

59A-36.001

STANDARDS AND CRITERIA FOR DETERMINING COMPLIANCE WITH FACILITY STANDARDS AND RESIDENT RIGHTS

59A-36.001 Standards and Criteria for Determining Compliance with Facility Standards and Resident Rights.

(1) DEFINITIONS.

In addition to the terms defined in Section 429.02, F.S., and Rule 58A-5.0131, F.A.C., the following definitions are applicable in this rule chapter.

(a) “Core Survey Task” means tasks conducted by Agency survey staff that focus on core areas of regulations.

(b) “Timely Manner” means as soon as possible, but not to exceed 24 hours of Agency staff having requested materials.

(2) SURVEY PROCESS FOR RESIDENT RIGHTS.

The following core survey tasks shall be utilized during survey activities in order to determine the facility’s compliance with resident rights pursuant to Section 429.28, F.S., and Rule 58A-5.0182, F.A.C.

(a) The surveyor(s) conducts a tour of the facility to determine if the residents’ health, safety, and welfare are maintained. The tour includes observations and assessments of the following:

1. Resident behavior and demeanor;
2. Adherence to facility abuse prohibition policy and procedure;
3. Adherence to infection control policy and procedure;
4. General physical plant standards in accordance with Rule 58A-5.023, F.A.C.;
5. Overall appearance of residents and observations of any special care needs;
6. Posting of Resident Bill of Rights and required phone numbers in accordance with Rule 58A-5.0182, F.A.C.;
7. Resident access to phones and unrestricted private communication;
8. Resident opportunity to exercise;
9. Staff availability and responsiveness to resident care needs;
10. Medication storage and security;
11. Chemical and physical restraint use;
12. Positioning/transferring processes utilized by staff;
13. Any specialized care provided by the facility with a specialty license;
14. Any license conditions or restrictions as a result of Agency action.

(b) The surveyor(s) conducts interviews with residents, family members/representatives, staff, and any other persons the surveyor(s) deems relevant to the survey.

1. The facility may not restrict Agency staff from conducting confidential interviews pursuant to Section 429.14(6), F.S.

2. Interviews may be conducted both in person and telephonically.

(c) The surveyor(s) reviews facility records to determine compliance with:

1. Licensure requirements in accordance with Rule 58A-5.016, F.A.C.;

2. Inspection responsibilities in accordance with Rule 58A-5.0161, F.A.C.;

3. Admissions procedures and appropriateness of placement and continued residency criteria in accordance with Rule 58A-5.0182, F.A.C.;

