



CHARLIE CRIST  
GOVERNOR

THOMAS W. ARNOLD  
SECRETARY

August 20, 2010

Dear Nursing Home Administrator:

Chapter 59A-35 Florida Administrative Code (F.A.C.) entitled Health Care Licensing Procedures became effective July 14, 2010. As a result new Florida Administrative Code was enacted that affect nursing home providers as well as other providers licensed by the Agency for Health Care Administration.

Important provisions in the rule include:

- Requests for address changes and amended licenses must be submitted to the Agency 60 to 120 days prior to the effective date of the change and must be accompanied by a \$25 fee. Failure to file the request timely shall result in a \$500 fine.
- Applications for licensure should now be submitted on the Health Care Licensing application. The new application may be found at: <http://ahca.myflorida.com/MCHO/Corebill/index.shtml>
- Dishonored licensure fees must be remitted to the Agency by money order or cashier's check within 10 days or the license will be subject to suspension or revocation.
- Change of ownership (CHOW) Applications must have an effective date that cannot be prior to the date of receipt by the Agency. The effective date shall not be extended more than 60 days from the date reported on the application. This extension must be requested in writing. Failure to submit an application prior to the effective date constitutes unlicensed activity.
- Electronic Submission – Nursing Homes are now required to submit Semi-annual staffing, adverse incident and Liability claim reports via the Agency's website at: <http://ahca.myflorida.com/reporting/index.shtml> . If you have not registered for online reporting please visit the website and complete the new user application.

To access the full text of this new Administrative Code, please visit:  
<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=59A-35>

There were also changes in law passed during the 2010 legislative session that will impact nursing homes.

- New Background screening requirements effective August 1, 2010. Further information regarding this may be found at: [http://ahca.myflorida.com/MCHO/Long\\_Term\\_Care/Background\\_Screening/BGS\\_Letter\\_to\\_Providers\\_regarding\\_HB\\_7069\\_71410.pdf](http://ahca.myflorida.com/MCHO/Long_Term_Care/Background_Screening/BGS_Letter_to_Providers_regarding_HB_7069_71410.pdf)
- Revision of the requirements to become designated as a teaching nursing home effective July 1, 2010. To access the full text of this new law, please visit: [http://laws.flrules.org/files/Ch\\_2010-197.pdf](http://laws.flrules.org/files/Ch_2010-197.pdf) . Facilities desiring consideration for this designation should submit a cover letter and supporting documentation that indicates how each requirement is met.



- Revision to the Staffing Ratio effective July 1, 2010. To access the full text of this new law, please visit: [http://laws.flrules.org/files/Ch\\_2010-156.pdf](http://laws.flrules.org/files/Ch_2010-156.pdf)

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)(a)1. The agency shall adopt rules providing minimum staffing requirements for nursing homes. These requirements shall include, for each nursing home facility:

a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.9 hours of direct care per resident per day. As used in this sub-subparagraph, a week is defined as Sunday through Saturday.

b. A minimum certified nursing assistant staffing of 2.7 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.

c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

2. Nursing assistants employed under s. 400.211(2) may be included in computing the staffing ratio for certified nursing assistants only if their job responsibilities include only nursing-assistant-related duties.

3. Each nursing home must document compliance with staffing standards as required under this paragraph and post daily the names of staff on duty for the benefit of facility residents and the public.

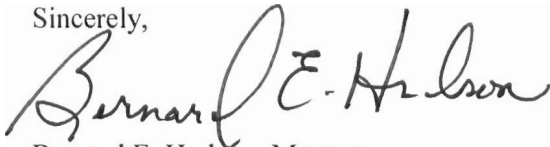
4. The agency shall recognize the use of licensed nurses for compliance with minimum staffing requirements for certified nursing assistants, provided that the facility otherwise meets the minimum staffing requirements for licensed nurses and that the licensed nurses are performing the duties of a certified nursing assistant. Unless otherwise approved by the agency, licensed nurses counted toward the minimum staffing requirements for certified nursing assistants must exclusively perform the duties of a certified nursing assistant for the entire shift and not also be counted toward the minimum staffing requirements for licensed nurses. If the agency approved a facility's request to use a licensed nurse to perform both licensed nursing and certified nursing assistant duties, the facility must allocate the amount of staff time specifically spent on certified nursing assistant duties for the purpose of documenting compliance with minimum staffing requirements for certified and licensed nursing staff. In no event may the hours of a licensed nurse with dual job responsibilities be counted twice.

- As a result of the elimination of the funding for the Statewide Advocacy Council the Hotline poster had to be revised to reflect the removal of the contact information. This

poster has a revision date of July 2010 and is posted on our website at:  
[http://ahca.myflorida.com/MCHQ/Long\\_Term\\_Care/LTC/Nursing\\_Homes/index\\_NH.shtm](http://ahca.myflorida.com/MCHQ/Long_Term_Care/LTC/Nursing_Homes/index_NH.shtm)  
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If you have any questions regarding licensing changes, please contact the Long Term Care Unit at (850) 412-4303.

Sincerely,

A handwritten signature in black ink that reads "Bernard E. Hudson". The signature is written in a cursive style with a large initial "B".

Bernard E. Hudson, Manager  
Long Term Care