

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1083 Nursing Homes

SPONSOR(S): Domino

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 296, SB 2150, HB 705

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) ELDER & LONG TERM CARE (SUB)	_____	Meyer	Liem
2) FUTURE OF FLORIDA'S FAMILIES	_____	_____	_____
3) HEALTH APPROPRIATIONS (SUB)	_____	_____	_____
4) APPROPRIATIONS	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill allows a nurse other than the director of nursing of the facility to review and sign residents' plans of care. The bill requires the Agency for Health Care Administration (AHCA) to provide notice to licensed facilities by certified mail that the facility license is due to expire 120 days from that mailing date. It allows nursing homes to share staff and programs under certain circumstances.

Minimum staffing levels would be determined on the basis of a biweekly average of staffing levels rather than on the current basis of daily staffing levels. The bill also proposes having the Agency develop rules that establish a daily average CNA staffing that is 95 percent of the biweekly staffing average and provide for the night shift (11:00 PM to 7:00 AM) to be staffed by at least 0.4 hours of CNA staffing. The proposed revisions would eliminate the requirement for agency approval to allocate the time of licensed nursing staff as performing both CNA duties and licensed nursing duties during the same shift. The bill prohibits AHCA from citing staffing deficiencies during a state of emergency declared by the Governor.

This bill revises the financial criteria that nursing homes must meet to be eligible for recognition through the Gold Seal Program. Resident organizations in continuing care retirement communities (CCRCs) would have specific statutory authorization for electing representatives to a resident's organization.

The bill takes effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1083.fff

DATE: March 20, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Resident care plans could be signed by nurses other than the director of nursing. The Agency is required to notify facilities by certified mail that their licenses expire in 120 days.

Nursing homes that are a part of a Continuing Care Retirement Community that have a standard license would be able to share programs and services using staff in excess of minimum staffing levels to provide services outside the nursing home on the same campus. The bill permits counting licensed nursing and certified nursing assistant staff used in all parts of the campus to be included in meeting the minimum staffing ratios required in the nursing home statute.

For all nursing homes, compliance with minimum staffing requirements is judged on a biweekly average. The daily staffing requirements cannot fall below 95 percent of the statutory minimum. The night shift minimum is retained at 0.4 hours of CNA time per resident. Agency survey staff would be prohibited from citing deficiencies during an emergency declared by the Governor. Facilities would be permitted, without agency approval as is now required, to allocate the work hours of a licensed nurse during a shift in which that nurse also carried out CNA responsibilities.

The bill allows free-standing nursing homes that are part of the same corporate entity as a licensed CCRC to satisfy the financial stability requirement of the Gold Seal award if the CCRC meets the minimum liquid reserves, is accredited by a recognized accrediting organization, and that accreditation is not provisional.

C. SECTION DIRECTORY:

Section 1. Subsection (17) of section 400.021, Florida Statutes, is amended related to resident's plans of care.

Section 2. Subsection (1) of section 400.111, Florida Statutes is amended to require AHCA to send by certified mail a notice to each nursing home by certified mail advising the facility that its license is due to be renewed.

Section 3. Subsection (7) and paragraph (d) of subsection (15) of section 400.141, Florida Statutes, are amended to provide for shared staff on a CCRC campus.

Section 4. Paragraph (a) of subsection (3) of section 400.23, Florida Statutes is amended to calculate compliance with minimum staffing standards on a basis of a biweekly average with the requirement that on no day can the facility fall below 95 percent of the required minimum staffing. During a state of

emergency declared by the Governor, AHCA would not have authority to cite facilities for staffing deficiencies.

Section 5. Paragraph (b) of subsection (5) of section 400.235, Florida Statutes, is amended to provide that a CCRC that satisfies the minimum liquid reserves requirements will be deemed to be “financially stable” for purposes of the Gold Seal program.

Section 6. This act shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The requirement that the Agency send a notice by certified mail to each nursing home to remind the facility to renew its license would increase workload and incur mailing costs of approximately \$3,000 for 669 nursing homes.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Some CCRCs will find it more feasible to meet the standards for demonstrating “financial stability” and may then choose to apply for a Gold Seal designation.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

B. RULE-MAKING AUTHORITY:

No rule making authority is granted.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The sponsor may want to more clearly delineate the circumstances under which a declared state of emergency would abrogate AHCA's authority to cite a facility for a staffing deficiency.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES