



Assisted Living Facilities Recommended Guidelines



Purpose: To recommend guidelines for residents when Sexual Offenders/Predators reside in long-term care facilities in Florida.

Form Completion Instructions: *Provide recommended guidelines information requested in each of the shaded boxes below.*

1. Issue *(Briefly describe why there is a need to recommend guidelines, or describe the problem the guidelines are intended to address)*

Sexual Offenders or Predators in Long-Term Care Facilities

Under current statutes and rules assisted living facilities are allowed the latitude to admit or not admit individuals into their facilities. This decision is based on whether the facility can meet the needs of the individual. This is also true if the applicant for admission is classified as a sexual offender or predator. This decision must be made by the facility Administrator on a case by case basis.

2. Description of Recommended Guideline *(Provide detailed information of the recommended guideline)*

The Health Care Assessment should be used to describe the care and services needed by the resident, or if necessary additional guidance may be attached as an addendum.

The ALF administrator may utilize the Florida Department of Law Enforcement (FDLE) database to screen individuals prior to admission to the facility.

The ALF administrator has statutory latitude to determine if the facility can meet the needs of residents. With the current rules and regulations, the admissions should continue to be on a case by case basis. Upon admission of a sexual offender or predator, many of whom would be referred, assessed and admitted from the nursing home diversion program, the courts (DOC) or the DCF's Mental Health Program, the individual would have an assigned case worker to ensure the needs and services are met. Once admitted, the ALF administrator in partnership with DOC and DCF would ensure the needs and services of these individuals are met; as well as ensuring that the needs and services of the other residents are not violated.

3. Resources Needed to Implement the Recommended Guidelines *(Identify human and material resources needed)*

The ALF staff would screen individuals through the FDLE database.

Case workers from the Nursing Home Diversion Program would follow the care and services needed by the resident if the individual is covered by that program. Parole officers and case workers should provide continued support for those residents admitted through the court (DOC) system. Case managers assigned by DCF should follow residents who have been assessed by DCF as having a mental health diagnosis.

The DOEA CARES staff may be needed to provide additional resources as appropriate.

4. Other Comments *(Provide any additional comments regarding the recommended guidelines)*

Section 429.28, F.S. which is the resident bill of rights, provides that 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. Also, every resident of a facility shall have the right to live in a safe and decent living environment, free from abuse and neglect. Every resident must also be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.

The decision to admit a sexual offender or predator should rest with the ALF administrator, as does any other resident admission on a case-by-case basis.