

By Senator Bennett

21-946-03

1                                   A bill to be entitled  
 2           An act relating to nursing homes; allowing  
 3           nursing homes to convert beds to alternative  
 4           uses as specified; providing restrictions on  
 5           uses of funding under assisted-living Medicaid  
 6           waivers; providing procedures; providing for  
 7           the applicability of certain fire and  
 8           life-safety codes; providing applicability of  
 9           certain laws; requiring a nursing home to  
 10          submit a request to the Agency for Health Care  
 11          Administration; providing conditions for  
 12          disapproving such a request; providing for  
 13          periodic review; providing for retention of  
 14          nursing-home licensure for converted beds;  
 15          providing for reconversion of the beds;  
 16          providing an effective date.

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

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 20           Section 1. Alternative uses of nursing home beds;  
 21 funding limitations; applicable codes and requirements;  
 22 procedures; reconversion.--

23           (1) It is the intent of the Legislature to allow  
 24 nursing home facilities to use licensed nursing home facility  
 25 beds for alternative uses other than nursing home care for  
 26 extended periods of time exceeding 48 hours.

27           (2) A nursing home may use a contiguous portion of the  
 28 nursing home facility to meet the needs of the elderly through  
 29 the use of less restrictive and less institutional methods of  
 30 long-term care, including, but not limited to, adult day care,  
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1 assisted living, extended congregate care, or limited nursing  
2 services as defined in section 400.402, Florida Statutes.

3 (3) Funding under assisted living Medicaid waivers for  
4 nursing home facility beds that are used to provide extended  
5 congregate care or limited nursing services under this section  
6 may be provided only for residents who have resided in the  
7 nursing home facility for a minimum of 90 consecutive days.

8 (4) Nursing home facility beds that are used in  
9 providing alternative services may share common areas,  
10 services, and staff with beds that are designated for nursing  
11 home care. Fire codes and life safety codes applicable to  
12 nursing home facilities also apply to beds used for  
13 alternative purposes under this section. Any alternative use  
14 must meet other requirements specified by law for that use.

15 (5) In order to take beds out of service for nursing  
16 home care and use them to provide alternative services under  
17 this section, a nursing home must submit a request for  
18 approval to the Agency for Health Care Administration. The  
19 agency shall approve the request unless it determines that  
20 such action will adversely affect access to nursing home care  
21 in the geographical area in which the nursing home is located.  
22 The agency shall review the request for alternative use at  
23 each annual license renewal.

24 (6) A nursing home facility that converts beds to an  
25 alternative use under this section retains its license for all  
26 of the nursing home facility beds and may return those beds to  
27 nursing home operation upon notice to the agency.

28 Section 2. This act shall take effect July 1, 2003.  
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SENATE SUMMARY

Allows nursing home facilities to convert beds to alternative uses that meet the needs of the elderly for other forms of long-term care. Provides restrictions on using funds under assisted-living Medicaid waivers. Allows beds used for alternative purposes to share common areas, services, and staff with other beds in the nursing home. Provides that fire codes and life-safety codes apply to converted beds. Provides that laws applicable to the respective alternative uses apply to the converted beds. Requires the nursing home to apply to the Agency for Health Care Administration for permission to convert. Requires the agency to approve except in specified circumstances. Provides for agency review of the conversion. Provides that a nursing home facility that converts some of its beds retains a nursing home license for those beds and may return them to nursing-home operation upon notice to the agency.