

LONG TERM CARE – QUICK REFERENCE GUIDE

LEGISLATIVE FOUNDATIONS

OBRA '87

42 U.S.C. §§1395i–3(c) and 1396r(c)

OLDER AMERICANS ACT

42 U.S.C. §3001 et seq.

AGENCIES

- Agency for Health Care Administration (**AHCA**) – Unsafe discharges; facility deficiencies.
- Department of Children and Families (**DCF**) Elder Abuse, Neglect, and Exploitation.
Department of Administrative Hearings (**DOAH**) – Fair Hearings for involuntary discharges; final orders for those cases Archived.
- Florida Department of Elder Affairs (**DOEA**); Long-Term Care Ombudsman; Area Agency on Aging; CARES Assessment; Legal Services Developer.
- Center for Medicare and Medicaid Services (**CMS**); Regulations regarding residents' rights; facility operations; Medicare coverage decisions (NOMNC).

PRACTICAL STATUTORY & REGULATORY REFERENCES

- **Code of Federal Regulations** (42 CFR); State Operations Manual-Guidance to Surveyors for Long-Term Care Facilities (Appendix PP)
- **Chapter 400, Florida Statutes (F.S.)**; Long-Term Care Ombudsman Program; Nursing Home Resident's Rights and Facility Requirements v-a-v Residents
- **Florida Administrative Code** (F.A.C. §59)
- **Florida Administrative Procedures Act** (F.A.P.A), Chapter 120, Florida Statutes

- § 744.3215, Florida Statutes; Retained Rights of a Ward in a Guardianship

- Chapter 709, Florida Statutes; Durable Power of Attorney/Authority and Limitations

LONG TERM CARE OMBUDSMAN "SUPERPOWERS"

- ACCESS TO RESIDENT!
- Access to Records (medical, financial, care plans, personal needs account, etc.)
- Entitled to **immediate** notification of Transfer and Discharge Notice in every case.

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