

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 705 w/CS Retirement Communities

SPONSOR(S): Hasner

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 296

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Elder Affairs & Long Term Care (Sub)	8 Y, 0 N	Meyer	Liem
2) Future of Florida's Families	15 Y, 0 N w/CS	Meyer	Liem
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

HB 705 specifies that a nursing home that is part of a Continuing Care Retirement Community (CCRC) that is accredited by a recognized accrediting organization and that meets the minimum liquid reserve requirements established by the Department of Financial Services' (formerly Department of Insurance) satisfies the financial criteria for the Gold Seal Program, as long as the accreditation is not provisional.

The bill revises nursing home staffing standards to permit a nursing home that has a standard license or is a Gold Seal facility, exceeds minimum staffing requirements, and is a part of a Continuing Care Retirement Community (CCRC) or retirement community to share programming and staff with their assisted living, home health, and adult day care services that operate on the same campus. The bill establishes additional criteria for the sharing of staff. The bill modifies requirements for residents' organizations in CCRCs and selection of a resident representative before the provider's governing body to specify the methods of election of representatives, requirements for notice to residents, minimum levels of participation, and the duration of the term of election, and requires that there shall be only one resident's organization which represents the residents before the governing body of a provider.

No fiscal impact is projected. 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: h0705b.fff.doc

DATE: March 27, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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 type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

Section 1. Allows a CCRC to share programming and staff in facilities that are part of a continuing care facility licensed under ch. 651, F.S., or a retirement community that offers other services pursuant to part III, part IV or part V of chapter 400, F.S., (these services are assisted living, home health, and adult day care services) on a single campus if:

- The facility has standard licensure status or is a Gold Seal facility;
- Exceeds minimum required hours of licensed nursing and certified nursing assistants direct care per resident per day; and,
- At the time of inspection and in its semi-annual report to AHCA, a continuing care facility or retirement community that uses this option must demonstrate, through staffing records, that minimum staffing standards were met.

Licensed nurses and certified nursing assistants may be used to provide services elsewhere on campus if the facility exceeds the minimum number of direct care hours required per resident per day and the number of residents served on campus by a licensed nurse or a certified nursing assistant never drops below the staffing ratios required under s. 400.23(3)(a), F.S. If the facility receives a conditional license, it may not share staff until the conditional license status ends. The bill clarifies that the subsection does not restrict the agency's authority to require additional staff if a facility is cited for deficiencies caused by insufficient staff.

Section 2. Amends the criteria that a nursing facility must meet to show evidence of financial soundness and stability for qualification as a Gold Seal facility. The bill provides that it a nursing home that is part of the same corporate entity as a CCRC which meets the minimum liquid reserve requirements specified in statute, and is accredited by an accrediting organization recognized under statutory provisions and the rules of the Office of Insurance Regulation is to be considered financially sound and stable.

Section 3. Provides for the creation of a resident's organization through an election. Standards are established for the election, including:

- Voting is by ballot, either in person or by proxy;
- If the election is to be held during a meeting, a notice of the organizational meeting must be provided to all residents at least 10 business days before the election;
- Notice may be given through internal mailboxes, communitywide newsletters, bulletin boards, in-house television, or other similar means of communication; and,

- . An election is valid if at least 40 percent of the total resident population participates in the election and a majority of participants vote affirmatively for the organization.

The initial residents' organization created under this section is valid for 12 months. If the facility has a residents' association, residents' council or a similarly organized body with bylaws and elected officials in effect on July 1, 2003, a new election for that body is not required before the next regular election specified in the organizations' bylaws. Only one resident's organization is permitted to represent the residents before the governing body of the provider.

Section 4. This section allows residents' organizations, in addition to a majority of residents, to designate a representative before the governing body of a provider and provides procedures for the designation of a representative. The section allows a residents' organization formed under s. 651.081, F.S., to either designate a resident to represent them before the governing body of the provider, or to organize a meeting, or an election, by ballot, of the residents of the facility to determine whether to elect a resident to represent them before the provider governing body. The resident organization must be of the type described in s. 651.081, F.S., and if none exists, any resident may organize a meeting or ballot election of the residents to determine whether to elect a representative before the provider governing body. Procedures for the election of the representative are specified, including:

- Notice of at least 10 business days;
- Notice may be given through internal mailboxes, communitywide newsletters, bulletin boards, in-house television, or other similar means of communication; and
- An election is valid if at least 40 percent of the total resident population participates in the election and a majority of participants vote affirmatively for the representative.

The representative is elected for at least a 12 month term.

C. SECTION DIRECTORY:

Section 1. Amends 400.141, F.S., to allow CCRCs to share licensed nurses and certified nursing assistants.

Section 2. Amends 400.235, F.S., related to the Gold Seal program for nursing homes to allow a facility that meets the liquid reserve requirement for CCRCs to be considered financially stable for purposes of the Gold Seal program.

Section 3. Amends 651.081, F.S., providing for resident's associations in CCRCs.

Section 4. Amends 651.085, F.S., to revise how a resident is chosen to represent the CCRC members before the provider's governing committee.

Section 5. Takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

No revenues are anticipated.

2. Expenditures:

No expenditures are anticipated.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

No direct economic impact is projected on the private sector.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

B. RULE-MAKING AUTHORITY:

The agency is granted rule making authority to allow CCRCs to share staff among facilities on the campus.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES