

By Senator Wasserman Schultz

34-73-04

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

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

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12           Section 1. (1) The Agency for Health Care  
13 Administration shall require that all nursing homes increase  
14 wages, benefits, or a combination thereof, excluding bonuses,  
15 by an amount computed by multiplying \$1 by each hour worked by  
16 all hourly staff. This subsection does not apply to  
17 individuals disclosed as required by sections 400.071(2)(b),  
18 400.071(2)(d), 400.141(1), 400.141(2), 400.141(3), and  
19 400.141(4), Florida Statutes. The hours worked by hourly staff  
20 include hours worked by leased staff or similar arrangements  
21 where the majority of hours worked at the facility are  
22 provided by the leased staff. The hours do not include hours  
23 worked by agency, temporary, pool, contracted, or home office  
24 staff that are not regularly scheduled at the facility.

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

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

5           (4) The agency shall develop systems for the  
6 application and monitoring of the wage or benefit funds. The  
7 increase in wages or benefits shall be computed by comparing  
8 the total of such wages and benefits to the total of wages and  
9 benefits paid during the period from July 1, 2003, through  
10 June 30, 2004. The agency shall monitor future compliance with  
11 this provision by a reconciliation-of-benefits schedule to be  
12 submitted with all Medicaid cost reports ending on or after  
13 July 31, 2004.

14           (5) Nursing homes that, as of July, 2004, offer health  
15 insurance benefits to all staff members which cover employees  
16 and dependents with an employer contribution of at least 80  
17 percent of the total premium cost are exempt from this act. To  
18 qualify for this exemption, nursing homes must continue to  
19 provide health insurance plans that are substantially similar  
20 to the coverage in place on July 1, 2004.

21           (6) The increase in wages or benefits is effective  
22 July 1, 2004, and may not be rescinded by the nursing home  
23 operator, future operator, management company, or staff  
24 leasing entity. This section does not require any wage or  
25 benefit increases in addition to those that take effect on  
26 July 1, 2004.

27           Section 2. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Requires nursing homes to increase wages, benefits, or a combination thereof by an amount equal to \$1 for each hour worked by hourly staff. Requires that the increased wage or benefit funds 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 is exempt from the requirements of the act. Requires the Agency for Health Care Administration to monitor the program. Provides that the increase is a one-time increase that may not be rescinded by the nursing home.