

By Senator Saunders

25-912-01

1 A bill to be entitled
2 An act relating to long-term care; amending s.
3 400.062, F.S.; increasing the basic license fee
4 for nursing home facilities; amending s.
5 400.118, F.S.; requiring quality-of-care
6 monitors to conduct periodic visits to each
7 nursing home facility; providing an effective
8 date.

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

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12 Section 1. Subsection (3) of section 400.062, Florida
13 Statutes, is amended to read:

14 400.062 License required; fee; disposition; display;
15 transfer.--

16 (3) The annual license fee required for each license
17 issued under this part shall be comprised of two parts. Part
18 I of the license fee shall be the basic license fee. The rate
19 per bed for the basic license fee shall be established
20 annually and must be reasonably calculated to cover the cost
21 of regulation under this part, but may not exceed \$50~~\$35~~ per
22 bed. Part II of the license fee shall be the resident
23 protection fee, which shall be at the rate of not less than 25
24 cents per bed. The rate per bed shall be the minimum rate per
25 bed, and such rate shall remain in effect until the effective
26 date of a rate per bed adopted by rule by the agency pursuant
27 to this part. At such time as the amount on deposit in the
28 Resident Protection Trust Fund is less than \$500,000, the
29 agency may adopt rules to establish a rate which may not
30 exceed \$10 per bed. The rate per bed shall revert back to the
31 minimum rate per bed when the amount on deposit in the

1 Resident Protection Trust Fund reaches \$500,000, except that
2 any rate established by rule shall remain in effect until such
3 time as the rate has been equally required for each license
4 issued under this part. Any amount in the fund in excess of
5 \$800,000 shall revert to the Health Care Trust Fund and may
6 not be expended without prior approval of the Legislature.
7 The agency may prorate the annual license fee for those
8 licenses which it issues under this part for less than 1 year.
9 Funds generated by license fees collected in accordance with
10 this section shall be deposited in the following manner:

11 (a) The basic license fee collected shall be deposited
12 in the Health Care Trust Fund, established for the sole
13 purpose of carrying out this part. When the balance of the
14 account established in the Health Care Trust Fund for the
15 deposit of fees collected as authorized under this section
16 exceeds one-third of the annual cost of regulation under this
17 part, the excess shall be used to reduce the licensure fees in
18 the next year.

19 (b) The resident protection fee collected shall be
20 deposited in the Resident Protection Trust Fund for the sole
21 purpose of paying, in accordance with the provisions of s.
22 400.063, for the appropriate alternate placement, care, and
23 treatment of a resident removed from a nursing home facility
24 on a temporary, emergency basis or for the maintenance and
25 care of residents in a nursing home facility pending removal
26 and alternate placement.

27 Section 2. Paragraph (a) of subsection (2) of section
28 400.118, Florida Statutes, is amended to read:

29 400.118 Quality assurance; early warning system;
30 monitoring; rapid response teams.--

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1 (2)(a) The agency shall establish within each district
2 office one or more quality-of-care monitors, based on the
3 number of nursing facilities in the district, to monitor all
4 nursing facilities in the district on a regular, unannounced,
5 aperiodic basis, including nights, evenings, weekends, and
6 holidays. Quality-of-care monitors shall visit each nursing
7 facility at least quarterly.Priority for additional
8 monitoring visits shall be given to nursing facilities with a
9 history of patient care deficiencies. Quality-of-care monitors
10 shall be registered nurses who are trained and experienced in
11 nursing facility regulation, standards of practice in
12 long-term care, and evaluation of patient care. Individuals in
13 these positions shall not be deployed by the agency as a part
14 of the district survey team in the conduct of routine,
15 scheduled surveys, but shall function solely and independently
16 as quality-of-care monitors. Quality-of-care monitors shall
17 assess the overall quality of life in the nursing facility and
18 shall assess specific conditions in the facility directly
19 related to patient care. The quality-of-care monitor shall
20 include in an assessment visit observation of the care and
21 services rendered to residents and formal and informal
22 interviews with residents, family members, facility staff,
23 resident guests, volunteers, other regulatory staff, and
24 representatives of a long-term care ombudsman council or
25 Florida advocacy council.

26 Section 3. This act shall take effect July 1, 2001.

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29 SENATE SUMMARY

30 Increases, from \$35 to \$50 per bed, the annual license
31 fee that the Agency for Health Care Administration may
 charge nursing homes. Requires that quality-of-care
 monitors visit a nursing home at least quarterly.