

1 A bill to be entitled
 2 An act relating to nursing home facilities professional
 3 liability insurance; amending s. 400.141, F.S.; specifying
 4 criteria for determining premiums for general and
 5 professional liability insurance for nursing homes;
 6 providing an effective date.

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

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 10 Section 1. Subsection (20) of section 400.141, Florida
 11 Statutes, is amended to read:

12 400.141 Administration and management of nursing home
 13 facilities.--Every licensed facility shall comply with all
 14 applicable standards and rules of the agency and shall:

15 (20) (a) Maintain general and professional liability
 16 insurance coverage that is in force at all times. In lieu of
 17 general and professional liability insurance coverage, a state-
 18 designated teaching nursing home and its affiliated assisted
 19 living facilities created under s. 430.80 may demonstrate proof
 20 of financial responsibility as provided in s. 430.80(3)(h).
 21 Premiums for such coverage shall be subject to s. 627.062 when
 22 purchased from admitted insurers as defined under chapter 627
 23 and shall be further defined by the annualized historic risk
 24 levels for each licensed facility computed for each fiscal year
 25 from notice of intent data filed with the agency.

26 (b) The computation of annualized historic risk levels for
 27 each licensed facility for calendar year 2007 shall be
 28 determined by using the notice of intent data filed with the

29 agency for calendar years 2006, 2005, 2004, and 2003, dividing
30 the number of notices of intent filed against the licensed
31 facility during the 4-year period by the number of beds in the
32 licensed facility, multiplying the result by 1,000, and dividing
33 that result by the number of years of data used in the
34 computation. The annualized historic risk level for a facility
35 shall be classified in one of the following groups:

- 36 1. Less than 2.00 per 1,000 beds.
- 37 2. From 2.00 to less than 5.00 per 1,000 beds.
- 38 3. From 5.00 to less than 10.00 per 1,000 beds.
- 39 4. From 10.00 to less than 20.00 per 1,000 beds.
- 40 5. At or more than 20.00 per 1,000 beds.

41 (c)1. A determination of premiums to be paid shall be
42 established for a subsequent calendar year using the annualized
43 historic risk levels provided in paragraph (b).

44 2. In each subsequent calendar year, the annualized
45 historic risk level for each licensed facility shall be
46 determined by adding the notices of intent filed against the
47 facility with the agency for the most recent calendar year to
48 the average for previous years and performing the computation
49 provided in paragraph (b).

50 3. The premium charged each licensed facility falling into
51 a specific classification group shall be the premium
52 corresponding to the average of the annualized historic risk
53 level for the members of that group.

54 4. Whenever the annualized historic risk level for a
55 licensed facility changes to a level within the range of
56 annualized historic risk levels for the licensed facilities in

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57 the next lower classification group, that licensed facility
58 shall be assigned to such lower group and shall be charged the
59 same premium as that charged to all of the licensed facilities
60 in such lower group. Admitted insurers shall give consideration
61 to a licensed facility that remains in the same classification
62 group from year to year or improves its classification group
63 standing from one year to the next.

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65 Facilities that have been awarded a Gold Seal under the program
66 established in s. 400.235 may develop a plan to provide
67 certified nursing assistant training as prescribed by federal
68 regulations and state rules and may apply to the agency for
69 approval of their program.

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