

CHAMBER ACTION

---

1 The Health & Families Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 400.191, Florida Statutes, is amended  
22 to read:

HB 7053

2006  
CS

23 | 400.191 Availability, distribution, and posting of reports  
24 | and records.--

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

34 | (2) The agency shall publish the Nursing Home Guide  
35 | annually ~~provide additional information~~ in consumer-friendly  
36 | printed form and quarterly in electronic form ~~formats~~ to assist  
37 | consumers and their families in comparing and evaluating nursing  
38 | home facilities. The Nursing Home Guide shall prominently  
39 | display information about available alternatives to nursing  
40 | homes and how to obtain additional information regarding these  
41 | alternatives.

42 | (a) The agency shall provide an Internet site which shall  
43 | include at least the following information either directly or  
44 | indirectly through a link to another established site or sites  
45 | of the agency's choosing:

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

49 | 2. Whether such nursing home facilities are proprietary or  
50 | nonproprietary.

HB 7053

2006  
CS

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

53 4. The name of the owner or owners of each facility and  
54 whether the facility is affiliated with a company or other  
55 organization owning or managing more than one nursing facility  
56 in this state.

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

59 6. The number of private and semiprivate rooms in each  
60 facility.

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

62 8. The languages spoken by the administrator and staff of  
63 each facility.

64 9. Whether or not each facility accepts Medicare or  
65 Medicaid recipients or insurance, health maintenance  
66 organization, Veterans Administration, CHAMPUS program, or  
67 workers' compensation coverage.

68 10. Recreational and other programs available at each  
69 facility.

70 11. Special care units or programs offered at each  
71 facility.

72 12. Whether the facility is a part of a retirement  
73 community that offers other services pursuant to part III, part  
74 IV, or part V.

75 13. Survey and deficiency information ~~contained on the~~  
76 ~~Online Survey Certification and Reporting (OSCAR) system of the~~  
77 ~~federal Health Care Financing Administration, including all~~  
78 federal and state recertification, licensure annual survey,

HB 7053

2006  
CS

79 | revisit, and complaint survey information, for each facility for  
80 | the past 30 ~~45~~ months. For noncertified nursing homes, state  
81 | survey and deficiency information, including licensure ~~annual~~  
82 | ~~survey~~, revisit, and complaint survey information for the past  
83 | 30 ~~45~~ months shall be provided.

84 |       14. A summary of the deficiency ~~Online Survey~~  
85 | ~~Certification and Reporting (OSCAR)~~ data for each facility over  
86 | the past 30 ~~45~~ months. Such summary may include a score, rating,  
87 | or comparison ranking with respect to other facilities based on  
88 | the number of citations received by the facility on  
89 | recertification, licensure ~~of annual~~, revisit, and complaint  
90 | surveys; the severity and scope of the citations; and the number  
91 | of ~~annual~~ recertification surveys the facility has had during  
92 | the past 30 ~~45~~ months. The score, rating, or comparison ranking  
93 | may be presented in either numeric or symbolic form for the  
94 | intended consumer audience.

95 |       (b) The agency shall provide the following information in  
96 | printed form:

97 |       1. A list by name and address of all nursing home  
98 | facilities in this state.

99 |       2. Whether such nursing home facilities are proprietary or  
100 | nonproprietary.

101 |       3. The current owner or owners of the facility's license  
102 | and the year that entity became the owner of the license.

103 |       4. The total number of beds, and of private and  
104 | semiprivate rooms, in each facility.

105 |       5. The religious affiliation, if any, of each facility.

HB 7053

2006  
CS

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

109           7. The languages spoken by the administrator and staff of  
110 each facility.

111           8. Whether or not each facility accepts Medicare or  
112 Medicaid recipients or insurance, health maintenance  
113 organization, Veterans Administration, CHAMPUS program, or  
114 workers' compensation coverage.

115           9. Recreational programs, special care units, and other  
116 programs available at each facility.

117           10. The Internet address for the site where more detailed  
118 information can be seen.

119           11. A statement advising consumers that each facility will  
120 have its own policies and procedures related to protecting  
121 resident property.

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

HB 7053

2006  
CS

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

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

- 140 1. The licensure status history of each facility.
- 141 2. The rating history of each facility.
- 142 3. The regulatory history of each facility, which may  
143 include federal sanctions, state sanctions, federal fines, state  
144 fines, and other actions.
- 145 4. Whether the facility currently possesses the Gold Seal  
146 designation awarded pursuant to s. 400.235.
- 147 5. Internet links to the Internet sites of the facilities  
148 or their affiliates.

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

156 (a) The agency shall ~~quarterly~~ publish in the Nursing Home  
157 Guide a "Nursing Home Guide Watch List" to assist consumers in  
158 evaluating the quality of nursing home care in Florida. The  
159 watch list must identify each facility that met the criteria for  
160 a conditional licensure status to be noticed as specified in

HB 7053

2006  
CS

161 this section ~~on any day within the quarter covered by the list~~  
162 and each facility that is ~~was~~ operating under bankruptcy  
163 protection ~~on any day within the quarter~~. The watch list must  
164 include, but is not limited to, the facility's name, address,  
165 and ownership; the county in which the facility operates; the  
166 license expiration date; the number of licensed beds; a  
167 description of the deficiency causing the facility to be placed  
168 on the list; any corrective action taken; and the cumulative  
169 number of days and percentage of days ~~times~~ the facility had a  
170 conditional license during the past 30 months ~~has been on a~~  
171 ~~watch list~~. The watch list must include a brief description  
172 regarding how to choose a nursing home, the categories of  
173 licensure, the agency's inspection process, an explanation of  
174 terms used in the watch list, and the addresses and phone  
175 numbers of the agency's ~~managed care and~~ health quality  
176 assurance field area offices.

177 (b) Upon publication of each Nursing Home Guide ~~quarterly~~  
178 ~~watch list~~, the agency must post ~~transmit~~ a copy on its Internet  
179 website by the 15th calendar day of the second month following  
180 the end of the calendar quarter. Each nursing home licensee must  
181 retrieve the most recent version of the Nursing Home Guide from  
182 ~~of the watch list to each nursing home facility by mail and must~~  
183 ~~make the watch list available on~~ the agency's Internet website.

184 (4) Any records of a nursing home facility determined by  
185 the agency to be necessary and essential to establish lawful  
186 compliance with any rules or standards shall be made available  
187 to the agency on the premises of the facility and submitted to  
188 the agency. Each facility must submit this information

HB 7053

2006  
CS

189 electronically when electronic transmission to the agency is  
190 available.

191 (5) Every nursing home facility licensee shall:

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

195 1. A concise summary of the last inspection report  
196 pertaining to the nursing home and issued by the agency, with  
197 references to the page numbers of the full reports, noting any  
198 deficiencies found by the agency and the actions taken by the  
199 licensee to rectify the ~~such~~ deficiencies and indicating in the  
200 ~~such~~ summaries where the full reports may be inspected in the  
201 nursing home.

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

204 (b) Upon request, provide to any person who has completed  
205 a written application with an intent to be admitted to, or to  
206 any resident of, such nursing home, or to any relative, spouse,  
207 or guardian of such person, a copy of the last inspection report  
208 pertaining to the nursing home and issued by the agency,  
209 provided the person requesting the report agrees to pay a  
210 reasonable charge to cover copying costs.

211 (6) The agency may adopt rules as necessary to administer  
212 this section.

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