

HB 1137

2011

1 A bill to be entitled

2 An act relating to assisted living facilities; creating
3 the Florida Assisted Living Quality Improvement Initiative
4 Pilot Project; providing purpose; requiring the Agency for
5 Health Care Administration to create pilot projects in
6 area offices; authorizing licensed assisted living
7 facilities to enroll in the pilot project; authorizing the
8 agency to provide, or execute contracts with private
9 providers to provide, consultative services; requiring a
10 facility to provide notice to the agency of enrollment in
11 the project; establishing quality improvement teams;
12 providing composition and duties of a quality improvement
13 team; providing conditions for termination of a quality
14 improvement agreement with a facility; providing for
15 termination of a quality enrollment team by the agency and
16 resumption of inspections by the agency under certain
17 circumstances; providing procedures for investigating and
18 monitoring complaints; requiring the agency to develop an
19 assessment tool to evaluate the project; requiring the
20 agency to report to the Governor and Legislature;
21 providing that reports and documents of the quality
22 improvement team may not be used in certain tort actions
23 and are exempt from discovery; providing for the
24 expiration of the project; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Florida Assisted Living Quality Improvement
29 Initiative Pilot Project.—

30 (1) There is created within the Agency for Health Care
31 Administration the Florida Assisted Living Quality Improvement
32 Initiative Pilot Project. The purpose of the pilot project is to
33 identify best practices for providing care to residents of
34 licensed assisted living facilities, provide caregivers with
35 methods to implement best practices, and develop, in
36 collaboration with the facility, a plan to improve the quality
37 of care and living arrangements in the facility to reduce the
38 need for institutional care.

39 (2) The agency shall create a pilot project in each area
40 office that allows licensed assisted living facilities to enroll
41 in the Florida Assisted Living Quality Improvement Initiative
42 Pilot Project.

43 (3) The agency may provide consultative services, or
44 execute contracts with private individuals, companies, or trade
45 associations to offer consultative services, to assist in
46 achieving the goals of the pilot project.

47 (4) The administrator of a licensed facility shall notify
48 the agency when the facility has agreed to enroll in the pilot
49 project. Enrollment in the pilot project is voluntary, and a
50 facility may withdraw from the pilot project at any time.
51 Enrollment in the pilot project shall begin on January 1 of each
52 year.

53 (5) The owner and the administrator of the facility
54 enrolled in the pilot project shall execute an agreement with
55 the agency, or with a private provider that has been approved

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56 and authorized by the agency to participate in the project, and
57 the quality improvement team established under subsection (6) to
58 implement an approved quality improvement plan for that facility
59 and shall collaborate with the consultants to meet the goals
60 outlined in the plan.

61 (6) A quality improvement team shall be established to
62 evaluate the progress of the facility in meeting quality
63 improvement plan goals. A quality improvement team shall include
64 a quality improvement specialist, a licensed registered nurse, a
65 licensed dietician, and a staff development representative.

66 (7) Each quality improvement team shall:

67 (a) Conduct an annual assessment and followup visits as
68 needed to monitor progress.

69 (b) Consult with the owner and the administrator to meet
70 plan requirements, create systems to monitor compliance with
71 agency rules, ensure that training standards established under
72 s. 429.52, Florida Statutes, are met, and provide access to
73 community-based services that would improve the care of the
74 residents and the conditions in the facility.

75 (c) Maintain records of the assessments and ongoing
76 efforts to help facilities meet quality improvement goals.

77 (d) Issue a certification to each facility that meets
78 agency standards and complies with the goals of its quality
79 improvement plan.

80 (8) A quality improvement team may elect to terminate the
81 agreement executed under subsection (5) with a facility that has
82 failed to meet the goals of the plan after reasonable efforts

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83 are made to seek cooperation and assistance from the owner and
84 the administrator.

85 (9) If a facility's enrollment in the pilot project is
86 terminated, the quality improvement team shall notify the agency
87 and that facility shall be subject to the survey, inspection,
88 and monitoring visits conducted under s. 408.811, Florida
89 Statutes. The facility is not be eligible to reenroll in the
90 pilot project until the agency has certified that the facility
91 meets substantial compliance with its quality improvement plan.

92 (10) A facility that has executed an agreement with an
93 approved quality improvement team may terminate that agreement
94 and execute a new agreement with another approved team. If such
95 termination is sought, the facility administrator shall notify
96 the agency area office in writing, specifying the reasons the
97 facility seeks to terminate the agreement, and the area office
98 supervisor shall approve or reject the request.

99 (11) A complaint made against a facility that is enrolled
100 in the pilot project shall be referred to the approved quality
101 improvement team for followup investigation and monitoring of
102 corrections. The team shall investigate the complaint and shall
103 work with the owner or administrator to address concerns. If
104 there is a pattern of repeated complaints, the agency may
105 investigate those complaints and refer the complaints to the
106 local jurisdiction enforcement body for investigation to ensure
107 the health, safety, and well-being of the facility residents.

108 (12) At any time, based on reasonable cause or concern for
109 the health, safety, or well-being of the residents of a
110 facility, the agency may investigate and conduct periodic

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111 appraisal visits to ensure compliance with the approved quality
112 improvement plans and assess both the quality improvement team
113 and the facility. If the agency finds that the facility is in
114 substantial noncompliance with the quality improvement plan, the
115 agency may terminate the agreement, which shall result in the
116 termination of that quality improvement team from the approved
117 list of providers and shall require the facility to be subject
118 to the survey, inspection, and monitoring visits conducted under
119 s. 408.811, Florida Statutes.

120 (13) The agency shall develop an assessment tool to
121 measure the success of the pilot project and shall use
122 indicators to evaluate the implementation of best practices,
123 staff development activities, physical plant improvements, care-
124 related outcomes, and reductions in referrals to institutional
125 care. The agency shall estimate the savings and reduction in
126 workforce and costs associated with the implementation of the
127 pilot project. The agency shall submit a report of its findings
128 to the Governor, the President of the Senate, and the Speaker of
129 the House of Representatives by July 1 of each year.

130 (14) Reports and documents generated by the quality
131 improvement teams may not be used in any tort action sought
132 against the licenseholder and are exempt from discovery.

133 (15) The Florida Assisted Living Quality Improvement
134 Initiative Pilot Project and this section expire July 1, 2016,
135 unless reenacted by the Legislature.

136 Section 2. This act shall take effect July 1, 2011.