

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4049 Assisted Living Facilities
SPONSOR(S): Hudson
TIED BILLS: **IDEN./SIM. BILLS:** SB 692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Quality Subcommittee	13 Y, 1 N	Guzzo	Calamas
2) Health & Human Services Committee			

SUMMARY ANALYSIS

The bill amends s. 429.35, F.S., to remove a requirement to distribute assisted living facility (ALF) inspection reports.

The bill deletes the requirement in section 429.35(2), F.S., for the Agency for Health Care Administration (AHCA) within 60 days after biennial inspection and 30 days of any interim visit to forward the results of biennial and interim inspection visits of ALFs to:

- The local ombudsman council in the appropriate planning and service area of the Department of Elder Affairs (DOEA).
- Public Library.
- The district adult services and mental health program offices of the Department of Children and Families (DCF).

The bill does not appear to have a fiscal impact on state or local governments.

House Bill 4049 provides an effective date of July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Inspection Reports

Chapters 408, Part II and 429, Part I, F.S., and Chapters 58A-5 and 59A-35, F.A.C., regulate the licensure of assisted living facilities (ALFs). As of February 2011, 2,926 ALFs are licensed statewide. Between January, 2010, and February, 2011, 2,366 biennial inspection visits were conducted.

Section 429.35(2), F.S., requires the Agency for Health Care Administration (AHCA) within 60 days after biennial inspection and 30 days of any interim visit to forward the results of biennial and interim inspection visits of ALFs to:

- The local ombudsman council in the appropriate planning and service area of the Department of Elder Affairs (DOEA).
- Public Library.
- The district adult services and mental health program offices of the Department of Children and Families (DCF)

Section 408.806(8), F.S., allows AHCA to provide electronic access to information or documents, such as inspection report results, as an alternative to sending documents as required by authorizing statutes.¹ The Agency produces written reports of all inspections to the provider. Compliance and noncompliance with regulations are cited in the report. Upon review by the Agency, the reports are posted on the inspections reports website² and a monthly email is sent to the Office of State Long-Term Care Ombudsman (Office) of all inspections completed. The Office distributes this information to the local ombudsman councils.

Effect of Proposed Changes

The bill removes the requirement to distribute ALF biennial and interim inspection reports to local ombudsman councils, public libraries, and the district adult services and mental health program offices of DCF.

According to AHCA, the current distribution process is obsolete because access to these inspection results can be viewed electronically. The Office of State Long-Term Care Ombudsman currently receives a monthly email containing detailed results of all inspections completed. This information is then distributed to the local ombudsman councils. The purpose of the reports being sent to local public libraries is to make the information available to the public. However, the reports can be viewed by the public via AHCA's website.³

B. SECTION DIRECTORY:

Section 1: Amends s. 429.35, F.S., relating to maintenance of records inspection reports of assisted living facilities.

Section 2: Provides an effective date of July 1, 2011.

¹ S. 408.806(8), F.S.

² [http://apps.ahca.myflorida.com/dm_web/\(S\(n3dnev45xakyh155qllelimg\)\)/Default.aspx](http://apps.ahca.myflorida.com/dm_web/(S(n3dnev45xakyh155qllelimg))/Default.aspx)

³ Id.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take any action requiring the expenditure of funds; reduce the authority that municipalities or counties have to raise revenue in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES