

Statute or Rule 58A-5.026(4) FAC

Type Rule

Regulation Definition

(4) FACILITY EVACUATION. The facility must evacuate the

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premises during or after an emergency if so directed by the local emergency management agency.

(a) The facility must report the evacuation to the local office of emergency management or designee and to the agency within 6 hours of the evacuation order. If the evacuation takes more than 6 hours, the facility must report when the evacuation is completed.

(b) The facility must not be re-occupied until the area is cleared for reentry by the local emergency management agency or its designee and the facility can meet the immediate needs of the residents.

(c) A facility with significant structural damage must relocate residents until the facility can be safely re-occupied.

(d) The facility is responsible for knowing the location of all residents until the residents have been relocated to another facility.

(e) The facility must provide the agency with the name of a contact person who must be available by telephone 24 hours a day, seven days a week, until the facility is re-occupied.

(f) The facility must assist in the relocation of residents, and must cooperate with outreach teams established by the Department of Health or emergency management agency to assist in relocation efforts. Resident needs and preferences must be considered to the extent possible in any relocation decision.

Inquire if there has been an evacuation and review as necessary for compliance determination.

ST - A0184 - Emergency Mgmt - Emergency Shelter

Title Emergency Mgmt - Emergency Shelter

Statute or Rule 58A-5.026(5) FAC

Type Rule

Regulation Definition

(5) EMERGENCY SHELTER. In the event a state of emergency has been declared and the facility is not required to evacuate the premises, the facility may provide emergency

Interpretive Guideline

Surveyor Probe:

Inquire if there has been an evacuation to an emergency shelter and review as necessary for compliance determination.

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shelter above the facility ' s licensed capacity provided the following conditions are met:

- (a) Life safety will not be jeopardized for any individual;
- (b) The immediate needs of residents and other individuals sheltered at the facility can be met by the facility;
- (c) The facility reports the number of individuals over its licensed capacity and the conditions causing it to the Agency Field Office within 48 hours or as soon as practical. As an alternative, the facility may report to the Agency Central Office at (850)412-4304. If the facility will continue to be over capacity after the declared emergency ends, the agency will review requests for excess capacity on a case-by-case basis; and
- (d) The facility maintains a log of the additional individuals being housed in the facility. The log must include the individual ' s name, usual address, and the dates of arrival and departure. The log must be available for review by representatives of the agency, the department, the local emergency management agency or its designee. The admissions and discharge log maintained by the facility may be used for this purpose provided the information is maintained in a manner that is easily accessible.

The Assisted Living Unit (ALU) telephone number located in paragraph (c) was changed to 850-412-4304 when AHCA transitioned to the Voice Over IP (VOIP) telephone system.

ST - A0189 - ADCCs in ALF

Title ADCCs in ALF

Statute or Rule FS 429.905 (2); 58A-6.013 (2-3) FAC

Type Rule

Regulation Definition

429.905(2)
A licensed assisted living facility, a licensed hospital, or a licensed nursing home facility may provide services during the day which include, but are not limited to, social, health, therapeutic, recreational, nutritional, and respite services, to adults who are not residents. Such a facility need not be

Interpretive Guideline

Make observations of participants and what services are being provided, including assistance with medication. Review participant records, including medication observation records. Conduct interviews with participants and/or family members to confirm how much time participants spend at the facility and how participants and/or family members learned of daycare services. Assess the amount of available congregate space in proportion to the number of facility residents and daycare participants.

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licensed as an adult day care center; however, the agency must monitor the facility during the regular inspection and at least biennially to ensure adequate space and sufficient staff.

If an assisted living facility, a hospital, or a nursing home holds itself out to the public as an adult day care center, it must be licensed as such and meet all standards prescribed by statute and rule.

For the purpose of this subsection, the term " day " means any portion of a 24-hour day.

58A-6.013(2-3)

(2) The Participant Capacity shall be determined by the total amount of Net Floor Space available for all of the Participants. Centers licensed prior to the effective date of this rule shall provide 30 square feet of net floor area per Participant. For Centers initially licensed after November 9, 1995, there shall not be less than 45 square feet of net floor area per Participant. Centers shall be required to provide additional floor space for special target populations to accommodate activities required by Participant care plans. A change in space usage that increases or decreases the Participant Capacity must continue to comply with all requirements of Part III of Chapter 429, F.S., and this rule.

(3) The Participant Capacity of facilities that are exempt from licensure as an Adult Day Care Center pursuant to Section 429.905, F.S., shall be determined by the total amount of Congregate Space available to the Participants. Such Facilities shall utilize separate space over and above the minimum requirement needed to meet their own licensure certification approval requirements.

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ST - A0190 - Administrative Enforcement

Title Administrative Enforcement

Statute or Rule 58A-5.033(1-2) & (3)(b) FAC; 429.075(6)

Type Rule

Regulation Definition

58A-5.033(1-2) & (3)(b) FAC

Facility staff must cooperate with agency personnel during surveys, complaint investigations, monitoring visits, license application and renewal procedures and other activities necessary to ensure compliance with Part II, Chapter 408, F.S., Part I, Chapter 429, F.S., Rule Chapter 59A-35, F.A.C., and this rule chapter.

(1) ABBREVIATED SURVEY.

(a) An applicant for license renewal who does not have any class I or class II violations or uncorrected class III violations, confirmed long-term care ombudsman program complaints, or confirmed licensing complaints within the two licensing periods immediately preceding the current renewal date, is eligible for an abbreviated biennial survey by the agency. For the purpose of this rule, a confirmed long-term care ombudsman program complaint is a complaint that is verified and referred to a regulatory agency for further action.

Facilities that do not have two survey reports on file with the agency under current ownership are not eligible for an abbreviated inspection. Upon arrival at the facility, the agency must inform the facility that it is eligible for an abbreviated survey, and that an abbreviated survey will be conducted.

(b) Compliance with key quality of care standards described in the following statutes and rules will be used by the agency during its abbreviated survey of eligible facilities:

1. Section 429.26, F.S., and Rule 58A-5.0181, F.A.C., relating to residency criteria;
2. Section 429.27, F.S., and Rule 58A-5.021, F.A.C., relating

Interpretive Guideline

SURVEYOR PROBE:

- Is the ALF cooperative during the survey? Contact your Field Office for any provider that refuses access to the licensed facility, resident records, resident contact, or any other data necessary to determine compliance.
- Verify the presence of the consultant registered dietician or licensed dietitian/nutritionist.

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to proper management of resident funds and property;

3. Section 429.28, F.S., and Rule 58A-5.0182, F.A.C., relating to respect for resident rights;
4. Section 429.41, F.S., and Rule 58A-5.0182, F.A.C., relating to the provision of supervision, assistance with the activities of daily living, and arrangement for appointments and transportation to appointments;
5. Section 429.256, F.S., and Rule 58A-5.0185, F.A.C., relating to assistance with or administration of medications;
6. Section 429.41, F.S., and Rule 58A-5.019, F.A.C., relating to the provision of sufficient staffing to meet resident needs;
7. Section 429.41, F.S., and Rule 58A-5.020, F.A.C., relating to minimum dietary requirements and proper food hygiene;
8. Section 429.075, F.S., and Rule 58A-5.029, F.A.C., relating to mental health residents' community support living plan;
9. Section 429.07, F.S., and Rule 58A-5.030, F.A.C., relating to meeting the environmental standards and residency criteria in a facility with an extended congregate care license; and
10. Section 429.07, F.S., and Rule 58A-5.031, F.A.C., relating to the provision of care and staffing in a facility with a limited nursing services license.

(c) The agency will expand the abbreviated survey or conduct a full survey if violations that threaten or potentially threaten the health, safety, or welfare of residents are identified during the abbreviated survey. The facility must be informed when a full survey will be conducted. If one or more of the following serious problems are identified during an abbreviated survey, a full biennial survey will be immediately conducted:

1. Violations of Rule Chapter 69A-40, F.A.C., relating to firesafety, that threaten the life or safety of a resident;
2. Violations relating to staffing standards or resident care standards that adversely affect the health, safety, or welfare of a resident;
3. Violations relating to facility staff rendering services for which the facility is not licensed; or

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4. Violations relating to facility medication practices that are a threat to the health, safety, or welfare of a resident.

(2) SURVEY DEFICIENCY.

(a) Before or in conjunction with a notice of violation issued pursuant to Part II, Chapter 408, F.S., and Section 429.19, F.S., the agency must issue a statement of deficiency for class I, II, III, and IV violations that are observed by agency personnel during any inspection of the facility. The deficiency statement must be issued within 10 working days of the agency ' s inspection and must include:

1. A description of the deficiency;
2. A citation to the statute or rule violated; and
3. A time frame for the correction of the deficiency.

(b) Additional time may be granted to correct specific deficiencies if a written request is received by the agency before the expiration of the time frame included in the agency ' s statement.

(3)(b) Dietary Deficiencies.

1. If a class I, II, or uncorrected class III deficiency directly related to dietary standards as established in Rule 58A-5.020, F.A.C., is documented by the agency pursuant to an inspection of the facility, the agency must notify the facility in writing that the facility must employ or contract the services of a registered or licensed dietitian, or a licensed nutritionist.
2. The initial on-site consultant visit must take place within 7 working days of the notice of a class I or II deficiency or within 14 working days of the notice of an uncorrected class III deficiency. The facility must have available for review by the agency a copy of the license or registration of the consultant dietitian or nutritionist and the consultant ' s signed and dated review of the facility ' s corrective action plan, if a plan is required by the agency, no later than 10 working days after the initial on-site consultant visit.

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3. If a corrective action plan is required, the facility must provide the agency with, at a minimum, quarterly on-site corrective action plan updates until the agency determines after written notification by the dietary consultant and facility administrator, that deficiencies are corrected and staff has been trained to ensure that proper dietary standards are followed and consultant services are no longer required. The agency must provide the facility with written notification of such determination.

429.075

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

ST - AE200 - ECC - Licensing

Title ECC - Licensing

Statute or Rule 58A-5.030(1) FAC

Type Rule

Regulation Definition

(1) LICENSING.

(a) Any facility intending to establish extended congregate care services must obtain a license from the agency before accepting residents needing extended congregate care services.

(b) Only the portion of a facility that meets the physical requirements of subsection (3) and is staffed in accordance with subsection (4) is considered licensed to provide extended congregate care services to residents who meet the admission

Interpretive Guideline

SURVEYOR PROBE:

In order for ECC services to be provided in a facility, the agency must first determine that all requirements in law and rule are met.

TOUR THE ALF:

Does the ECC facility shall provide a homelike physical environment which promotes resident privacy and independence?

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and continued residency requirements of this rule.

ST - AE201 - ECC - Policies

Title ECC - Policies

Statute or Rule 58A-5.030(2) FAC

Type Rule

Regulation Definition

(2) EXTENDED CONGREGATE CARE POLICIES. Policies and procedures established through extended congregate care services must promote resident independence, dignity, choice, and decision-making. The facility must develop and implement specific written policies and procedures that address:

- (a) Aging in place;
- (b) The facility ' s residency criteria developed in accordance with the admission and discharge requirements described in subsection (5) and extended congregate care services listed in subsection (8);
- (c) The personal and supportive services the facility intends to provide, how the services will be provided, and the identification of staff positions to provide the services including their relationship to the facility;
- (d) The nursing services the facility intends to provide, identification of staff positions to provide nursing services, and the license status, duties, general working hours, and supervision of such staff;
- (e) Identifying potential unscheduled resident service needs and mechanisms for meeting those needs including the identification of resources to meet those needs;
- (f) A process for mediating conflicts among residents regarding choice of room or apartment and roommate; and
- (g) How to involve residents in decisions concerning the resident. The services must provide opportunities and encouragement for the resident to make personal choices and

Interpretive Guideline

SURVEYOR PROBE:

Aging in Place means the process of providing increased or adjusted services to a person to compensate for the physical or mental decline that may occur with the aging process, in order to maximize the person ' s dignity and independence and permit them to remain in a familiar non-institutional, residential environment for as long as possible.

Such services may be provided by facility staff, or friends, or through contractual arrangements with a third party.

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decisions. If a resident needs assistance to make choices or decisions, a family member or other resident representative must be consulted. Choices must include at a minimum whether:

1. To participate in the process of developing, implementing, reviewing, and revising the resident ' s service plan;
2. To remain in the same room in the facility, except that a current resident transferring into an extended congregate care services may be required to move to the part of the facility licensed for extended congregate care, if only part of the facility is so licensed;
3. To select among social and leisure activities;
4. To participate in activities in the community. At a minimum the facility must arrange transportation to such activities if requested by the resident; and
5. To provide input with respect to the adoption and amendment of facility policies and procedures.

ST - AE202 - ECC - Physical Site Requirements

Title ECC - Physical Site Requirements

Statute or Rule 58A-5.030(3) FAC

Type Rule

Regulation Definition

(3) PHYSICAL SITE REQUIREMENTS. Each extended congregate care facility must provide a homelike physical environment that promotes resident privacy and independence including:

- (a) A private room or apartment, or a semi private room or apartment, shared with a roommate of the resident ' s choice. The entry door to the room or apartment must have a lock that is operable from the inside by the resident with no key needed. The resident must be provided with a key to the entry door on request. The resident ' s service plan may allow for a non locking entry door if the resident ' s safety would otherwise be

Interpretive Guideline

SURVEYOR PROBE:

Tour the ALF (including resident rooms with their permission) and observe for a homelike environment.

Interview the residents regarding their satisfaction with the physical environment. Do the residents feel the ALF environment promotes privacy and independence?

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jeopardized; and

(b) A bathroom, with a toilet, sink, and bathtub or shower, that is shared by a maximum of 4 residents for a maximum ratio of 4 residents to 1 bathroom.

1. A centrally located hydro-massage bathtub may substitute for a bathtub or shower and be considered equivalent to two bathrooms, increasing the resident to bathroom ratio from four-to-one to eight-to-one. The substitution of a centrally located hydro-massage bathtub for a bathtub or shower that increases the resident to bathroom ratio above four-to-one may occur only once in a facility. The one time substitution of a centrally located hydro-massage bathtub does not preclude the installation of multiple hydro-massage bathtubs in the facility. The limitation applies only to the one-time reduction in the total number of bathrooms in the facility.

2. The entry door to the bathroom must have a lock that the resident can operate from the inside with no key needed. The resident ' s service plan may allow for a non-locking bathroom door if the resident ' s safety would otherwise be jeopardized.

ST - AE203 - ECC - Staffing Requirements

Title ECC - Staffing Requirements

Statute or Rule 58A-5.030(4) FAC

Type Rule

Regulation Definition

(4) STAFFING REQUIREMENTS. The following staffing requirements apply for extended congregate care services:

(a) Supervision by an administrator who has a minimum of two years of managerial, nursing, social work, therapeutic recreation, or counseling experience in a residential, long-term care, or acute care setting or agency serving elderly or disabled persons. If an administrator appoints a manager as the supervisor of an extended congregate care facility, both the administrator and manager must satisfy the requirements of

Interpretive Guideline

SURVEYOR PROBES:

Interview the ECC supervisor and determine the scope of their responsibility.

Review personnel records to establish that the administrator and ECC supervisor meet the minimum education/experience requirement.

Verify Nursing Services where provided by a licensed nurse.

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subsection 58A-5.019(1), F.A.C.

1. A baccalaureate degree may be substituted for one year of the required experience.

2. A nursing home administrator licensed under Chapter 468, F.S., is qualified under this paragraph.

(b) Provide staff or contract the services of a nurse who must be available to provide nursing services, participate in the development of resident service plans, and perform monthly nursing assessments for extended congregate care residents.

(c) Provide enough qualified staff to meet the needs of extended congregate care residents in accordance with Rule 58A-5.019, F.A.C., and to provide the services established in each resident ' s service plan.

(d) Ensure that adequate staff is awake during all hours to meet the scheduled and unscheduled needs of residents.

(e) Immediately provide additional or appropriately qualified staff, when the agency determines that service plans are not being followed or that residents ' needs are not being met because insufficient staffing, in accordance with the staffing standards established in Rule 58A-5.019, F.A.C.

(f) Ensure and document that staff receive extended congregate care training as required in Rule 58A-5.0191, F.A.C.

Review the resident's service plans and observe resident care/services to determine if the ALF has sufficient qualified staff to carry out the plan.

Interview the ECC residents/families regarding the availability of staff to ensure the service plans are implemented.

ST - AE204 - ECC - Admissions & Continued Residency

Title ECC - Admissions & Continued Residency

Statute or Rule 429.26(10); 429.07(3)b ; 58A-5.030(5)

Type Rule

Regulation Definition

429.26

(10) Facilities licensed to provide extended congregate care services shall promote aging in place by determining appropriateness of continued residency based on a comprehensive review of the resident ' s physical and

Interpretive Guideline

SURVEYOR PROBE:

- OBSERVE ECC RESIDENTS and determine if they meet the admission and continued residency requirements. for ECC

- Interview ECC residents and verify what services the ALF is providing.

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functional status; the ability of the facility, family members, friends, or any other pertinent individuals or agencies to provide the care and services required; and documentation that a written service plan consistent with facility policy has been developed and implemented to ensure that the resident 's needs and preferences are addressed.

429.07

(3)b ... The primary purpose of extended congregate care services is to allow residents the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency as they become more impaired. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if he or she is determined appropriate for admission to the extended congregate care facility.

58A-5.030

(5) ADMISSION AND CONTINUED RESIDENCY.

(a) An individual must meet the following minimum criteria in order to receive extended congregate care services.

1. Be at least 18 years of age;
2. Be free from signs and symptoms of a communicable disease that is likely to be transmitted to other residents or staff; however, an individual who has human immunodeficiency virus (HIV) infection may be admitted to a facility, provided that he or she would otherwise be eligible for admission according to this rule;
3. Be able to transfer, with assistance if necessary. The assistance of more than one individual is permitted;
4. Not be a danger to self or others as determined by a health care provider or mental health practitioner licensed under Chapters 490 or 491, F.S.;

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5. Not be bedridden;
 6. Not have any stage 3 or 4 pressure sores;
 7. Not require any of the following nursing services:
 - a. Oral or nasopharyngeal suctioning;
 - b. Nasogastric tube feeding;
 - c. Monitoring of blood gases;
 - d. Intermittent positive pressure breathing therapy;
 - e. Skilled rehabilitative services as described in Rule 59G-4.290, F.A.C.; or
 - f. Treatment of a surgical incision, unless the surgical incision and the condition that caused it have been stabilized and a plan of care developed;
 8. Not require 24-hour nursing supervision; and
 9. Have been determined to be appropriate for admission to the facility by the facility administrator or manager. The administrator or manager must base his or her decision on:
 - a. An assessment of the strengths, needs, and preferences of the individual, the health assessment required by subsection (6) of this rule, and the preliminary service plan developed in subsection (7);
 - b. The facility ' s residency criteria, and services offered or arranged for by the facility to meet resident needs; and
 - c. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established in Section 429.41, F.S., and Rule Chapter 69A-40, F.A.C.
- (b) Criteria for continued residency in an extended congregate care services must be the same as the criteria for admission, except as specified below.
1. A resident may be bedridden for up to 14 consecutive days.
 2. A terminally ill resident who no longer meets the criteria for continued residency may continue to reside in the facility if the following conditions are met:
 - a. The resident qualifies for, is admitted to, and consents to the services of a licensed hospice that coordinates and ensures the provision of any additional care and services that may be

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- needed;
- b. Continued residency is agreeable to the resident and the facility;
- c. An interdisciplinary care plan, which specifies the services being provided by hospice and those being provided by the facility, is developed and implemented by a licensed hospice in consultation with the facility; and
- d. Documentation of the requirements of subparagraph (5)(b)2. is maintained in the resident ' s file.
3. The extended congregate care administrator or manager is responsible for monitoring the appropriateness of continued residency of a resident in extended congregate care services at all times.
4. A hospice resident that meets the qualifications of continued residency pursuant to this rule may only receive services from the assisted living facility ' s staff within the scope of the facility ' s license.
5. Staff may provide any nursing service permitted under the facility ' s license and total help with the activities of daily living for residents admitted to hospice. Staff may not exceed the scope of their professional licensure or training in any licensed assisted living facility.

ST - AE205 - ECC - Health Assessment

Title ECC - Health Assessment

Statute or Rule 58A-5.030(6) FAC

Type Rule

Regulation Definition

(6) HEALTH ASSESSMENT. Before receiving extended congregate care services, all persons, including residents transferring within the same facility to that portion of the facility licensed to provide extended congregate care services, must be examined by a health care provider pursuant to Rule 58A-5.0181, F.A.C. A health assessment conducted no more

Interpretive Guideline

SURVEYOR PROBE:

Review the Health Assessments and determine if they reflect an examination by a physician or advanced registered nurse practitioner.

(see AHCA 1823 effective October 2010)

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than 60 days before receiving extended congregate care services meets this requirement. Once receiving services, a new health assessment must be obtained at least annually.

ST - AE206 - ECC - Service Plans

Title ECC - Service Plans

Statute or Rule 58A-5.030(7) FAC

Type Rule

Regulation Definition

(7) SERVICE PLANS.

(a) Before receiving services, the extended congregate care administrator or manager must develop a preliminary service plan that includes an assessment of whether the resident meets the facility ' s residency criteria, an appraisal of the resident ' s unique physical, psychological and social needs and preferences, and an evaluation of the facility ' s ability to meet the resident ' s needs.

(b) Within 14 days of receiving services, the extended congregate care administrator or manager must coordinate the development of a written service plan that takes into account the resident ' s health assessment obtained pursuant to subsection (6); the resident ' s unique physical, psychological and social needs and preferences; and how the facility will meet the resident ' s needs including the following if required:

1. Health monitoring;
2. Assistance with personal care services;
3. Nursing services;
4. Supervision;
5. Special diets;
6. Ancillary services;
7. The provision of other services such as transportation and supportive services; and
8. The manner of service provision, and identification of service providers, including family and friends, in keeping

Interpretive Guideline

SURVEYOR PROBE:

Review resident service plans for evidence of the required elements.

OBSERVE RESIDENT CARE AND SERVICES PROVIDED.

Interview the resident or their representatives to determine if they participated in the development of the plan. (Shared Responsibility)

Is there evidence the service plans were reviewed and updated quarterly? Do they reflect the resident ' s current needs?

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with resident preferences.

(c) Pursuant to the definitions of " shared responsibility " and " managed risk " as provided in Section 429.02, F.S., the service plan must be developed and agreed upon by the resident or the resident ' s representative or designee, surrogate, guardian, or attorney-in-fact, and must reflect the responsibility and right of the resident to consider options and assume risks when making choices pertaining to the resident ' s service needs and preferences.

(d) The service plan must be reviewed and updated quarterly to reflect any changes in the manner of service provision, accommodate any changes in the resident ' s physical or mental status, or pursuant to recommendations for modifications in the resident ' s care as documented in the nursing assessment.

ST - AE207 - ECC - Services

Title ECC - Services

Statute or Rule 58A-5.030(8) FAC

Type Rule

Regulation Definition

(8) EXTENDED CONGREGATE CARE SERVICES. All services must be provided in the least restrictive environment, and in a manner that respects the resident ' s independence, privacy, and dignity.

(a) A facility providing extended congregate care services may provide supportive services including social service needs, counseling, emotional support, networking, assistance with securing social and leisure services, shopping service, escort service, companionship, family support, information and referral, assistance in developing and implementing self-directed activities, and volunteer services. Family or friends must be encouraged to provide supportive services for residents. The facility must provide training for family or

Interpretive Guideline

SURVEYOR PROBE:

OBSERVE RESIDENT CARE AND SERVICES.

Interview residents or their representatives.

Does the ECC program meet the resident ' s needs?

Verify nursing services were provided by a licensed nurse as defined under Chapter 464, F.S.

Is there evidence of nursing assessments?

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friends to enable them to provide supportive services in accordance with the resident ' s service plan.

(b) A facility providing extended congregate care services must make available the following additional services if required by the resident ' s service plan:

1. Total help with bathing, dressing, grooming and toileting;
2. Nursing assessments conducted more frequently than monthly;
3. Measurement and recording of basic vital functions and weight;
4. Dietary management including provision of special diets, monitoring nutrition, and observing the resident ' s food and fluid intake and output;
5. Assistance with self-administered medications, or the administration of medications and treatments pursuant to a health care provider ' s order. If the individual needs assistance with self-administration the facility must inform the resident of the qualifications of staff who will be providing this assistance, and if unlicensed persons will be providing such assistance, obtain the resident ' s or the resident ' s surrogate, guardian, or attorney-in-fact ' s informed written consent to provide such assistance as required in Section 429.256, F.S.;
6. Supervision of residents with dementia and cognitive impairments;
7. Health education and counseling and the implementation of health-promoting programs and preventive regimes;
8. Provision or arrangement for rehabilitative services; and
9. Provision of escort services to health-related appointments.

(c) Nursing staff providing extended congregate care services may provide any nursing service permitted within the scope of their license consistent with the residency requirements of this rule and the facility ' s written policies and procedures, provided the nursing services are:

1. Authorized by a health care provider ' s order and pursuant to a plan of care;

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2. Medically necessary and appropriate for treatment of the resident ' s condition;
 3. In accordance with the prevailing standard of practice in the nursing community;
 4. A service that can be safely, effectively, and efficiently provided in the facility;
 5. Recorded in nursing progress notes; and
 6. In accordance with the resident ' s service plan.
- (d) At least monthly, or more frequently if required by the resident ' s service plan, a nursing assessment of the resident must be conducted.

ST - AE208 - ECC - Records

Title ECC - Records

Statute or Rule 58A-5.030(9) FAC

Type Rule

Regulation Definition

- (9) RECORDS. In addition to the records required in Rule 58A-5.024, F.A.C., a facility providing extended congregate care services must maintain the following:
- (a) The service plans for each resident receiving extended congregate care services;
 - (b) The nursing progress notes for each resident receiving nursing services;
 - (c) Nursing assessments; and
 - (d) The facility ' s extended congregate care policies and procedures.

Interpretive Guideline

SURVYOR PROBE:

Does the service plan include the required elements?

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ST - AE209 - ECC - Discharge

Title ECC - Discharge

Statute or Rule 58A-5.030(10) FAC

Type Rule

Regulation Definition

(10) DISCHARGE. If the facility and the resident are unable to agree on a service plan, the facility is unable to meet the resident ' s needs as identified in the service plan, or the resident no longer meets the criteria for continued residency, the resident must be discharged or relocated in accordance with Sections 429.26 and 429.28, F.S.

Interpretive Guideline

SURVEYOR PROBE:

At least 45 days ' notice of relocation or termination of residency. (refer to Resident Bill of Rights)

ST - AE210 - ECC - Training

Title ECC - Training

Statute or Rule 58A-5.0191(7) FAC

Type Rule

Regulation Definition

(7) EXTENDED CONGREGATE CARE TRAINING.

(a) The administrator and extended congregate care supervisor, if different from the administrator, must complete core training and 4 hours of initial training in extended congregate care prior to the facility ' s receiving its extended congregate care license or within 3 months of beginning employment in the facility as an administrator or ECC supervisor. Successful completion of the assisted living facility core training shall be a prerequisite for this training. ECC supervisors who attended the assisted living facility core training prior to April 20, 1998, shall not be required to take the assisted living facility core training competency test.

Interpretive Guideline

SURVEYOR PROBE:

Review the ALF training records for the administrator, ECC supervisor and direct care staff for required training.

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(b) The administrator and the extended congregate care supervisor, if different from the administrator, must complete a minimum of 4 hours of continuing education every two years in topics relating to the physical, psychological, or social needs of frail elderly and disabled persons, or persons with Alzheimer ' s disease or related disorders.

(c) All direct care staff providing care to residents in an extended congregate care program must complete at least 2 hours of in-service training, provided by the facility administrator or ECC supervisor, within 6 months of beginning employment in the facility. The training must address extended congregate care concepts and requirements, including statutory and rule requirements, and delivery of personal care and supportive services in an extended congregate care facility.

ST - AL240 - LMH - Licensing

Title LMH - Licensing

Statute or Rule 429.075

Type Rule

Regulation Definition

Limited mental health license.-An assisted living facility that serves one or more mental health residents must obtain a limited mental health license.

Interpretive Guideline

Surveyor Probe:

Review ALF license to validate LMH service capability.

Interview the administrator and residents and review resident records to identify which residents are mental health residents.

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ST - AL241 - LMH - Records

Title LMH - Records

Statute or Rule 429.075(3-4); 58A-5.029(2) FAC

Type Rule

Regulation Definition

429.075

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

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

(b) Have documentation provided by the department that each mental health resident has been assessed and determined to be able to live in the community in an assisted living facility that has with a limited mental health license or provide written evidence that a request for documentation was sent to the department within 72 hours after admission.

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

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

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

Interpretive Guideline

SURVEYOR PROBES:

Review the admission and discharge log to verify Limited Mental Health residents

Review supportive documentation provided by the Department of Children and Family Services that the support the resident meets the criteria for Limited Mental Health.

Review the Community Living Support Plan for scope of services the Limited Mental Health Resident is to receive.

Interview the Limited Mental Health resident to assess their knowledge of their Community Living Support Plan.

NOTE: the Community Living Support Plan is primarily the responsibility of the resident ' s mental health case manager.

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manager.

58A-5.029

(2) RECORDS.

(a) A facility with a limited mental health license must maintain an up-to-date admission and discharge log containing the names and dates of admission and discharge for all mental health residents. The admission and discharge log required in Rule 58A-5.024, F.A.C., satisfies this condition provided that all mental health residents are clearly identified.

(b) Staff records must contain documentation that designated staff have completed limited mental health training as required by Rule 58A-5.0191, F.A.C.

(c) Resident records must include:

1. Documentation, provided by a mental health care provider within 30 days of the resident ' s admission to the facility, that the resident is a mental health resident as defined in Section 394.3474, F.S., and that the resident is receiving social security disability or supplemental security income and optional state supplementation as follows:

a. An affirmative statement on the Alternate Care Certification for Optional State Supplementation (OSS) form, CF-ES 1006, October 2005, which is hereby incorporated by reference and available for review at:

<http://www.flrules.org/Gateway/reference.asp?No=Ref-03988>
that the resident is receiving SSI or SSDI due to a psychiatric disorder;

b. Written verification provided by the Social Security Administration that the resident is receiving SSI or SSDI for a mental disorder. Such verification may be acquired from the Social Security Administration upon obtaining a release from the resident permitting the Social Security Administration to provide such information ; or

c. A written statement from the resident ' s case manager or other mental health care provider that the resident is an adult

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with severe and persistent mental disorder. The case manager or other mental health care provider must consider the following minimum criteria in making that determination:

- (I) The resident is eligible for, is receiving, or has received mental health services within the last 5 years; or
- (II) The resident has been diagnosed as having a severe or persistent mental disorder.

2. An appropriate placement assessment provided by the resident ' s mental health care provider within 30 days of admission to the facility that the resident has been assessed and found appropriate for residence in an assisted living facility. Such assessment must be conducted by a psychiatrist, clinical psychologist, clinical social worker, psychiatric nurse, or an individual supervised by one of these professionals.

a. Any of the following documentation that contains the name of the resident and the name, signature, date, and license number, if applicable, of the person making the assessment, meets this requirement:

(I) Completed Alternate Care Certification for Optional State Supplementation (OSS) form, CF-ES Form 1006;

(II) Discharge Statement from a state mental hospital completed no more than 90 days before admission to the assisted living facility provided it contains a statement that the individual is appropriate to live in an assisted living facility; or

(III) Other signed statement that the resident has been assessed and found appropriate for residency in an assisted living facility.

b. A mental health resident returning to a facility from treatment in a hospital or crisis stabilization unit will not be considered a new admission and will not require a new assessment. However, a break in a resident ' s residency that requires the facility to execute a new resident contract or admission agreement will be considered a new admission and the resident ' s mental health care provider must provide a new assessment.

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3. A Community Living Support Plan.

a. Each mental health resident and the resident's mental health case manager must, in consultation with the facility administrator, prepare a plan within 30 days of the resident's admission to the facility or within 30 days after receiving the appropriate placement assessment in paragraph (2)(c), whichever is later, that:

(I) Includes the specific needs of the resident that must be met in order to enable the resident to live in the assisted living facility and the community;

(II) Includes the clinical mental health services to be provided by the mental health care provider to help meet the resident's needs, and the frequency and duration of such services;

(III) Includes any other services and activities to be provided by or arranged for by the mental health care provider or mental health case manager to meet the resident's needs, and the frequency and duration of such services and activities;

(IV) Includes the obligations of the facility to facilitate and assist the resident in attending appointments and arranging transportation to appointments for the services and activities identified in the plan that have been provided or arranged for by the resident's mental health care provider or case manager;

(V) Includes a description of other services to be provided or arranged by the facility;

(VI) Includes a list of factors pertinent to the care, safety, and welfare of the mental health resident and a description of the signs and symptoms particular to the resident that indicate the immediate need for professional mental health services;

(VII) Is in writing and signed by the mental health resident, the resident's mental health case manager, and the assisted living facility administrator or manager and a copy placed in the resident's file. If the resident refuses to sign the plan, the resident's mental health case manager must add a statement that the resident was asked but refused to sign the plan;

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- (VIII) Is updated at least annually;
 - (IX) May include the Cooperative Agreement described in subparagraph (2)(c)4. If included, the mental health care provider must also sign the plan; and
 - (X) Must be available for inspection to those who have legal authority to review the document.
- b. Those portions of a service or treatment plan prepared pursuant to Rule 65E-4.014, F.A.C., that address all the elements listed in sub-subparagraph (2)(c)3.a. above may be substituted.
4. Cooperative Agreement. The mental health care provider for each mental health resident and the facility administrator or designee must prepare a written statement, within 30 days of the resident ' s admission to the facility or receipt of the resident ' s appropriate placement assessment, whichever is later. The statement:
- a. Provides procedures and directions for accessing emergency and after-hours care for the mental health resident. The provider must furnish the resident and the facility with the provider ' s 24-hour emergency crisis telephone number;
 - b. Must be signed by the administrator or designee and the mental health care provider, or by a designated representative of a Medicaid prepaid health plan if the resident is on a plan and the plan provides behavioral health services in Section 409.912, F.S.;
 - c. May cover all mental health residents of the facility who are clients of the same provider; and
 - d. May be included in the Community Living Support Plan described in subparagraph (2)(c)3.
- Missing documentation will not be the basis for administrative action against a facility if the facility can demonstrate that it has made a good faith effort to obtain the required documentation from the Department of Children and Families, or the mental health care provider.

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ST - AL242 - LMH - Responsibilities of Facility

Title LMH - Responsibilities of Facility

Statute or Rule 429.075(2) FS; 58A-5.029(3) FAC

Type Rule

Regulation Definition

429.075

(2) Facilities licensed to provide services to mental health residents shall provide appropriate supervision and staffing to provide for the health, safety, and welfare of such residents.

(3d) Assist the mental health resident in carrying out the activities identified in the individual ' s community living support plan

(3) RESPONSIBILITIES OF FACILITY. In addition to the staffing and care standards of this rule chapter to provide for the welfare of residents in an assisted living facility, a facility holding a limited mental health license must:

(a) Meet the facility ' s obligation to assist the resident in carrying out the activities identified in the Community Living Support Plan;

(b) Provide an opportunity for private face-to-face contact between the mental health resident and the resident ' s mental health case manager or other treatment personnel of the resident ' s mental health care provider;

(c) Observe resident behavior and functioning in the facility, and record and communicate observations to the resident ' s mental health case manager or mental health care provider regarding any significant behavioral or situational changes that may signify the need for a change in the resident ' s professional mental health services, supports, and services described in the community living support plan, or that the resident is no longer appropriate for residency in the facility;

(d) If the facility initiates an involuntary mental health

Interpretive Guideline

SURVEYOR PROBE:

Is the ALF assisting the resident in carrying out the activities identified in the Community Living Support Plan?

Does the ALF ensure privacy for the resident and their mental health case manager?

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examination pursuant to Section 394.463, F.S., the facility must document the circumstances leading to the initiation of the examination;

(e) Ensure that designated staff have completed limited mental health training as required by Rule 58A-5.0191, F.A.C.; and

(e) Maintain facility, staff, and resident records in accordance with the requirements of this rule chapter.

ST - AL243 - LMH - Training

Title LMH - Training

Statute or Rule 429.075(1) FS; 58A-5.0191(8) FAC

Type Rule

Regulation Definition

429.075

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

58A-5.0191

(8) LIMITED MENTAL HEALTH TRAINING.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must

Interpretive Guideline

SURVEYOR PROBE:

Review personnel files to determine compliance with the required training.

Is the training provided or approved by the Department of Children and Families?

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receive the following training:

1. A minimum of 6 hours of specialized training in working with individuals with mental health diagnoses.
 - a. The training must be provided or approved by the Department of Children and Families and must be taken within 6 months of the facility ' s receiving a limited mental health license or within 6 months of employment in a limited mental health facility.
 - b. Staff in " direct contact " means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service or administrative staff, if such staff have only incidental contact with mental health residents.
 - c. Training received under this subparagraph may count once for 6 of the 12 hours of continuing education required for administrators and managers pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.
2. A minimum of 3 hours of continuing education, which may be provided by the ALF administrator or through distance learning, biennially thereafter in subjects dealing with one or more of the following topics:
 - a. Mental health diagnoses; and
 - b. Mental health treatment such as mental health needs, services, behaviors and appropriate interventions; resident progress in achieving treatment goals; how to recognize changes in the resident ' s status or condition that may affect other services received or may require intervention; and crisis services and the Baker Act procedures.
3. For administrators and managers, the continuing education requirement under this subsection will satisfy 3 of the 12 hours of continuing education required biennially pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.
4. Administrators, managers and direct contact staff affected by the continuing education requirement under this subsection

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shall have up to 6 months after the effective date of this rule to meet the training requirement.

(b) Administrators, managers and staff do not have to repeat the initial training should they change employers provided they present a copy of their training certificate to the current employer for retention in the facility 's personnel files. They must also ensure that copies of the continuing education training certificates, pursuant to subparagraph (a)2. of this subsection, are retained in their personnel files.

ST - AN275 - LNS - Licensing

Title LNS - Licensing

Statute or Rule 58A-5.031 FAC

Type Rule

Regulation Definition

Limited Nursing Services.
Any facility intending to provide limited nursing services obtain a license from the agency.

Interpretive Guideline

Surveyor Probe:
Review the posted license in the facility to ensure LNS designation.

ST - AN276 - LNS - Nursing Services

Title LNS - Nursing Services

Statute or Rule 58A-5.031(1) FAC

Type Rule

Regulation Definition

Any facility intending to provide limited nursing services obtain a license from the agency.
(1) NURSING SERVICES. A facility with a limited nursing services license may provide the following nursing services in addition to any nursing service permitted under a standard license pursuant to Section 429.255, F.S.

Interpretive Guideline

Surveyor Probe:
Observe resident care and services.
Interview residents or their representatives regarding the nursing services provided.

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- (a) Conducting passive range of motion exercises.
- (b) Applying ice caps or collars.
- (c) Applying heat, including dry heat, hot water bottle, heating pad, aquathermia, moist heat, hot compresses, sitz bath and hot soaks.
- (d) Cutting the toenails of diabetic residents or residents with a documented circulatory problem if the written approval of the resident ' s health care provider has been obtained.
- (e) Performing ear and eye irrigations.
- (f) Conducting a urine dipstick test.
- (g) Replacing of an established self-maintained indwelling urinary catheter, or inserting an intermittent urinary catheter.
- (h) Performing digital stool removal therapies.
- (i) Applying and changing routine dressings that do not require packing or irrigation, but are for abrasions, skin tears and closed surgical wounds.
- (j) Caring for stage 2 pressure sores. Caring for stage 3 or 4 pressure sores is not permitted by a facility with a limited nursing services license.
- (k) Caring for casts, braces and splints. Caring for head braces, such as a halo is not permitted by a facility with a limited nursing services license.
- (l) Conducting nursing assessments if conducted by a registered nurse or under the direct supervision of a registered nurse.
- (m) Providing any nursing service permitted under the facility ' s license and total help with the activities of daily living for residents admitted to hospice as described in subsection 58A-5.0181(4), F.A.C.; however, staff may not exceed the scope of their professional licensure.
- (n) Assisting, applying, caring for and monitoring the application of anti-embolism stockings or hosiery as prescribed by the health care provider and in accordance with the manufacturers ' guidelines.
- (o) Administration and regulation of portable oxygen.

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- (p) Applying, caring for and monitoring a transcutaneous electric nerve stimulator (TENS).
- (q) Catheter, colostomy, ileostomy care and maintenance.

ST - AN277 - LNS - Resident Care Standards

Title LNS - Resident Care Standards

Statute or Rule 58A-5.031(2) FAC

Type Rule

Regulation Definition

- (2) RESIDENT CARE STANDARDS.
- (a) A resident receiving limited nursing services in a facility holding only a standard and limited nursing services license must meet the admission and continued residency criteria specified in Rule 58A-5.0181, F.A.C.
 - (b) In accordance with Rule 58A-5.019, F.A.C., the facility must employ sufficient and qualified staff to meet the needs of residents requiring limited nursing services based on the number of such residents and the type of nursing service to be provided.
 - (c) Limited nursing services may only be provided as authorized by a health care provider ' s order, a copy of which must be maintained in the resident ' s file.
 - (d) Facilities licensed to provide limited nursing services must employ or contract with a nurse(s) who must be available to provide such services as needed by residents. The facility must maintain documentation of the qualifications of nurses providing limited nursing services in the facility ' s personnel files.
 - (e) The facility must ensure that nursing services are conducted and supervised in accordance with Chapter 464, F.S., and the prevailing standard of practice in the nursing community.

Interpretive Guideline

Surveyor Probe:

Observe resident care and services.

Verify nursing services are provided based on authorization from a health care provider (MD/PA/ARNP). If concerns, contact the health care provider for clarification of orders.

Is there a qualified nurse to ensure the provision of the ordered services?

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ST - AN278 - LNS - Records

Title LNS - Records

Statute or Rule 58A-5.031(3) FAC

Type Rule

Regulation Definition

Interpretive Guideline

(3) RECORDS.

(a) A record of all residents receiving limited nursing services and the type of services provided must be maintained.

(b) Nursing progress notes must be maintained for each resident who receives limited nursing services.

(c) A nursing assessment conducted at least monthly must be maintained on each resident who receives a limited nursing service.