

#### **59A-4.103 Licensure, Administration and Fiscal Management.**

(1) The licensee or prospective licensee shall make application for an initial, renewal or change of ownership license to operate a nursing home facility and shall provide all of the information required by this rule and Chapter 400, Part II, F.S., on AHCA Form 3110-6001, January, 2002, "Application for Nursing Home Licensure", and AHCA Form 3001-6001, January, 2002, Instructions for Completing Application for Nursing Home Licensure, which is incorporated by reference and AHCA Forms 3110-0011, 3110-0011A, 3110-0011B, 3110-0011C, and 3110-0011D, August, 2001, "Controlling Interest Affidavit for Nursing Homes", which is incorporated by reference and AHCA Form 1332-0001, January, 2002, "Proof of Financial Ability Schedule", which is incorporated by reference, available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida 32308.

(2) The licensure fee shall be included with the application. An annual fee is \$50 per bed required as described in Section 400.062(3), F.S., plus the resident protection fee of \$.25 per bed and the Data Collection and Analysis Assessment of \$6.00 per bed as authorized by Section 408.20(1)(b), F.S., Costs of Nursing Home Statistical Unit, March 9, 1994. The Data Collection and Analysis Assessment is waived for facilities having a certificate of authority under Chapter 651, F.S.

(3) Single copies of AHCA forms incorporated by reference within this chapter may be obtained from the AHCA, Long Term Care Section, 2727 Mahan Drive, MS 33, Tallahassee, Florida 32308.

##### **(4) Administration.**

(a) The licensee of each nursing home shall have full legal authority and responsibility for the operation of the facility.

(b) The licensee of each facility shall designate one person, who is licensed by the Agency for Health Care Administration, Board of Nursing Home Administrators under Chapter 468, Part II, F.S., as Administrator who oversees the day to day administration and operation of the facility.

(c) Each nursing home shall be organized according to a written table of Organization.

(d) The licensee shall submit a monthly vacant bed report which is incorporated by reference by using AHCA Form 3110-0013, October 2008, "Nursing Home Monthly Bed Vacancy Report", as authorized by Section 400.141, F.S., this form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.

(e) Submit Nursing Home Staffing Report which is incorporated by reference by using AHCA Form 3110-0012, October 2008, "Nursing Home Staffing Report", as authorized by Section 400.141, F.S., this form is available from the Agency for Health Care Administration, Long Term Care Unit, 2727 Mahan Drive MS 33, Tallahassee, FL 32308 or online at: <http://ahca.myflorida.com/>.

##### **(5) Fiscal Management.**

(a) The licensee, for each nursing home it operates, shall maintain fiscal records in accordance with the requirements of Chapter 400, Part II, F.S., and these rules.

(b) An accrual or cash system of accounting shall be used to reflect transactions of the business. Records and accounts of transactions, such as, general ledgers and disbursement journals, shall be brought current no less than quarterly and shall be available for review by authorized representatives of appropriate state and Federal agencies.

(c) A licensee shall obtain a surety bond as required by Chapter 400, Part II, F.S., it shall be based on twice the average monthly balance in the resident trust fund during the prior fiscal year or \$5,000, whichever is greater. A licensee who owns more than one nursing home may purchase a single surety bond to cover the residents' funds held in nursing homes located within the same AHCA service district. A surety bond shall contain substantially the same language as is found in AHCA Form 3110-6002, July, 2001, Surety Bond, which is incorporated by reference. The surety bond AHCA 3110-6002, July, 2001, may be obtained from, and shall be filed with the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.

(d) A self-insurance pool, which may be an interest bearing account, may be established to provide compensation to any resident suffering financial loss in accordance with the provisions of Section 400.162(5)(c), F.S., as the result of one or more of the member licensees violating any of the provisions of Section 400.162, F.S.

1. Such self-insurance pool shall be administered under the direction of an elected board of trustees. The membership of the board of trustees shall be composed of one representative from each participating licensee.

2. An application for establishing a self-insurance pool shall be made by the trustees to the ahca. Such application shall contain the following information: the names, complete addresses, and affiliation of the trustees; the name and complete address of each licensee participating in the pool; the total dollar amount of the pool; and the name and complete address of the bank in which the account is maintained and the account number. The application shall be accompanied by:

a. An individual application from each licensee applying for membership in the self-insurance pool. Such application shall contain the following information: the name, telephone number, and complete address of the facility; the name, telephone number, and complete address of the licensee, the name of the facility's administrator, manager or supervisor, his license and renewal number; the names of all employees involved in the administration of the resident trust fund account; the average monthly balance in the resident trust fund account during the prior year; the total dollar amount the licensee has deposited in the self-insurance pool; and the name and complete address of the bank in which the account is maintained and the account number.

b. Prima facie evidence showing that each individual member of the pool has deposited an amount equal to twice the average monthly balance of the trust fund account or \$5,000.00 dollars, whichever is greater, in a separate account maintained by the board of trustees in the name of the self-insurance pool in a chartered commercial bank in the State of Florida to secure performance of payment of all lawful awards made against any member or members of the self-insurance pool, Section 400.162(5), F.S., and these rules.

3. After the inception date of the pool, prospective new members of the pool shall submit an application for membership to the board of trustees. Such application shall contain the information specified in subparagraph (5)(b)2. The trustees may approve the application for membership in accordance with these rules. If so approved, the application for membership in accordance with these rules shall be filed with the ahca. Participation in a pool by a particular licensee shall be approved by the ahca if the licensee indicates in its application that it does meet the requirements of Section 400.162(5), F.S., and these rules and verification is provided to document the financial status indicated on the application.

4. The amount deposited in such an account shall be maintained at all times.

(e) If, at any time during the period for which a license is issued, a licensee who has not purchased a surety bond or entered into a self-insurance agreement is requested to hold funds in trust as provided in Section 400.162(5), F.S., the licensee shall notify the ahca, in writing, of the request, and make application for a surety bond or for participation in a self-insurance agreement within seven days of the request, exclusive of weekends and holidays. Copies of the application, along with written documentation of related correspondence with an insurance agency or group, shall be maintained and shall be available for review. All notices required by this rule provision shall be sent to the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.

*Specific Authority 400.23, 408.810(8) FS. Law Implemented 400.022, 400.0225, 400.071, 400.102, 400.111, 400.1183, 400.121, 400.141, 400.147, 400.151 400.162, 400.179, 400.18, 400.232, 408.20, 408.810(8) FS. History—New 4-1-82, Amended 4-1-84, 8-1-85, 1-1-86, 11-12-89, 12-25-90, 10-6-91, Formerly 10d-29.103, Amended 4-18-94, 2-6-97, 5-5-02.*