

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Goodlette and Murman offered the following:

Amendment (with title amendment)

On page 7, between lines 16 and 17,

insert:

Section 2. 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.

Section 3. (1) For the period beginning June 30, 2001, and ending June 30, 2005, the Agency for Health Care Administration shall provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with respect to nursing homes. The first report shall be submitted no later than December 30, 2002, and every six (6) months thereafter. The report shall identify facilities based on their ownership characteristics, size,

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1 business structure, for-profit or not-for-profit status; and
2 any other characteristics the agency determines useful in
3 analyzing the varied segments of the nursing home industry and
4 shall report:

5 (a) The number of Notices of Intent to litigate
6 received by each facility each month;

7 (b) The number of complaints on behalf of a resident
8 or resident legal representative that were filed with the
9 clerk of the court each month;

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

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

20 (2) Facilities subject to part II of Chapter 400 must
21 submit the information necessary to compile this report each
22 month on existing forms, as modified, provided by the agency.

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

25 Section 4. Subsection (9) of section 400.147, Florida
26 Statutes, is amended to read:

27 400.147 Internal risk management and quality assurance
28 program.--

29 (9) By the 10th of each month, each facility subject
30 to this section shall report ~~monthly~~ any notice received
31 pursuant to s. 400.0233(2) ~~liability claim filed against it.~~

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

16 Section 5. In order to expedite the availability of
17 general and professional liability insurance for nursing
18 homes, the agency, subject to appropriations included in the
19 General Appropriation Act, shall advance \$6 million for the
20 purpose of capitalizing the risk retention group. The terms of
21 repayment may not extend beyond 3 years from the date of
22 funding. For purposes of this project, notwithstanding the
23 provisions of s. 631.271, the agency's claim shall be
24 considered a class 3 claim.

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26
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 1, line 6, after the first semicolon,

30

31 insert:

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1 amending s. 400.141, F.S.; requiring licensed
2 nursing home facilities to maintain general and
3 professional liability insurance coverage;
4 requiring facilities to submit information to
5 the Agency for Health Care Administration which
6 shall provide reports regarding facilities'
7 litigation, complaints, and deficiencies;
8 amending s. 400.147, F.S.; revising reporting
9 requirements under facility internal risk
10 management and quality assurance programs;
11 providing for funding to expedite the
12 availability of nursing home liability
13 insurance;

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