

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health Care Committee

BILL: SB 1284

INTRODUCER: Senator Fasano

SUBJECT: Nursing Home Consumer Information

DATE: March 3, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bedford</u>	<u>Wilson</u>	<u>HE</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes the Agency for Health Care Administration (AHCA or agency) to provide electronic access to inspection reports of all licensed nursing home facilities, instead of sending copies of the inspection reports to local long-term care ombudsman councils, AHCA local offices, and public libraries or county seats. It requires the agency to publish the "Nursing Home Guide Watch List" as a part of the Nursing Home Guide. The bill requires AHCA to publish the guide on the agency's website and requires each nursing home to retrieve the most recent guide from the agency's website for posting in the facility. The watch list must include the number and percentage of days that a facility had a conditional license in the past 30 months, rather than the number of times the nursing home had been on a watch list. The agency's Internet site will provide a list of all nursing home facilities in the state by name and address, including any name used within the last 12 months. The bill requires the most recent number of occupants in the facility to be listed. The bill requires nursing homes to submit required information to AHCA by electronic transmission when available. This bill deletes references to the federal Online Survey Certification and Reporting System and requires AHCA to publish nursing home survey and deficiency information from the past 30 months, rather than 45 months.

This bill amends section 400.191, Florida Statutes.

II. Present Situation:

Nursing Home Licensure

The agency licenses nursing homes under the provisions of part II of ch 400, F.S. Under s. 400.23(7), F.S., the agency must, at least every 15 months, evaluate each nursing home facility and determine the degree of compliance of the nursing home with licensure requirements in

order to assign a licensure status to the nursing home. Based on the licensure survey, the agency must assign a licensure status of standard or conditional. A standard licensure status means that a nursing home has no class I or class II deficiencies and has corrected all class III deficiencies within the time established by the agency. A conditional licensure status means that a nursing home, due to the presence of one or more class I or class II deficiencies, or class III deficiencies not corrected within the time established by the agency, is not in substantial compliance with licensure standards at the time of the survey. If a nursing home has no class I, class II, or class III deficiencies at the time of the followup survey, a standard licensure status may be assigned.

Section 400.23(8), F.S., defines class I, class II, and class III deficiencies as follows:

- A class I deficiency is a deficiency that the agency determines requires immediate corrective action because the nursing home's noncompliance has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident receiving care in the nursing home.
- A class II deficiency is a deficiency that the agency determines has compromised the resident's ability to maintain or reach his or her highest practicable physical, mental, and psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services.
- A class III deficiency is a deficiency that the agency determines will result in no more than minimal physical, mental, or psychosocial discomfort to the resident or has the potential to compromise the resident's ability to maintain or reach his or her highest practical physical, mental, or psychosocial well-being, as defined by an accurate and comprehensive resident assessment, plan of care, and provision of services.

Provision of Nursing Home Information to the Public

Section 400.191, F.S., requires the agency to provide information to the public about all licensed nursing homes in the state. The information must be provided in consumer-friendly printed and electronic formats to assist consumers and their families in comparing and evaluating nursing homes. Under s. 400.191(1), F.S., the agency provides paper copies of nursing home inspection reports to the appropriate local long-term care ombudsman council, the agency's local office, and the public library or county seat for the county in which the facility is located. In addition, the agency publishes the Nursing Home Guide (guide) and the Nursing Home Guide Watch List (watch list).

The Nursing Home Guide

The agency publishes the Nursing Home Guide on a quarterly basis to fulfill the statutory requirement to make specified nursing home information available to the public. The guide is part of AHCA's ongoing effort to provide information to consumers with the goal of helping them make difficult long-term-care decisions. The guide presents a 45-month review of regulatory compliance (using stars) and demographic information for each nursing home licensed in Florida. This guide tells more about the individual facility characteristics than the watch list, including religious affiliations, if any, languages spoken by administrators and staff, recreational and other programs available, and whether or not the nursing home is part of a

retirement community. The guide also includes tips on how to select a nursing home and alternatives to nursing home care.

The Nursing Home Guide Watch List

The Nursing Home Guide Watch List is required by s. 400.191(3)(a), F.S., and is published quarterly. It is published by AHCA to assist consumers in evaluating the quality of nursing home care in Florida. The watch list reflects those nursing homes that were issued a conditional license or were under bankruptcy protection during a quarter. The watch list must include, but is not limited to, the facility's name, address, ownership, the county of operation, license expiration date, number of licensed beds, a description of the deficiency, any corrective action taken, and the cumulative number of times the facility has been on a watch list. The watch list must also contain other general information including information on choosing a nursing home, categories of licensure, the agency's inspection process, explanation of terms, and the addresses and phone numbers of the agency's managed care and health quality area offices. Corrections and appeals are noted in the reports.

The Online Survey Certification and Reporting (OSCAR) System

The OSCAR System is a DOS-based database created by the Federal government. It is comprised of survey data provided and updated by State Survey and Certification Agencies. The core of the nursing home survey process is a four-to-five day onsite visit to see that a nursing home is meeting federal health and safety requirements. The standard survey takes a snapshot of the care given to beneficiaries at the time of the survey. Nursing home surveys are unannounced and, by law, must take place based on a statewide average of once every 12 months, but no longer than once every 15 months. The survey process also requires states to conduct surveys within a set amount of time any time a serious problem is alleged. OSCAR is now obsolete technology. It will change to a windows based technology called ASPEN.

III. Effect of Proposed Changes:

The bill amends s. 400.191, F.S., regarding the availability, distribution, and posting of reports and records relating to nursing homes to include authorization for the agency to provide electronic access to inspection reports as a substitute for sending paper copies of inspection reports to local long-term care ombudsman councils, AHCA local offices, and public libraries or county seats. In addition, the section specifies the publication of the Nursing Home Guide and adds to the list of information to be included on the agency's Internet site any name by which a facility was known during the previous 12-month period and the most recent facility occupancy data. Other revisions include deleting references to the OSCAR System of the former federal Health Care Financing Administration and inserting a general reference to all federal and state recertification, licensure, revisit, and complaint survey information. The time period is reduced from the previous 45 months to 30 months for the amount of survey and deficiency information to be included in the guide. This will make the time period for the guide consistent with the time period for the Nursing Home Gold Seal Program.

The bill requires the agency publication, "Nursing Home Guide Watch List," to be published within the Guide to Nursing Homes, providing a consolidated document for consumers to

reference when reviewing nursing home information. The watch list history information would be changed from the number of times a facility has appeared on a watch list to the number and percentage of days a facility had a conditional license in the past 30 months; a more accurate representation of the duration of problems. The agency must post a copy of the guide on its website by the 15th calendar day two months following the end of the calendar quarter. Each nursing home licensee must retrieve the most current version of the guide from the agency's website rather than be mailed a copy by the agency. In addition, the bill requires each nursing home to submit required information electronically when that option is available. Every nursing home facility is required to post in prominent places in the facility a copy of all the pages that list the facility in the most recent version of the Nursing Home Guide.

The effective date of the bill is October 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Art. III, Subsection 19(f) of the Florida Constitution.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be some decrease in printing and distribution costs for the agency since reports will now be obtained through the Internet. Also, the combining of the Nursing Home Guide and the Nursing Home Guide Watch List into a single document, will reduce costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
