



MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

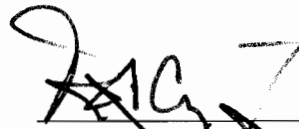
DATE: October 7, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature, the Florida Agency for
Health Care Administration, and the
Florida Department of Elder Affairs
to implement the recommendations of
the Miami-Dade Elder Abuse Task
Force

This resolution was amended by the Budget and Finance Committee to add the words double-underlined, as indicated in the item.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa, and Co-Sponsors the Budget and Finance Committee, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez and Commissioner Joe A. Martinez.



R. A. Cuevas, Jr.
County Attorney

RAC/cp




MEMORANDUM

(Revised)

TO: Honorable Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 7, 2008


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(19)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)

10-7-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE, THE FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION, AND THE FLORIDA DEPARTMENT OF ELDER AFFAIRS TO IMPLEMENT THE RECOMMENDATIONS OF THE MIAMI-DADE ELDER ABUSE TASK FORCE INCLUDING EXPRESSLY PERMITTING THE USE OF "GRANNY CAMERAS" IN NURSING HOMES TO DETER ELDER ABUSE AND NEGLECT; REQUIRING ASSISTED LIVING FACILITIES TO HAVE VITAL MEDICAL INFORMATION AVAILABLE ON STANDARDIZED FORMS 24 HOURS A DAY; AND CHANGING ADMINISTRATIVE PROCEDURE TO PROVIDE CERTIFICATION EXAMINATIONS FOR ASSISTED LIVING FACILITIES IN CREOLE IN ADDITION TO ENGLISH AND SPANISH

WHEREAS, Resolution R-1311-03 authorized the County Manager to form the Elder Abuse Task Force to make recommendations to the Board of County Commissioners (the "Board") on issues addressing the detection and prevention of elder abuse and/or neglect in Assisting Living Facilities ("ALFs"), nursing homes, convalescent homes, or other facilities that house or care for the elderly in Miami-Dade County; and

WHEREAS, representatives from state and local governments as well as the private sector participated in the Elder Abuse Task Force; and

WHEREAS, by memorandum dated February 15, 2006, the County Manager provided a report and recommendations of the Elder Abuse Task Force, a copy of which is attached and incorporated by reference; and

WHEREAS, several of the recommendations of the Elder Abuse Task Force consisted of state legislative and administration changes, including:

1. Changing state law to expressly permit the use of cameras in nursing homes to monitor the care of elderly residents and guard against elder abuse;
2. Changing state law to require that all ALFs have standardized transfer forms of vital medical information available 24 hours a day for emergency responders, including legislation that would grant the Florida Department of Elder Affairs specific rulemaking authority to mandate that all ALFs use a formalized transfer form of vital information that must be available 24 hours a day for emergency responders;
3. Changing state administrative procedure to provide certification examinations for ALFs in Creole in addition to English and Spanish; and

WHEREAS, “granny cameras” installed in nursing homes allow the monitoring of nursing homes residents in order to ensure quality care and deter elder abuse and neglect, similar to “nanny cams”; and

WHEREAS, Florida law currently does not recognize the right of a nursing home resident to install surveillance cameras; and

WHEREAS, Texas and New Mexico have both passed laws expressly permitting the use of cameras in nursing homes with certain restrictions to protect privacy rights; and

WHEREAS, the Florida Legislature would have to pass legislation, similar to that passed in Texas and New Mexico, to expressly permit the use of cameras in nursing homes; and

WHEREAS, ALFs are facilities that are licensed by the state and that provide housing, meals, personal care services, and supportive services to older persons and disabled adults who are unable to live independently; and

WHEREAS, ALFs are intended to be an alternative to nursing homes for individuals who need housing and supportive services, but who do not need 24-hour nursing supervision; and

WHEREAS, under current law, ALFs are not required to have vital health information on standardized forms available 24 hours a day; and

WHEREAS, having such standardized forms available 24 hours a day could be important to emergency responders and could save lives when minutes count; and

WHEREAS, the current State of Florida ALF certification examination is provided in English and Spanish; and

WHEREAS, the community and ALF clients would be better served by the increase in certified ALFs that would result if the examinations are also offered in Creole,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature, the Florida Agency for Health Care Administration and the Florida Department of Elder Affairs to pass legislation implementing the recommendations of the Miami-Dade Elder Abuse Task Force, including:

1. Expressly permitting the use of cameras in nursing homes to guard against elder abuse and neglect, including (i) requirements that nursing homes advise residents and their families within 24 hours if cameras malfunction, (ii) penalties for nursing homes that damage, disconnect or obscure cameras, and (iii) a prohibition on nursing homes charging unreasonable fees or costs for the installation of such cameras;¹
2. Requiring ALFs to have vital medical information available on standardized forms 24 hours a day;
3. Changing administrative procedure to provide certification examinations for ALFs in Creole in addition to English and Spanish.

Section 2. Directs the Clerk of the Board to transmit certified copies of the resolution to the Governor, Senate President, House Speaker, Chair and members of the Miami-Dade State

¹ Committee amendments are indicated as follows: words double-stricken through are deleted, words double-underlined are added.

Legislative Delegation, the Secretary of the Florida Agency for Health Care Administration and the Secretary of the Florida Department of Elder Affairs.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa, and the Co-Sponsors are the Budget and Finance Committee, Commissioner Jose "Pepe" Diaz, Commissioner Carlos A. Gimenez, and Commissioner Joe A. Martinez. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

