

By the Committee on Health, Aging, and Long-Term Care; and
Senators Wasserman Schultz, Siplin, Wilson, Margolis,
Argenziano, Dawson, Hill and Diaz de la Portilla

317-2402-03

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A bill to be entitled
An act relating to nursing homes; requiring an
increase in wages and benefits of specified
nursing home staff; providing for the use of
wage or benefit funds; requiring the Agency for
Health Care Administration to monitor
compliance with the act; providing an
exception; providing an effective date.

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

Section 1. (1) The Agency for Health Care
Administration shall require that all nursing homes increase
wages, benefits, or a combination thereof, excluding bonuses,
by an amount computed by multiplying \$1 by each hour worked by
all hourly staff. The provisions of this subsection do not
include those individuals disclosed as required by sections
400.071(2)(b), 400.071(2)(d), 400.141(1), 400.141(2),
400.141(3), 400.141(4), Florida Statutes. The hours worked by
hourly staff shall include hours worked by leased staff or
similar arrangements wherein the majority of hours worked at
the facility are provided by the leased staff. The hours shall
not include hours worked by agency, temporary, pool,
contracted, or home office staff that are not regularly
scheduled at the facility.

(2) The wage or benefit funds may be used to provide
new or improved benefits or to defray the costs to employees
of benefits, such as lower premiums for health insurance.
Funds may not be used to defray the increased costs to
facilities of existing benefits, such as premium increases
paid by facilities for health insurance.

1 (3) The increase in wages, benefits, or a combination
2 thereof shall be considered an allowable cost for Medicaid
3 cost report purposes, but shall not be subject to the interim
4 rate provisions of the Title XIX Long-Term Care Reimbursement
5 Plan.

6 (4) The agency shall develop systems for the
7 application and monitoring of the wage or benefit funds. The
8 increase in wages, benefits, or a combination thereof shall be
9 computed by comparing the total of these wages and benefits to
10 the total of wages and benefits paid during the period July 1,
11 2002, through June 30, 2003. The agency shall monitor future
12 compliance with this provision by a reconciliation-of-benefits
13 schedule to be submitted with all Medicaid cost reports ending
14 on or after July 31, 2003.

15 (5) Nursing homes that, as of the effective date of
16 this act, offer health insurance benefits to all staff members
17 which cover employees and dependents with an employer
18 contribution of at least 80 percent of the total premium cost
19 shall be exempt from the provisions of this act. To qualify
20 for this exemption, nursing homes must continue to provide
21 health insurance plans that are substantially similar to the
22 coverage in place as of the effective date of this act.

23 (6) The increase in wages, benefits, or a combination
24 thereof shall become effective July 1, 2003, and shall not be
25 rescinded at any time by the nursing home operator, future
26 operator, management company, or staff leasing entity. This
27 section shall not be interpreted to require any wage or
28 benefit increases in addition to those that take effect on
29 July 1, 2003.

30 Section 2. This act shall take effect July 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2096

The Committee Substitute does not require a wage and benefit pass through, but rather requires nursing homes to increase wages, benefits, or a combination thereof by an amount equal to one dollar for each hour worked by hourly staff. The increased wage or benefit funds must be used to improve employee benefits or lower the employees' cost for premiums. A nursing home that provides health insurance benefits to all staff and their dependents and covers at least 80 percent of the total premium cost will be exempt from the requirements of the bill. The Agency for Health Care Administration must monitor the program. The increase is a one-time increase that may not be rescinded by the nursing home at any time.