

By Senator Wilson

33-145-05

1 A bill to be entitled
2 An act relating to respite care; amending s. 52
3 of ch. 2001-45, Laws of Florida, as amended;
4 specifying nonapplication of a moratorium on
5 certificates of need for the addition of
6 nursing home beds for nursing homes that
7 provide respite care for certain persons;
8 providing for repeal; requiring the Agency for
9 Health Care Administration to adopt rules for
10 the provision of respite care by nursing homes;
11 providing an effective date.

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

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15 Section 1. Section 52 of chapter 2001-45, Laws of
16 Florida, as amended by section 1693 of chapter 2003-261, Laws
17 of Florida, and section 12 of chapter 2004-298, Laws of
18 Florida, is amended to read:

19 Section 52. (1) Notwithstanding the establishment of
20 need as provided for in chapter 408, Florida Statutes, a ~~no~~
21 certificate of need for additional community nursing home beds
22 may not ~~shall~~ be approved by the agency until July 1, 2006.

23 (2) The Legislature finds that the continued growth in
24 the Medicaid budget for nursing home care has constrained the
25 ability of the state to meet the needs of its elderly
26 residents through the use of less restrictive and less
27 institutional methods of long-term care. It is therefore the
28 intent of the Legislature to limit the increase in Medicaid
29 nursing home expenditures in order to provide funds to invest
30 in long-term care that is community-based and provides
31 supportive services in a manner that is both more

1 | cost-effective and more in keeping with the wishes of the
2 | elderly residents of this state.

3 | (3) This moratorium on certificates of need does ~~shall~~
4 | not apply to sheltered nursing home beds in a continuing care
5 | retirement community certified by the former Department of
6 | Insurance or by the Office of Insurance Regulation pursuant to
7 | chapter 651, Florida Statutes.

8 | (4)(a) The moratorium on certificates of need does not
9 | apply and a certificate of need for additional community
10 | nursing home beds may be approved for a county that meets the
11 | following circumstances:

- 12 | 1. The county has no community nursing home beds; and
13 | 2. The lack of community nursing home beds occurs
14 | because all nursing home beds in the county that were licensed
15 | on July 1, 2001, have subsequently closed.

16 | (b) The certificate-of-need review for such
17 | circumstances shall be subject to the comparative review
18 | process consistent with the provisions of section 408.039,
19 | Florida Statutes, and the number of beds may not exceed the
20 | number of beds lost by the county after July 1, 2001.

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22 | This subsection shall be repealed upon the expiration of the
23 | moratorium established in subsection (1).

24 | (5) The moratorium on certificates of need does not
25 | apply for the addition of nursing home beds licensed under
26 | chapter 400, Florida Statutes, to a nursing home located in a
27 | county having up to 50,000 residents, in a number not
28 | exceeding 10 total beds or 10 percent of the number of beds
29 | licensed in the facility being expanded, whichever is greater.
30 | In addition to any other documentation required by the agency,
31 | a request submitted under this subsection must:

1 (a) Certify that the facility has not had any class I
2 or class II deficiencies within the 30 months preceding the
3 request for addition.

4 (b) Certify that the prior 12-month average occupancy
5 rate for the nursing home beds at the facility meets or
6 exceeds 94 percent.

7 (c) For a facility that has been licensed for less
8 than 24 months, certify that the prior 6-month average
9 occupancy rate for the nursing home beds at the facility meets
10 or exceeds 94 percent and that the facility has not had any
11 class I or class II deficiencies since its initial licensure.

12
13 This subsection shall be repealed upon the expiration of the
14 moratorium established in subsection (1).

15 (6) The moratorium on a certificate of need does not
16 apply for the addition of nursing home beds licensed under
17 chapter 400, Florida Statutes, to a nursing home that provides
18 only respite care for children and adults with disabilities
19 and elderly adults with special needs for a period of at least
20 24 hours and no more than 14 days. This subsection shall be
21 repealed upon the expiration of the moratorium established in
22 subsection (1).

23 Section 2. The Agency for Health Care Administration
24 shall adopt rules for the provision of respite care by nursing
25 homes. The rules must include requirements for nursing homes
26 that provide respite care for children and adults with complex
27 medical conditions who are medically or technologically
28 dependent.

29 Section 3. This act shall take effect upon becoming a
30 law.

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SENATE SUMMARY

Specifies nonapplication of a moratorium on certificates of need for the addition of nursing home beds for nursing homes that provide respite care for certain persons. Requires that the Agency for Health Care Administration adopt rules for the provision of respite care by nursing homes.