

By the Committee on Health, Aging, and Long-Term Care; and
Senator Bennett

317-1915-03

1 A bill to be entitled
2 An act relating to nursing homes; creating s.
3 400.244, F.S.; allowing nursing homes to
4 convert beds to alternative uses as specified;
5 providing restrictions on uses of funding under
6 assisted-living Medicaid waivers; providing
7 procedures; providing for the applicability of
8 certain fire and life safety codes; providing
9 applicability of certain laws; requiring a
10 nursing home to submit to the Agency for Health
11 Care Administration a written request for
12 permission to convert beds to alternative uses;
13 providing conditions for disapproving such a
14 request; providing for periodic review;
15 providing for retention of nursing home
16 licensure for converted beds; providing for
17 reconversion of the beds; providing
18 applicability of licensure fees; requiring a
19 report to the agency; providing an effective
20 date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 400.244, Florida Statutes, is
25 created to read:
26 400.244 Alternative uses of nursing home beds; funding
27 limitations; applicable codes and requirements; procedures;
28 reconversion.--

29 (1) It is the intent of the Legislature to allow
30 nursing home facilities to use licensed nursing home facility
31

1 beds for alternative uses other than nursing home care for
2 extended periods of time exceeding 48 hours.

3 (2) A nursing home may use a contiguous portion of the
4 nursing home facility to meet the needs of the elderly through
5 the use of less restrictive and less institutional methods of
6 long-term care, including, but not limited to, adult day care,
7 assisted living, extended congregate care, or limited nursing
8 services.

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

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

21 (5) In order to take beds out of service for nursing
22 home care and use them to provide alternative services under
23 this section, a nursing home must submit a written request for
24 approval to the Agency for Health Care Administration in a
25 format specified by the agency. The agency shall approve the
26 request unless it determines that such action will adversely
27 affect access to nursing home care in the geographical area in
28 which the nursing home is located. The agency shall, in its
29 review, consider a district average occupancy of 94 percent or
30 greater at the time of the application as an indicator of an

31

1 adverse impact. The agency shall review the request for
2 alternative use at each annual license renewal.

3 (6) A nursing home facility that converts beds to an
4 alternative use under this section retains its license for all
5 of the nursing home facility beds and may return those beds to
6 nursing home operation upon 60 days' advance notice to the
7 agency unless notice requirements are specified elsewhere in
8 law. The nursing home facility shall continue to pay all
9 licensure fees as required by s. 400.062 and applicable rules
10 but is not required to pay any other state licensure fee for
11 the alternative service.

12 (7) Within 45 days after the end of each calendar
13 quarter, each facility that has nursing facility beds licensed
14 under chapter 400 shall report to the agency or its designee
15 the total number of patient days which occurred in each month
16 of the quarter and the number of such days which were Medicaid
17 patient days.

18 Section 2. This act shall take effect July 1, 2003.
19
20
21
22
23
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1252

The committee substitute differs from SB 1252 in the following ways:

- A new statute section, s. 400.244, F.S. is created.
- A reference to s. 400.402, F.S., which appeared to limit the alternate use to assisted living facilities, is deleted.
- The request for alternative use must be in writing in a format specified by the Agency for Health Care Administration.
- The Agency for Health Care Administration must consider a district average occupancy of 94 percent or greater at the time of the application as an indicator that an alternative use of nursing home beds would have an adverse impact on access to nursing homes.
- A nursing home facility must continue to pay the license fees required under s. 400.062, F.S., for those beds converted to alternative use, but must not be required to pay additional licensure fees required under other statutes for the alternative service.
- Each facility that has nursing facility beds licensed under ch. 400, F.S. must report to the Agency for Health Care Administration or its designee the total number of patient days which occurred in each month of the quarter and the number of those days that were Medicaid patient days.