

By the Committee on Fiscal Policy and Senator McKay

309-1736-00

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A bill to be entitled
An act creating the Task Force on the
Availability and Affordability of Long-term
Care; providing for membership and duties;
providing for staff and expenses; requiring a
report; providing for the expiration of the
task force; providing an appropriation;
providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) There is created the Task Force on the
Availability and Affordability of Long-term Care, to study
issues related to the provision of long-term care to the
elderly in nursing homes and alternatives to nursing homes,
and to make recommendations to the Governor and the
Legislature. The task force shall, at a minimum, study and
make recommendations concerning the following:

(a) The availability of alternative housing and care
settings for the elderly, including the use of rent-subsidized
facilities, assisted living facilities, and adult family care
homes.

(b) The availability of community-based care
arrangements that support elderly individuals to age in place
in their own homes and in alternative housing and care
settings.

(c) The adequacy of reimbursements for the cost of
providing care to the elderly in nursing homes and in
alternative housing and care settings.

1 (d) The availability and affordability of
2 long-term-care insurance coverage and the potential for
3 funding long-term care through such coverage.

4 (e) The role of the certificate-of-need process in the
5 development of systems of long-term care for the elderly.

6 (f) The extent to which the quality of care in
7 long-term-care facilities in this state is compromised because
8 of market changes that affect the financial stability of the
9 long-term-care industry.

10 (g) The effect of lawsuits against nursing homes on
11 the cost of nursing home care and on the financial stability
12 of the nursing home industry in the state.

13 (h) The kinds of incidents that lead to the filing of
14 lawsuits and the extent to which frivolous lawsuits are filed.

15 (i) The cost of liability insurance coverage for
16 long-term-care providers and the extent to which such costs
17 affect the affordability of care.

18 (j) The availability of liability insurance coverage
19 for long-term-care providers through Florida insurance
20 companies.

21 (k) The primary causes for recent bankruptcies facing
22 the nursing home industry.

23 (l) The additional costs to Medicaid, Medicare, and
24 the family when a patient suffering from a preventable
25 condition has to be admitted to a hospital.

26 (m) The ways in which other states have promoted the
27 development of alternative and homebased care and what they
28 have learned from these innovations.

29 (n) The difference between the quality of care
30 provided by for-profit skilled nursing facilities and by
31 not-for-profit skilled nursing facilities.

1 (2) The task force shall be composed of 11 members, as
2 follows:

3 (a) The Lieutenant Governor, who shall serve as chair
4 of the task force.

5 (b) The Secretary of Elderly Affairs.

6 (c) The director of the state Medicaid program.

7 (d) A member of The Florida Bar, whose practice is
8 primarily elder law, appointed by The Florida Bar.

9 (e) A representative of the Florida Assisted Living
10 Association, appointed by the association.

11 (f) A representative of the Florida Association of
12 Homes for the Aging, appointed by the association.

13 (g) A representative of the insurance industry who has
14 experience in the insurance markets affecting long-term care,
15 appointed by the Governor in consultation with the President
16 of the Senate and the Speaker of the House of Representatives.

17 (h) A member to represent private sponsors of housing
18 for the elderly financed through the United States Department
19 of Housing and Urban Development, appointed by the Secretary
20 of Elderly Affairs.

21 (i) An investment banker who has experience in
22 long-term-care economics, appointed by the Governor in
23 consultation with the President of the Senate and the Speaker
24 of the House of Representatives.

25 (j) An academic gerontologist appointed by the
26 Chancellor of the State University System.

27 (k) A physician whose specialty is geriatrics and who
28 is experienced in treating people with memory-related
29 disorders, appointed by the Florida Medical Association.

30 (3) The task force shall conduct research, hold public
31 meetings, receive testimony, employ consultants, and undertake

1 other activities determined by its members to be necessary to
2 complete its responsibilities.

3 (4) The members of the task force may not delegate
4 their attendance or voting power to designees.

5 (5) The task force shall be located at the University
6 of South Florida for administrative purposes. The Florida
7 Policy Exchange Center on Aging at the University of South
8 Florida shall provide staff and support services to the task
9 force. Members of the task force shall serve without
10 compensation, but are entitled to receive reimbursement for
11 travel and per diem as provided in section 112.061, Florida
12 Statutes.

13 (6) The appointments to the task force must be
14 completed within 2 weeks after the effective date of this act,
15 and the task force must hold its initial meeting within 1
16 month after the effective date of this act. The task force
17 shall submit a report containing its recommendations by
18 January 1, 2001, to the Governor, the President of the Senate,
19 and the Speaker of the House of Representatives. The task
20 force shall expire on March 1, 2001.

21 Section 2. For the 2000-2001 fiscal year, the
22 nonrecurring sum of \$200,000 is appropriated from the General
23 Revenue Fund to the University of South Florida for the
24 purposes of implementing this act.

25 Section 3. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1222

Deletes "public housing" as an available alternative housing setting and replaces with "rent subsidized".

Adds the following to the list of items that the task force will study and make recommendations on: 1) the cause for bankruptcies facing nursing homes, 2) the additional hospitalization cost when a patient is admitted for a preventable condition, 3) information on alternative care from other states, and 4) the difference in the quality of care provided between for-profit and not-for-profit skilled nursing facilities.

Decreases the task force membership from 13 to 11 and revises the composition as follows: deletes the Chief of Health Facility Compliance in Agency for Health Care Administration, the State Long-Term Care Ombudsman, the representatives of the Florida Health Care Association, the public housing authorities, and the American Association of Retired Persons; adds a representative of private sponsors of housing appointed by Department of Elder Affairs, an academic gerontologist appointed by the State University System, and a geriatric physician appointed by the Florida Medical Association.

Reduces the non-recurring general revenue appropriation for the study from \$250,000 to \$200,000.