

1 A bill to be entitled
 2 An act relating to nursing home consumer
 3 information; amending s. 400.191, F.S.;
 4 authorizing the Agency for Health Care
 5 Administration to provide electronic access to
 6 inspection reports from nursing homes in lieu
 7 of sending copies of the reports; requiring the
 8 agency to provide certain information to
 9 consumers; decreasing the number of months for
 10 which reported information must be provided to
 11 consumers; deleting references to the Online
 12 Survey Certification and Reporting system;
 13 requiring the agency to publish a Nursing Home
 14 Guide Watch List in the Nursing Home Guide;
 15 requiring that the watch list include certain
 16 days when a facility had a conditional license;
 17 requiring the agency to post a copy of the
 18 Nursing Home Guide on its website; requiring
 19 each nursing home facility to submit certain
 20 information to the agency electronically;
 21 providing an effective date.

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

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 25 Section 1. Section 400.191, Florida Statutes, is
 26 amended to read:

27 400.191 Availability, distribution, and posting of
 28 reports and records.--

29 (1) The agency shall provide information to the public
 30 about all of the licensed nursing home facilities operating in
 31 the state. The agency shall, within 60 days after an annual

1 inspection visit or within 30 days after any interim visit to
2 a facility, send copies of the inspection reports to the local
3 long-term care ombudsman council, the agency's local office,
4 and a public library or the county seat for the county in
5 which the facility is located. The agency may provide
6 electronic access to inspection reports as a substitute for
7 sending copies.

8 (2) The agency shall publish the Nursing Home Guide
9 annually ~~provide additional information~~ in consumer-friendly
10 printed form and quarterly in electronic form formats to
11 assist consumers and their families in comparing and
12 evaluating nursing home facilities.

13 (a) The agency shall provide an Internet site that
14 provides ~~which shall include~~ at least the following
15 information either directly or indirectly through a link to
16 another established site or sites of the agency's choosing:

17 1. A section entitled "Do you really need a nursing
18 home?," which shall be the first section on the website, shall
19 be prominently displayed, and shall contain an explanation of
20 the nursing home diversion program. It shall explain that this
21 state offers alternative programs that permit qualified
22 elderly persons to stay in their homes instead of being placed
23 in nursing homes and shall encourage interested persons to
24 call the CARES program to inquire if they qualify. It shall
25 list only programs that provide nursing home service when
26 needed. It may list home and community-based programs but must
27 clearly state the services that are provided and that nursing
28 home services are not included.

29 ~~2.1-~~ A list by name and address of all nursing home
30 facilities in this state, including any prior name by which a
31 facility was known during the previous 24-month period.

1 ~~3.2.~~ Whether such nursing home facilities are
2 proprietary or nonproprietary.

3 ~~4.3.~~ The current owner of the facility's license and
4 the year that that entity became the owner of the license.

5 ~~5.4.~~ The name of the owner or owners of each facility
6 and whether the facility is affiliated with a company or other
7 organization owning or managing more than one nursing facility
8 in this state.

9 ~~6.5.~~ The total number of beds in each facility and the
10 most recently available occupancy levels.

11 ~~7.6.~~ The number of private and semiprivate rooms in
12 each facility.

13 ~~8.7.~~ The religious affiliation, if any, of each
14 facility.

15 ~~9.8.~~ The languages spoken by the administrator and
16 staff of each facility.

17 ~~10.9.~~ Whether or not each facility accepts Medicare or
18 Medicaid recipients or insurance, health maintenance
19 organization, Veterans Administration, CHAMPUS program, or
20 workers' compensation coverage.

21 ~~11.10.~~ Recreational and other programs available at
22 each facility.

23 ~~12.11.~~ Special care units or programs offered at each
24 facility.

25 ~~13.12.~~ Whether the facility is a part of a retirement
26 community that offers other services pursuant to part III,
27 part IV, or part V.

28 ~~14.13.~~ Survey and deficiency information ~~contained on~~
29 ~~the Online Survey Certification and Reporting (OSCAR) system~~
30 ~~of the federal Health Care Financing Administration~~, including
31 all federal and state recertification, licensure annual

1 ~~survey~~, revisit, and complaint survey information, for each
2 facility for the past ~~30~~ 45 months. For noncertified nursing
3 homes, state survey and deficiency information, including
4 licensure annual survey, revisit, and complaint survey
5 information for the past ~~30~~ 45 months shall be provided.

6 ~~15.14.~~ A summary of the deficiency ~~Online Survey~~
7 ~~Certification and Reporting (OSCAR)~~ data for each facility
8 over the past ~~30~~ 45 months. ~~The Such~~ summary may include a
9 score, rating, or comparison ranking with respect to other
10 facilities based on the number of citations received by the
11 facility on recertification, licensure of annual, revisit, and
12 complaint surveys; the severity and scope of the citations;
13 and the number of ~~annual~~ recertification surveys the facility
14 has had during the past ~~30~~ 45 months. The score, rating, or
15 comparison ranking may be presented in either numeric or
16 symbolic form for the intended consumer audience.

17 (b) The agency shall provide the following information
18 in printed form:

19 1. A section entitled "Do you really need a nursing
20 home?," which shall be the first section in the Nursing Home
21 Guide, shall be prominently displayed, and shall contain an
22 explanation of the nursing home diversion program. It shall
23 explain that this state offers alternative programs that
24 permit qualified elderly persons to stay in their homes
25 instead of being placed in nursing homes and shall encourage
26 interested persons to call the CARES program to inquire if
27 they qualify. It shall list only programs that provide nursing
28 home service when needed. It may list home and community-based
29 programs but must clearly state the services that are provided
30 and that nursing home services are not included.

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- 1 ~~2.1.~~ A list by name and address of all nursing home
2 facilities in this state.
- 3 ~~3.2.~~ Whether the ~~such~~ nursing home facilities are
4 proprietary or nonproprietary.
- 5 ~~4.3.~~ The current owner or owners of the facility's
6 license and the year that entity became the owner of the
7 license.
- 8 ~~5.4.~~ The total number of beds, and of private and
9 semiprivate rooms, in each facility.
- 10 ~~6.5.~~ The religious affiliation, if any, of each
11 facility.
- 12 ~~7.6.~~ The name of the owner of each facility and
13 whether the facility is affiliated with a company or other
14 organization owning or managing more than one nursing facility
15 in this state.
- 16 ~~8.7.~~ The languages spoken by the administrator and
17 staff of each facility.
- 18 ~~9.8.~~ Whether or not each facility accepts Medicare or
19 Medicaid recipients or insurance, health maintenance
20 organization, Veterans Administration, CHAMPUS program, or
21 workers' compensation coverage.
- 22 ~~10.9.~~ Recreational programs, special care units, and
23 other programs available at each facility.
- 24 ~~11.10.~~ The Internet address for the site where more
25 detailed information can be seen.
- 26 ~~12.11.~~ A statement advising consumers that each
27 facility will have its own policies and procedures related to
28 protecting resident property.
- 29 ~~13.12.~~ A summary of the deficiency ~~Online Survey~~
30 ~~Certification and Reporting (OSCAR)~~ data for each facility
31 over the past 30 ~~45~~ months. The ~~Such~~ summary may include a

1 score, rating, or comparison ranking with respect to other
 2 facilities based on the number of citations received by the
 3 facility on recertification, licensure ~~annual~~, revisit, and
 4 complaint surveys; the severity and scope of the citations;
 5 the number of citations; and the number of ~~annual~~
 6 recertification surveys the facility has had during the past
 7 30 ~~45~~ months. The score, rating, or comparison ranking may be
 8 presented in either numeric or symbolic form for the intended
 9 consumer audience.

10 ~~(c) For purposes of this subsection, references to the~~
 11 ~~Online Survey Certification and Reporting (OSCAR) system shall~~
 12 ~~refer to any future system that the Health Care Financing~~
 13 ~~Administration develops to replace the current OSCAR system.~~

14 ~~(c)(d)~~ The agency may provide the following additional
 15 information on an Internet site or in printed form as the
 16 information becomes available:

- 17 1. The licensure status history of each facility.
- 18 2. The rating history of each facility.
- 19 3. The regulatory history of each facility, which may
 20 include federal sanctions, state sanctions, federal fines,
 21 state fines, and other actions.
- 22 4. Whether the facility currently possesses the Gold
 23 Seal designation awarded pursuant to s. 400.235.
- 24 5. Internet links to the Internet sites of the
 25 facilities or their affiliates.

26 (3) Each nursing home facility licensee shall maintain
 27 as public information, available upon request, records of all
 28 cost and inspection reports pertaining to that facility that
 29 have been filed with, or issued by, any governmental agency.
 30 Copies of the ~~such~~ reports shall be retained in the ~~such~~

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1 records for not less than 5 years following ~~from~~ the date the
2 reports are filed or issued.

3 (a) The agency shall ~~quarterly~~ publish in the Nursing
4 Home Guide a "Nursing Home Guide Watch List" to assist
5 consumers in evaluating the quality of nursing home care in
6 Florida. The watch list must identify each facility that met
7 the criteria for a conditional licensure status ~~on any day~~
8 ~~within the quarter covered by the list~~ and each facility that
9 ~~is was~~ operating under bankruptcy protection ~~on any day within~~
10 ~~the quarter~~. The watch list must include, but is not limited
11 to, the facility's name, address, and ownership; the county in
12 which the facility operates; the license expiration date; the
13 number of licensed beds; a description of the deficiency
14 causing the facility to be placed on the list; any corrective
15 action taken; and the cumulative number of days and percentage
16 of days times the facility had a conditional license in the
17 past 30 months ~~has been on a watch list~~. The watch list must
18 include a brief description regarding how to choose a nursing
19 home, the categories of licensure, the agency's inspection
20 process, an explanation of terms used in the watch list, and
21 the addresses and phone numbers of the agency's ~~managed care~~
22 ~~and~~ health quality assurance field area offices.

23 (b) Upon publication of each Nursing Home Guide
24 ~~quarterly watch list~~, the agency must post transmit a copy on
25 its website by the 15th calendar day of the second month
26 following the end of the calendar quarter. Each nursing home
27 licensee must retrieve the most recent version of the Nursing
28 Home Guide from ~~of the watch list to each nursing home~~
29 ~~facility by mail and must make the watch list available on the~~
30 agency's ~~Internet~~ website.

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1 (4) Any records of a nursing home facility determined
2 by the agency to be necessary and essential to establish
3 lawful compliance with any rules or standards ~~must shall~~ be
4 made available to the agency on the premises of the facility
5 and submitted to the agency. Each facility must submit this
6 information to the agency by electronic transmission when
7 available.

8 (5) Every nursing home facility licensee shall:

9 (a) Post, in a sufficient number of prominent
10 positions in the nursing home so as to be accessible to all
11 residents and to the general public:

12 1. A concise summary of the last inspection report
13 pertaining to the nursing home and issued by the agency, with
14 references to the page numbers of the full reports, noting any
15 deficiencies found by the agency and the actions taken by the
16 licensee to rectify ~~the such~~ deficiencies and indicating in
17 ~~the such~~ summaries where the full reports may be inspected in
18 the nursing home.

19 2. A copy of all of the pages that list the facility
20 in the most recent version of the ~~Florida~~ Nursing Home Guide
21 ~~Watch List~~.

22 (b) Upon request, provide to any person who has
23 completed a written application with an intent to be admitted
24 to, or to any resident of, ~~a such~~ nursing home, or to any
25 relative, spouse, or guardian of ~~the such~~ person, a copy of
26 the last inspection report pertaining to the nursing home and
27 issued by the agency, provided the person requesting the
28 report agrees to pay a reasonable charge to cover copying
29 costs.

30 (6) The agency may adopt rules as necessary to
31 administer this section.

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Section 2. This act shall take effect October 1, 2006.