

Bill No. CS for CS for SB 370

Amendment No.      Barcode 244146

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Brown-Waite moved the following **amendment to amendment** (104940):

**Senate Amendment (with title amendment)**

On page 97, between lines 23 and 24,

insert:

Section 80. Subsection (20) of section 400.141, Florida Statutes, is amended to read:

400.141 Administration and management of nursing home facilities.--Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(20) Maintain general and professional liability insurance coverage that is in force at all times.

Facilities that have been awarded a Gold Seal under the program established in s. 400.235 may develop a plan to provide certified nursing assistant training as prescribed by federal regulations and state rules and may apply to the agency for approval of their program.

Section 81. Subsection (9) of section 400.147, Florida

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1 Statutes, is amended to read:

2 400.147 Internal risk management and quality assurance  
3 program.--

4 (9) By the 10th of each month each facility subject to  
5 this section shall report ~~monthly~~ any notice received pursuant  
6 to s. 400.0233(2) and each initial complaint that was filed  
7 with the clerk of the court and served on the facility during  
8 the previous month by a resident, family member, guardian,  
9 conservator, or personal legal representative liability claim  
10 filed against it. The report must include the name of the  
11 resident, the date of birth, the Medicaid identification  
12 number for persons eligible for Medicaid, the date or dates of  
13 the incident leading to the claim, if applicable, the dates of  
14 residency, and the type of injury or violation of rights  
15 alleged to have occurred. Each facility shall also submit a  
16 copy of the notices received pursuant to s. 400.0233(2) and  
17 complaints filed with the clerk of the court. This report is  
18 confidential as provided by law and is not discoverable or  
19 admissible in any civil or administrative action, except in  
20 such actions brought by the agency to enforce the provisions  
21 of this part.

22 Section 82. (1) For the period beginning June 30,  
23 2001, and ending June 30, 2005, the Agency for Health Care  
24 Administration shall provide a report to the Governor, the  
25 President of the Senate, and the Speaker of the House of  
26 Representatives with respect to nursing homes. The first  
27 report shall be submitted no later than December 30, 2002, and  
28 every 6 months thereafter. The report shall identify:

29 (a) Facilities based on their ownership  
30 characteristics, size, business structure, for-profit or  
31 not-for-profit status, and any other characteristics the

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1 agency determines useful in analyzing the varied segments of  
2 the nursing home industry;

3 (b) The number of Notices of Intent to Litigate  
4 received by each facility each month;

5 (c) The number of complaints on behalf of a resident  
6 or resident's legal representative which were filed with the  
7 clerk of the court each month;

8 (d) The month in which the injury that is the basis  
9 for the suit occurred or was discovered or, if unavailable,  
10 the dates of residency of the resident involved, beginning  
11 with the date of initial admission and the latest discharge  
12 date; and

13 (e) Information regarding deficiencies cited,  
14 including information used to develop the Nursing Home Guide  
15 pursuant to section 400.191, Florida Statutes, and applicable  
16 rules; a summary of data generated on nursing homes by the  
17 Centers for Medicare and Medicaid Services Nursing Home  
18 Quality Information Project; and information collected  
19 pursuant to section 400.147(9), Florida Statutes, relating to  
20 litigation.

21 (2) Facilities subject to this part must submit the  
22 information necessary to compile this report each month on  
23 existing forms, as modified, and provided by the agency.

24 (3) The agency shall delineate the available  
25 information on a monthly basis.

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27 (Redesignate subsequent sections.)

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1           On page 107, line 21, after the semicolon,  
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3 insert:  
4           amending s. 400.141, F.S.; revising  
5           requirements for licensed facilities; amending  
6           s. 400.147, F.S.; revising reporting  
7           requirements; requiring the Agency for Health  
8           Care Administration to report to the Governor  
9           and the Legislature concerning nursing homes;  
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