

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government --- The Agency for Health Care Administration may adopt rules to implement the intergenerational respite care assisted living facility pilot program.

Promote Personal Responsibility --- By providing respite services for individuals with special needs, caregivers may avoid burnout sometimes associated with their care, allowing those persons to be cared for in their homes for longer periods of time, thereby delaying or avoiding their institutional placement.

B. EFFECT OF PROPOSED CHANGES:

Background

"Respite" refers to short term, temporary care provided to people with disabilities or significant health care needs in order that their families can take a break from the daily routine of caregiving. Respite services may sometimes involve overnight care for an extended period of time.

One of the important purposes of respite is to give family members time and temporarily relieve the stress they may experience while providing extra care for a family member a disability or health care needs. This, in turn, can help prevent abuse and neglect, and support family unity. Respite care enables families to take vacations, or just a few hours of time off. Respite is often referred to as a gift of time, essential to preventing caregiver "burnout."

There are no facilities in Florida that provide only respite care for children and adults with disabilities and elderly adults with special needs for a period of at least 24 hours and no more than 14 days. The existing regulatory structure relating to respite care delivered outside the home is found within the statutes and rules relating to nursing homes.

- Section 400.021(16), F.S., defines "respite care" to mean admission to a nursing home for the purpose of providing a short period of rest or relief or emergency alternative care for the primary caregiver of an individual receiving care at home who, without home-based care, would otherwise require institutional care. AHCA data indicates that 554 of the 678 nursing homes in Florida provide respite care.
- There are two nursing homes that provide respite care as defined above and serve pediatric patients: Broward Children's Center, with 36 beds exclusive to pediatric patients, and Sabal Palms Health Care Center, with a 29-bed pediatric center as part of a 244-bed community nursing home.
- Chapter 59A-4, F.A.C., provides the standards for nursing home operation. The section defining "respite services"¹ was repealed; however, the rule is currently under revision and does include a proposed section on respite services. Rule 59A-4.1295 F.A.C., provides additional standards for nursing homes that admit patients birth through 20 years of age.

Medicaid pays for respite only in certain home and community based services waiver programs. Only four of these programs, Aged/Disabled Adult, Alzheimer's Disease, Channeling, and Nursing Home Diversion, allow respite to be provided by nursing facilities. Respite care in nursing facilities is not a frequently used service in these programs.

¹ Rule 59A-4.1285, F.A.C.

Proposed Changes

CS for HB 1559 provides legislative intent that a pilot program be established to address the issues of respite care for minors and adults with disabilities and elderly persons with special needs to prevent caregiver burnout. Accordingly, AHCA is directed to establish a five-year pilot program and license an intergenerational respite care assisted living facility to provide respite services to those individuals. The facility must

- Meet all applicable requirements and standards contained in the assisted living statutes, except that “resident” means a person of any age temporarily residing in and receiving services from the facility
- Provide respite care services for minors and adults with disabilities and elderly persons with special needs for a period of at least 24 hours and no more than 14 days
- Provide a facility or facilities in which minor and adults reside in separate living units
- Provide a facility that has a maximum of 48 beds, is located in Miami-Dade County, and is operated by a not for profit entity.

Easter Seals of Miami-Dade plans to build such a facility. According to testimony received by the Elder & Long-Term Care Committee, the not for profit organization has already acquired the land and the necessary private funding to build the Inn at Easter Seals, at no cost to the state or federal government.²

The CS provides that AHCA may establish policy provisions in order to achieve the objectives of the bill and may adopt rules necessary to implement the pilot.

The CS requires AHCA to report to the legislature after four years on the effectiveness of the pilot and to recommend whether the program should be made permanent.

C. SECTION DIRECTORY:

Section 1: Creates s. 400.4071, F.S.; directs AHCA to establish an intergenerational respite care assisted living facility pilot program; provides requirements for the program; provides for rules; requires a report to the legislature.

Section 2: Provides the act is effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

² Testimony of Joan Bornstein, President and CEO, Easter Seals of Miami-Dade, Inc., April 13, 2005.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

AHCA may adopt rules necessary to implement the pilot program

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

At its April 13, 2005, meeting, the Committee on Elder & Long-Term Care adopted a strike all amendment to HB 1559. The amendment:

- Creates a five-year intergenerational respite care assisted living facility pilot project for one not for profit facility in Miami-Dade County. This facility will provide respite care for children and adults with disabilities and elderly adults with special needs who are currently cared for in their homes for a period of at least 24 hours a day and no more than 14 days.
- Requires AHCA to provide a report to the legislature after four years on the effectiveness of the pilot program.

The Committee favorably reported a Committee Substitute to HB 1559.

This analysis is drafted to the Committee Substitute.