

('59A-4.106', 'Facility Policies') Facility Policies

(1) Admission, retention, transfer, and discharge policies:

(a) Each resident must receive the following at the time of admission and as changes are being made and upon request, in a language the resident or his representative understands:

1. A copy of the residents' bill of rights as required by Section 400.022, F.S.;
2. A copy of the facility's admission and discharge policies; and,
3. Information regarding advance directives.

(b) Each resident admitted to the facility must have a contract as required by Section 400.151, F.S., which includes the following:

1. A list of services and supplies, complete with a list of standard charges for those services and supplies, available to the resident, but not covered by the facility's per diem or by Title XVIII and Title XIX of the Social Security Act and a copy of the bed reservation and refund policies of the facility.
2. When a resident is in a facility offering continuing care, and is transferred from independent living or assisted living to the nursing home section, a new contract need not be executed; an addendum must be attached to describe any additional services, supplies or costs not included in the most recent contract that is in effect.

(c) No resident who is suffering from a communicable disease shall be admitted or retained unless the medical director or attending physician certifies that adequate or appropriate isolation measures are available to control transmission of the disease.

(d) Residents may not be retained in the facility who require services beyond those for which the facility is licensed or has the functional ability to provide as determined by the Medical Director and the Director of Nursing in consultation with the facility administrator.

(e) Residents must be assigned to a bedroom area and must not be assigned bedroom space in common areas except in an emergency. Emergencies must be documented and must be for a limited, specified period of time.

(f) All resident transfers and discharges must be in accordance with the facility's policies and procedures, provisions of Sections 400.022 and 400.0255, F.S., this rule, and Title 42 Code of Federal Regulations section 483.12(a), revision date October 1, 2014, herein incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-12.xml> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-06375>, and will include notices provided to residents by using Nursing Home Transfer and Discharge Notice, AHCA Form 3120-0002, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06017>, "the Fair Hearing Request for Transfer or Discharge From a Nursing Home, AHCA Form 3120-0003, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06018>, the Long-Term Care Ombudsman Council Request for Review of Nursing Home Discharge and Transfer, AHCA

Form 3120-0004, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06019> or the Spanish language version, Solicitud de Revisión de Long-Term Care Ombudsman de la Dada de Alta o El Traslado de un Hogar de Ancianos, AHCA Form 3120-0004A, April 2014, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06020>. These forms may also be obtained from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Mail Stop #33, Tallahassee, FL 32308 or at the web address <http://ahca.myflorida.com/>.

(2) Each nursing home licensee must adopt, implement, and maintain written policies and procedures governing all services provided in the facility.

(3) All policies and procedures must be reviewed at least annually and revised as needed with input from the facility Administrator, Medical Director, and Director of Nursing.

(4) Each facility shall maintain policies and procedures in the following areas:

- (a) Activities;
- (b) Advance directives;
- (c) Consultant services;
- (d) Death of residents in the facility;
- (e) Dental services;
- (f) Staff education, including HIV/AIDS Training as required by Section 381.0035, F.S.;
- (g) Diagnostic services;
- (h) Dietary services;
- (i) Disaster preparedness;
- (j) Fire prevention and control;
- (k) Housekeeping;
- (l) Infection control;
- (m) Laundry service;
- (n) Loss of power, water, air conditioning or heating;
- (o) Medical director/consultant services;
- (p) Medical records;
- (q) Mental health;
- (r) Nursing services;
- (s) Pastoral services;
- (t) Pharmacy services;
- (u) Podiatry services;
- (v) Resident care planning;
- (w) Resident identification;
- (x) Resident's rights;
- (y) Safety awareness;
- (z) Social services;
- (aa) Specialized rehabilitative and restorative services;
- (bb) Therapeutic spa services, if offered;
- (cc) Volunteer services; and,

(dd) The reporting of accidents or unusual incidents involving any resident, staff member, volunteer or visitor. This policy shall include reporting within the facility and to the Agency as required by Section 400.147, F.S.

(5) Staff Education.

(a) Each nursing home licensee must develop, implement, and maintain a written staff education plan which ensures a coordinated program for staff education for all facility employees. The staff education plan must be reviewed at least annually by the risk management and quality assurance committee and revised as needed.

(b) The staff education plan must include both pre-service and in-service programs.

(c) The staff education plan must ensure that education is conducted annually for all facility employees, at a minimum, in the following areas:

1. Prevention and control of infection;
2. Fire prevention, life safety, and disaster preparedness;
3. Accident prevention and safety awareness program;
4. Resident's rights';
5. Federal law, 42 CFR 483, Requirements for State and Long Term Care Facilities, October 1, 2014, which is incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-part483.xml> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-06385>, Chapter 400, Part II, F.S., and subsection 59A-4.106(5), F.A.C.;

(d) The staff education plan must ensure that all employees of the nursing home complete an initial educational course on HIV/AIDS as required by Section 381.0035, F.S. If the employee does not have a certificate of completion at the time they are hired, they must complete the course within six months of employment or before the employee provides care for an HIV/AIDS diagnosed resident.

(6) Advance directives.

(a) Each nursing home licensee must have written policies and procedures, which delineate the nursing home's position with respect to the state law and rules relative to advance directives. The policies must not condition treatment or admission upon whether or not the individual has executed or waived an advance directive. In the event of conflict between the facility's policies and procedures and the individual's advance directive, provision should be made in accordance with Section 765.1105, F.S.

(b) The facility's policy must include:

1. Providing each adult individual, at the time of the admission as a resident, with a copy of "Health Care Advance Directives - The Patient's Right to Decide," revised April 2006, which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06021>, and from the Agency for Health Care Administration at <http://www.floridahealthfinder.gov/reports-guides/advance-directives.aspx> or with a copy of some other substantially similar document which is a written description of Florida's state law regarding advance directives;
2. Providing each adult individual, at the time of the admission as a resident, with written information concerning the nursing home's policies respecting advance directives; and,
3. Providing documentation of the existence of an advance directive be contained in the

medical record. A nursing home licensee that is provided with the individual's advance directive must make the advance directive or a copy thereof a part of the individual's medical record.

Notes

Fla. Admin. Code Ann. R. 59A-4.106

Rulemaking Authority 400.0255(16), 400.142(3), 400.23, 765.110 FS. Law Implemented 400.022, 400.0255, 400.142(3), 400.151, 400.23, 765.110 FS.

New 4-1-82, Amended 4-1-84, Formerly 10D-29.106, Amended 4-18-94, 1-10-95, 2-6-97, 5-5-02, Amended by Florida Register Volume 41, Number 236, December 8, 2015 effective 12/21/2015.