

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

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

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

17 Section 52. (1) Notwithstanding the establishment of need
 18 as provided for in chapter 408, Florida Statutes, a ~~ne~~
 19 certificate of need for additional community nursing home beds
 20 may not ~~shall~~ be approved by the agency until July 1, 2006.

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

29 | a manner that is both more cost-effective and more in keeping
 30 | with the wishes of the elderly residents of this state.

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

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

- 40 | 1. The county has no community nursing home beds; and
- 41 | 2. The lack of community nursing home beds occurs because
- 42 | all nursing home beds in the county that were licensed on July
- 43 | 1, 2001, have subsequently closed.

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

49 |
 50 | This subsection shall be repealed upon the expiration of the
 51 | moratorium established in subsection (1).

52 | (5) The moratorium on certificates of need does not apply
 53 | for the addition of nursing home beds licensed under chapter
 54 | 400, Florida Statutes, to a nursing home located in a county
 55 | having up to 50,000 residents, in a number not exceeding 10
 56 | total beds or 10 percent of the number of beds licensed in the

57 facility being expanded, whichever is greater. In addition to
 58 any other documentation required by the agency, a request
 59 submitted under this subsection must:

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

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

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

71
 72 This subsection shall be repealed upon the expiration of the
 73 moratorium established in subsection (1).

74 (6) The moratorium on a certificate of need does not apply
 75 for the addition of nursing home beds licensed under chapter
 76 400, Florida Statutes, to a nursing home that provides only
 77 respite care for children and adults with disabilities and
 78 elderly adults with special needs for a period of at least 24
 79 hours and no more than 14 days. This subsection shall be
 80 repealed upon the expiration of the moratorium established in
 81 subsection (1).

82 Section 2. The Agency for Health Care Administration shall
 83 adopt rules for the provision of respite care by nursing homes.
 84 The rules must include requirements for nursing homes that

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85 | provide respite care for children and adults with complex
86 | medical conditions who are medically or technologically
87 | dependent.

88 | Section 3. This act shall take effect upon becoming a law.