

By Senator Crist

12-454-03

1                                   A bill to be entitled  
2           An act relating to nursing homes and related  
3           health care facilities; amending s. 400.235,  
4           F.S.; revising membership and terms of office  
5           of the Governor's Panel on Excellence in  
6           Long-Term Care; providing for selection of a  
7           panel chairperson; providing an effective date.

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

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11           Section 1. Paragraph (a) of subsection (3) of section  
12 400.235, Florida Statutes, is amended to read:

13           400.235 Nursing home quality and licensure status;  
14 Gold Seal Program.--

15           (3)(a)1. The Gold Seal Program shall be developed and  
16 implemented by the Governor's Panel on Excellence in Long-Term  
17 Care, which shall operate under the authority of the Executive  
18 Office of the Governor. The panel shall be composed of the  
19 following members:

20           a. A consumer advocate for senior citizens, appointed  
21 by the Governor.

22           b. Two persons having expertise in the field of  
23 quality management, service-delivery excellence, or  
24 public-sector accountability, appointed by the Governor.

25           c. A consumer advocate for senior citizens, appointed  
26 by the Secretary of Elderly Affairs.

27           d. An active member of a nursing facility family and  
28 resident care council, appointed by the Secretary of Elderly  
29 Affairs.

30           e. A member of the University Consortium on Aging,  
31 appointed by the Secretary of Elderly Affairs.

- 1           f. The State Long-Term Care Ombudsman.  
2           g. A consumer advocate for senior citizens, appointed  
3 by the Florida Life Care Residents Association.  
4           h. A consumer advocate for senior citizens, appointed  
5 by the Secretary of Health.  
6           i. A consumer advocate for senior citizens, appointed  
7 by the Secretary of the Agency for Health Care Administration.  
8           j. The Deputy Secretary for Medicaid of the Agency for  
9 Health Care Administration.  
10          k. One person appointed by the Florida Association of  
11 Homes for the Aging.  
12          l. One person appointed by the Florida Health Care  
13 Association.  
14          m. A member of the Florida Silver Hair Legislature,  
15 appointed by the Florida Silver Hair Legislature.  
16          n. A member of the Florida Alliance for Retired  
17 Americans, appointed by the Florida Alliance for Retired  
18 Americans.  
19          o. An elder-law attorney appointed by The Florida Bar.  
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21 Persons serving on the panel on the effective date of this act  
22 shall continue to serve and persons shall be appointed  
23 according to the criteria described in sub-subparagraphs m.,  
24 n., and o. for terms beginning October 1, 2003; however, for  
25 the dual purpose of staggering the terms of the members and  
26 maintaining continuity, the terms of the panel members serving  
27 on the effective date of this act who were appointed according  
28 to the criteria described in sub-subparagraphs b., d., g., i.,  
29 and k. expire September 30, 2003, and terms of the panel  
30 members serving on the effective date of this act who were  
31 appointed according to the criteria described in

1 sub-subparagraphs a., c., e., h., and l. expire September 30,  
2 2004. Thereafter, each appointive member shall be appointed  
3 for a 4-year term in the same manner as the original  
4 appointment. A person may not be appointed to serve more than  
5 two consecutive 4-year terms. However, an appointee serving on  
6 the effective date of this act is not eligible for  
7 reappointment.

8 2. Panel members shall select the panel chairperson to  
9 serve a 3-year term by a majority vote at the panel's first  
10 meeting after all panel members have been appointed.

11 3. For the purposes of this paragraph, the term  
12 "consumer advocate for senior citizens" means a person who:

13 a. Does not receive more than 20 percent of his or her  
14 personal income from any business involved in the delivery of  
15 long-term care services, from any attorney or law firm that  
16 represents nursing home facilities or nursing home residents  
17 in personal injury actions, or from any affiliated membership  
18 organizations or corporations;

19 b. Is not an employee of the Agency for Health Care  
20 Administration, the Department of Health, or the Department of  
21 Elderly Affairs; and

22 c. Is either a member of an organized senior advocacy  
23 group or has had or currently has a relative in a nursing  
24 home.~~three persons appointed by the Governor, to include a~~  
25 ~~consumer advocate for senior citizens and two persons with~~  
26 ~~expertise in the fields of quality management, service~~  
27 ~~delivery excellence, or public sector accountability; three~~  
28 ~~persons appointed by the Secretary of Elderly Affairs, to~~  
29 ~~include an active member of a nursing facility family and~~  
30 ~~resident care council and a member of the University~~  
31 ~~Consortium on Aging; the State Long-Term Care Ombudsman; one~~

1 ~~person appointed by the Florida Life Care Residents~~  
2 ~~Association; one person appointed by the Secretary of Health;~~  
3 ~~two persons appointed by the Secretary of Health Care~~  
4 ~~Administration; one person appointed by the Florida~~  
5 ~~Association of Homes for the Aging; and one person appointed~~  
6 ~~by the Florida Health Care Association. Vacancies on the panel~~  
7 ~~shall be filled in the same manner as the original~~  
8 ~~appointments.~~

9 Section 2. This act shall take effect upon becoming a  
10 law.

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13 SENATE SUMMARY

14 Revises the membership and terms of office of the  
15 Governor's Panel on Excellence in Long-Term Care.  
16 Provides for the selection of a panel chairperson.

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