

1                                   A bill to be entitled  
 2           An act relating to nursing home consumer information;  
 3           amending s. 400.191, F.S.; authorizing the Agency for  
 4           Health Care Administration to provide electronic access to  
 5           nursing home inspection reports; requiring the agency to  
 6           publish the Nursing Home Guide in printed and electronic  
 7           format at certain times and specifying information to be  
 8           included therein; requiring the agency to provide certain  
 9           consumer information in the Nursing Home Guide; deleting  
 10          reference to an obsolete reporting system; requiring each  
 11          nursing home facility to submit certain information  
 12          electronically when electronic transmission to the agency  
 13          is available; providing an effective date.

14  
 15   Be It Enacted by the Legislature of the State of Florida:

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 17           Section 1.   Section 400.191, Florida Statutes, is amended  
 18   to read:

19           400.191   Availability, distribution, and posting of reports  
 20   and records.--

21           (1)   The agency shall provide information to the public  
 22   about all of the licensed nursing home facilities operating in  
 23   the state. The agency shall, within 60 days after an annual  
 24   inspection visit or within 30 days after any interim visit to a  
 25   facility, send copies of the inspection reports to the local  
 26   long-term care ombudsman council, the agency's local office, and  
 27   a public library or the county seat for the county in which the  
 28   facility is located. The agency may provide electronic access to

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29 inspection reports as a substitute for sending copies.

30 (2) The agency shall publish the Nursing Home Guide  
31 annually ~~provide additional information~~ in consumer-friendly  
32 printed form and quarterly in electronic form ~~formats~~ to assist  
33 consumers and their families in comparing and evaluating nursing  
34 home facilities.

35 (a) The agency shall provide an Internet site which shall  
36 include at least the following information either directly or  
37 indirectly through a link to another established site or sites  
38 of the agency's choosing:

39 1. A list by name and address of all nursing home  
40 facilities in this state, including any prior name by which a  
41 facility was known during the previous 24-month period.

42 2. Whether such nursing home facilities are proprietary or  
43 nonproprietary.

44 3. The current owner of the facility's license and the  
45 year that that entity became the owner of the license.

46 4. The name of the owner or owners of each facility and  
47 whether the facility is affiliated with a company or other  
48 organization owning or managing more than one nursing facility  
49 in this state.

50 5. The total number of beds in each facility and the most  
51 recently available occupancy levels.

52 6. The number of private and semiprivate rooms in each  
53 facility.

54 7. The religious affiliation, if any, of each facility.

55 8. The languages spoken by the administrator and staff of  
56 each facility.

57 9. Whether or not each facility accepts Medicare or  
 58 Medicaid recipients or insurance, health maintenance  
 59 organization, Veterans Administration, CHAMPUS program, or  
 60 workers' compensation coverage.

61 10. Recreational and other programs available at each  
 62 facility.

63 11. Special care units or programs offered at each  
 64 facility.

65 12. Whether the facility is a part of a retirement  
 66 community that offers other services pursuant to part III, part  
 67 IV, or part V.

68 13. Survey and deficiency information ~~contained on the~~  
 69 ~~Online Survey Certification and Reporting (OSCAR) system of the~~  
 70 ~~federal Health Care Financing Administration, including all~~  
 71 federal and state recertification, licensure annual survey,  
 72 revisit, and complaint survey information, for each facility for  
 73 the past 30 45 months. For noncertified nursing homes, state  
 74 survey and deficiency information, including licensure annual  
 75 survey, revisit, and complaint survey information for the past  
 76 30 45 months shall be provided.

77 14. A summary of the deficiency ~~Online Survey~~  
 78 ~~Certification and Reporting (OSCAR)~~ data for each facility over  
 79 the past 30 45 months. Such summary may include a score, rating,  
 80 or comparison ranking with respect to other facilities based on  
 81 the number of citations received by the facility on  
 82 recertification, licensure of annual, revisit, and complaint  
 83 surveys; the severity and scope of the citations; and the number  
 84 of ~~annual~~ recertification surveys the facility has had during

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85 the past 30 ~~45~~ months. The score, rating, or comparison ranking  
86 may be presented in either numeric or symbolic form for the  
87 intended consumer audience.

88 (b) The agency shall provide the following information in  
89 printed form:

90 1. A list by name and address of all nursing home  
91 facilities in this state.

92 2. Whether such nursing home facilities are proprietary or  
93 nonproprietary.

94 3. The current owner or owners of the facility's license  
95 and the year that entity became the owner of the license.

96 4. The total number of beds, and of private and  
97 semiprivate rooms, in each facility.

98 5. The religious affiliation, if any, of each facility.

99 6. The name of the owner of each facility and whether the  
100 facility is affiliated with a company or other organization  
101 owning or managing more than one nursing facility in this state.

102 7. The languages spoken by the administrator and staff of  
103 each facility.

104 8. Whether or not each facility accepts Medicare or  
105 Medicaid recipients or insurance, health maintenance  
106 organization, Veterans Administration, CHAMPUS program, or  
107 workers' compensation coverage.

108 9. Recreational programs, special care units, and other  
109 programs available at each facility.

110 10. The Internet address for the site where more detailed  
111 information can be seen.

112 11. A statement advising consumers that each facility will

113 have its own policies and procedures related to protecting  
 114 resident property.

115       12. A summary of the deficiency ~~Online Survey~~  
 116 ~~Certification and Reporting (OSCAR)~~ data for each facility over  
 117 the past 30 ~~45~~ months. Such summary may include a score, rating,  
 118 or comparison ranking with respect to other facilities based on  
 119 the number of citations received by the facility on  
 120 recertification, licensure ~~annual~~, revisit, and complaint  
 121 surveys; the severity and scope of the citations; the number of  
 122 citations; and the number of ~~annual~~ recertification surveys the  
 123 facility has had during the past 30 ~~45~~ months. The score,  
 124 rating, or comparison ranking may be presented in either numeric  
 125 or symbolic form for the intended consumer audience.

126       ~~(e) For purposes of this subsection, references to the~~  
 127 ~~Online Survey Certification and Reporting (OSCAR) system shall~~  
 128 ~~refer to any future system that the Health Care Financing~~  
 129 ~~Administration develops to replace the current OSCAR system.~~

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

- 133           1. The licensure status history of each facility.
- 134           2. The rating history of each facility.
- 135           3. The regulatory history of each facility, which may  
 136 include federal sanctions, state sanctions, federal fines, state  
 137 fines, and other actions.
- 138           4. Whether the facility currently possesses the Gold Seal  
 139 designation awarded pursuant to s. 400.235.
- 140           5. Internet links to the Internet sites of the facilities

141 or their affiliates.

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

149 (a) The agency shall ~~quarterly~~ publish in the Nursing Home  
 150 Guide a "Nursing Home Guide Watch List" to assist consumers in  
 151 evaluating the quality of nursing home care in Florida. The  
 152 watch list must identify each facility that met the criteria for  
 153 a conditional licensure status to be noticed as specified in  
 154 this section ~~on any day within the quarter covered by the list~~  
 155 and each facility that is ~~was~~ operating under bankruptcy  
 156 protection ~~on any day within the quarter~~. The watch list must  
 157 include, but is not limited to, the facility's name, address,  
 158 and ownership; the county in which the facility operates; the  
 159 license expiration date; the number of licensed beds; a  
 160 description of the deficiency causing the facility to be placed  
 161 on the list; any corrective action taken; and the cumulative  
 162 number of days and percentage of days ~~times~~ the facility had a  
 163 conditional license during the past 30 months ~~has been on a~~  
 164 ~~watch list~~. The watch list must include a brief description  
 165 regarding how to choose a nursing home, the categories of  
 166 licensure, the agency's inspection process, an explanation of  
 167 terms used in the watch list, and the addresses and phone  
 168 numbers of the agency's ~~managed care and~~ health quality

169 assurance field area offices.

170 (b) Upon publication of each Nursing Home Guide ~~quarterly~~  
 171 ~~watch list~~, the agency must post transmit a copy on its Internet  
 172 website by the 15th calendar day of the second month following  
 173 the end of the calendar quarter. Each nursing home licensee must  
 174 retrieve the most recent version of the Nursing Home Guide from  
 175 ~~of the watch list to each nursing home facility by mail and must~~  
 176 ~~make the watch list available on~~ the agency's Internet website.

177 (4) Any records of a nursing home facility determined by  
 178 the agency to be necessary and essential to establish lawful  
 179 compliance with any rules or standards shall be made available  
 180 to the agency on the premises of the facility and submitted to  
 181 the agency. Each facility must submit this information  
 182 electronically when electronic transmission to the agency is  
 183 available.

184 (5) Every nursing home facility licensee shall:

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

188 1. A concise summary of the last inspection report  
 189 pertaining to the nursing home and issued by the agency, with  
 190 references to the page numbers of the full reports, noting any  
 191 deficiencies found by the agency and the actions taken by the  
 192 licensee to rectify the ~~such~~ deficiencies and indicating in the  
 193 ~~such~~ summaries where the full reports may be inspected in the  
 194 nursing home.

195 2. A copy of all pages listing the facility from the most  
 196 recent version of the Florida Nursing Home Guide ~~Watch List~~.

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197           (b) Upon request, provide to any person who has completed  
198 a written application with an intent to be admitted to, or to  
199 any resident of, such nursing home, or to any relative, spouse,  
200 or guardian of such person, a copy of the last inspection report  
201 pertaining to the nursing home and issued by the agency,  
202 provided the person requesting the report agrees to pay a  
203 reasonable charge to cover copying costs.

204           (6) The agency may adopt rules as necessary to administer  
205 this section.

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