

1  
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.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
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 which  
14 shall include at least the following information either  
15 directly or indirectly through a link to another established  
16 site or sites of the agency's choosing:

17 1. A section entitled "Have you considered programs  
18 that provide alternatives to nursing home care?" which shall  
19 be the first section of the Nursing Home Guide and which shall  
20 prominently display information about available alternatives  
21 to nursing homes and how to obtain additional information  
22 regarding these alternatives. The Nursing Home Guide 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 Comprehensive Assessment Review  
27 and Evaluation for Long-Term Care Services (CARES) Program to  
28 inquire if they qualify. The Nursing Home Guide shall list  
29 available home and community-based programs which shall  
30 clearly state the services that are provided and indicate  
31 whether nursing home services are included if needed.

- 1           ~~2.1.~~ A list by name and address of all nursing home  
2 facilities in this state, including any prior name by which a  
3 facility was known during the previous 24-month period.
- 4           ~~3.2.~~ Whether such nursing home facilities are  
5 proprietary or nonproprietary.
- 6           ~~4.3.~~ The current owner of the facility's license and  
7 the year that that entity became the owner of the license.
- 8           ~~5.4.~~ The name of the owner or owners of each facility  
9 and whether the facility is affiliated with a company or other  
10 organization owning or managing more than one nursing facility  
11 in this state.
- 12           ~~6.5.~~ The total number of beds in each facility and the  
13 most recently available occupancy levels.
- 14           ~~7.6.~~ The number of private and semiprivate rooms in  
15 each facility.
- 16           ~~8.7.~~ The religious affiliation, if any, of each  
17 facility.
- 18           ~~9.8.~~ The languages spoken by the administrator and  
19 staff of each facility.
- 20           ~~10.9.~~ Whether or not each facility accepts Medicare or  
21 Medicaid recipients or insurance, health maintenance  
22 organization, Veterans Administration, CHAMPUS program, or  
23 workers' compensation coverage.
- 24           ~~11.10.~~ Recreational and other programs available at  
25 each facility.
- 26           ~~12.11.~~ Special care units or programs offered at each  
27 facility.
- 28           ~~13.12.~~ Whether the facility is a part of a retirement  
29 community that offers other services pursuant to part III,  
30 part IV, or part V.
- 31

1           ~~14.13.~~ Survey and deficiency information ~~contained on~~  
2 ~~the Online Survey Certification and Reporting (OSCAR) system~~  
3 ~~of the federal Health Care Financing Administration~~, including  
4 all federal and state recertification, licensure annual  
5 ~~survey~~, revisit, and complaint survey information, for each  
6 facility for the past ~~30~~ 45 months. For noncertified nursing  
7 homes, state survey and deficiency information, including  
8 licensure annual survey, revisit, and complaint survey  
9 information for the past ~~30~~ 45 months shall be provided.

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

21           (b) The agency shall provide the following information  
22 in printed form:

23           1. A section entitled "Have you considered programs  
24 that provide alternatives to nursing home care?" which shall  
25 be the first section of the Nursing Home Guide and which shall  
26 prominently display information about available alternatives  
27 to nursing homes and how to obtain additional information  
28 regarding these alternatives. The Nursing Home Guide shall  
29 explain that this state offers alternative programs that  
30 permit qualified elderly persons to stay in their homes  
31 instead of being placed in nursing homes and shall encourage

1 interested persons to call the Comprehensive Assessment Review  
2 and Evaluation for Long-Term Care Services (CARES) Program to  
3 inquire if they qualify. The Nursing Home Guide shall list  
4 available home and community-based programs which shall  
5 clearly state the services that are provided and indicate  
6 whether nursing home services are included if needed.

7 ~~2.1.~~ A list by name and address of all nursing home  
8 facilities in this state.

9 ~~3.2.~~ Whether the ~~such~~ nursing home facilities are  
10 proprietary or nonproprietary.

11 ~~4.3.~~ The current owner or owners of the facility's  
12 license and the year that entity became the owner of the  
13 license.

14 ~~5.4.~~ The total number of beds, and of private and  
15 semiprivate rooms, in each facility.

16 ~~6.5.~~ The religious affiliation, if any, of each  
17 facility.

18 ~~7.6.~~ The name of the owner of each facility and  
19 whether the facility is affiliated with a company or other  
20 organization owning or managing more than one nursing facility  
21 in this state.

22 ~~8.7.~~ The languages spoken by the administrator and  
23 staff of each facility.

24 ~~9.8.~~ Whether or not each facility accepts Medicare or  
25 Medicaid recipients or insurance, health maintenance  
26 organization, Veterans Administration, CHAMPUS program, or  
27 workers' compensation coverage.

28 ~~10.9.~~ Recreational programs, special care units, and  
29 other programs available at each facility.

30 ~~11.10.~~ The Internet address for the site where more  
31 detailed information can be seen.

1           ~~12.11.~~ A statement advising consumers that each  
2 facility will have its own policies and procedures related to  
3 protecting resident property.

4           ~~13.12.~~ A summary of the deficiency ~~Online Survey~~  
5 ~~Certification and Reporting (OSCAR)~~ data for each facility  
6 over the past ~~30~~ 45 months. ~~The~~ Such summary may include a  
7 score, rating, or comparison ranking with respect to other  
8 facilities based on the number of citations received by the  
9 facility on recertification, licensure ~~annual~~, revisit, and  
10 complaint surveys; the severity and scope of the citations;  
11 the number of citations; and the number of ~~annual~~  
12 recertification surveys the facility has had during the past  
13 ~~30~~ 45 months. The score, rating, or comparison ranking may be  
14 presented in either numeric or symbolic form for the intended  
15 consumer audience.

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

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

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

1           (3) Each nursing home facility licensee shall maintain  
2 as public information, available upon request, records of all  
3 cost and inspection reports pertaining to that facility that  
4 have been filed with, or issued by, any governmental agency.  
5 Copies of ~~the such~~ reports shall be retained in ~~the such~~  
6 records for not less than 5 years following from the date the  
7 reports are filed or issued.

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

28           (b) Upon publication of each Nursing Home Guide  
29 ~~quarterly watch list~~, the agency must post transmit a copy on  
30 its website by the 15th calendar day of the second month  
31 following the end of the calendar quarter. Each nursing home

1 licensee must retrieve the most recent version of the Nursing  
2 Home Guide from ~~of the watch list to each nursing home~~  
3 ~~facility by mail and must make the watch list available on the~~  
4 agency's ~~Internet~~ website.

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

12 (5) Every nursing home facility licensee shall:

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

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

23 2. A copy of all of the pages that list the facility  
24 in the most recent version of the ~~Florida~~ Nursing Home Guide  
25 ~~Watch List~~.

26 (b) Upon request, provide to any person who has  
27 completed a written application with an intent to be admitted  
28 to, or to any resident of, a ~~such~~ nursing home, or to any  
29 relative, spouse, or guardian of the ~~such~~ person, a copy of  
30 the last inspection report pertaining to the nursing home and  
31 issued by the agency, provided the person requesting the



1 report agrees to pay a reasonable charge to cover copying  
2 costs.  
3 (6) The agency may adopt rules as necessary to  
4 administer this section.  
5 Section 2. This act shall take effect October 1, 2006.  
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