

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 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.

See amendment below that addresses this issue.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The following amendments were recommended by the Elder Affairs & Long Term Care subcommittee in its March 25, 2003 meeting:

- The responsibility for signing the patient's care plan can be accomplished by the Director of Nursing or another registered nurse who works for the facility and to whom institutional responsibilities have been delegated.
- Allows the agency to use regular U.S. mail or electronic noticing to advise a facility that it is time to renew its license.
- Revises the requirement for CCRCs and retirement communities to demonstrate that using "shared staff" they still met the required staffing standards from the time of re-licensure instead to the time of inspection and in semi-annual reports that must be sent to AHCA.
- Clarifies that AHCA cannot cite a nursing home for failing to meet the minimum staffing requirements during a Governor-declared state of emergency for homes that are within the emergency area.
- Provides that for purposes of the Gold Seal program, financial statements that are reviewed will also be acceptable.