

By Senator Klein

30-1300A-06

See HB

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A bill to be entitled

An act relating to nursing home facilities professional liability insurance; amending s. 400.141, F.S.; specifying criteria for determining premiums for general and professional liability insurance for nursing homes; providing an effective date.

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

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

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

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

(b) The computation of annualized historic risk levels for each licensed facility for calendar year 2007 shall be determined by using the notice of intent data filed with the agency for calendar years 2006, 2005, 2004, and 2003, dividing

1 the number of notices of intent filed against the licensed  
2 facility during the 4-year period by the number of beds in the  
3 licensed facility, multiplying the result by 1,000, and  
4 dividing that result by the 4 years of data used in the  
5 computation. The annualized historic risk level for a facility  
6 shall be classified in one of the following groups:

- 7 1. Less than 2.00 per 1,000 beds.
- 8 2. From 2.00 to less than 5.00 per 1,000 beds.
- 9 3. From 5.00 to less than 10.00 per 1,000 beds.
- 10 4. From 10.00 to less than 20.00 per 1,000 beds.
- 11 5. At or more than 20.00 per 1,000 beds.

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

15 2. In each subsequent calendar year, the annualized  
16 historic risk level for each licensed facility shall be  
17 determined by adding the notices of intent filed against the  
18 facility with the agency for the most recent calendar year to  
19 the average for previous years and performing the computation  
20 provided in paragraph (b).

21 3. The premium charged each licensed facility falling  
22 into a specific classification group shall be the premium  
23 corresponding to the average of the annualized historic risk  
24 level for the members of that group.

25 4. Whenever the annualized historic risk level for a  
26 licensed facility changes to a level within the range of  
27 annualized historic risk levels for the licensed facilities in  
28 the next lower classification group, that licensed facility  
29 shall be assigned to such lower group and shall be charged the  
30 same premium as that charged to all of the licensed facilities  
31 in such lower group. Admitted insurers shall give

1 consideration to a licensed facility that remains in the same  
2 classification group from year to year or improves its  
3 classification group standing from one year to the next.  
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5 Facilities that have been awarded a Gold Seal under the  
6 program established in s. 400.235 may develop a plan to  
7 provide certified nursing assistant training as prescribed by  
8 federal regulations and state rules and may apply to the  
9 agency for approval of their program.

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

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