



324974

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/13/2011	.	
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The Committee on Health Regulation (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete lines 88 - 218
and insert:

(e) Specify provisions to prohibit a quality improvement team from contracting with an assisted living facility in a manner that creates a conflict of interest.

(f) Create an enrollment process and implementation timeline for the pilot project.

(g) Establish a process to notify residents and the local long-term care ombudsman council of each assisted living facility that is enrolled in the pilot project.



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13 (h) Establish the components and provisions that must be
14 contained in a contract between the facility and the approved
15 quality improvement team.

16 (i) Establish the procedures for resolving complaints that
17 are filed against a facility that is enrolled in the pilot
18 project.

19 (5) The administrator of a licensed facility that is
20 eligible to participate in the pilot project shall notify the
21 agency when the facility agrees to enroll. Enrollment in the
22 pilot project is voluntary. The agency shall enroll the first 20
23 eligible facilities in each area that seek enrollment. Before
24 enrollment, each facility must execute a memorandum of agreement
25 with the agency which includes a provision authorizing the
26 agency to terminate the facility's participation in the pilot
27 project at will. The agency's termination of a facility from the
28 pilot project may not be challenged or appealed under chapter
29 120, Florida Statutes.

30 (6) Open enrollment in the pilot project shall span from
31 January 1 until March 1 of each year. A facility's enrollment in
32 the pilot project does not prohibit the facility from seeking
33 alternative accreditation from a recognized health care
34 accreditation organization, such as the Commission on
35 Accreditation of Rehabilitative Facilities or The Joint
36 Commission.

37 (7) The owner or administrator of each facility enrolled in
38 the pilot project shall enter into a contract with an approved
39 quality improvement team to develop, in accordance with the
40 department's rules, and implement a quality improvement plan for
41 that facility. The facility must pay the quality improvement



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42 team reasonable compensation for the services provided under the
43 contract. The quality improvement plan must be approved by the
44 agency prior to any implementation of the plan. The owner or
45 administrator shall consult with the quality improvement team
46 for the purpose of meeting the goals outlined in the quality
47 improvement plan.

48 (8) Each quality improvement team must evaluate the
49 progress of the facility in meeting the goals of the quality
50 improvement plan. A quality improvement team shall include a
51 quality improvement specialist who has professional expertise or
52 a background in working with behavioral health needs or aging-
53 related needs, a licensed registered nurse, a licensed
54 dietician, and a staff development representative.

55 (9) Each quality improvement team must be approved by the
56 agency prior to entering into any contract with a facility. The
57 agency may revoke the approval of the quality improvement team
58 if the quality improvement team does not meet the requirements
59 or standards established by department rule. If such approval is
60 revoked, the quality improvement team may no longer provide
61 contract services to the facility and the facility must, within
62 30 days, enter into a contract with another approved quality
63 improvement team in order to remain enrolled in the pilot
64 project.

65 (10) Each quality improvement team shall:

66 (a) Conduct an annual assessment and followup visits as
67 needed to monitor the progress of the facility in meeting the
68 goals of the quality improvement plan.

69 (b) Consult with the owner and administrator of the
70 facility in meeting plan requirements, create systems to monitor



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71 compliance with agency rules, ensure that training standards
72 established under s. 429.52, Florida Statutes, are met, and
73 provide access to community-based services that would improve
74 the care of the residents and the conditions in the facility.

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

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

80 (11) A quality improvement team may terminate, without
81 penalty, the contract executed under subsection (7) with a
82 facility that has failed to meet the goals of the plan after
83 reasonable efforts are made to seek cooperation and assistance
84 from the owner and the administrator of the facility. If a
85 contract is terminated under these conditions, the facility is
86 automatically terminated from the pilot project.

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

94 (13) A facility that has entered into a contract with an
95 approved quality improvement team may terminate that contract
96 without penalty and enter into a contract with another approved
97 team. If such termination is sought, the facility administrator
98 shall notify the agency area office in writing and specify the
99 reasons the facility seeks to terminate the contract. The agency



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100 shall approve or reject the request under the terms and
101 conditions of the memorandum of agreement completed by the
102 facility before enrolling in the pilot project.

103 (14) The agency shall refer any complaint concerning the
104 facility to the quality improvement team if the complaint does
105 not allege immediate jeopardy to a resident of the facility,
106 serious substandard care, or actual harm to a resident of the
107 facility. The team shall investigate the complaint and work with
108 the owner or administrator to address the complaint. If there is
109 a pattern of repeated complaints, the agency may investigate
110 those complaints and refer the complaints to the appropriate law
111 enforcement agency in the local jurisdiction for investigation
112 to ensure the health, safety, and well-being of the facility's
113 residents.

114 (15) The agency may investigate and conduct periodic
115 appraisal visits at any time in order to ensure compliance with
116 Florida law and the approved quality improvement plan and assess
117 the quality improvement team and the facility. If the agency
118 finds that the facility is in substantial noncompliance with the
119 quality improvement plan or state law, the agency may terminate
120 the facility from the pilot project and shall require the
121 facility to be subject to the survey, inspection, and monitoring
122 visits conducted under s. 408.811, Florida Statutes.

123 (16) (a) Each quality improvement team shall make available
124 to the agency reports generated following a visit to an enrolled
125 facility.

126 (b) Each quality improvement team may use electronic means
127 of capturing data and generating reports relating to compliance
128 with the quality improvement plan.



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129 (17) Reports and documents generated by the quality
130 improvement teams may not be used in any tort action sought
131 against the licenseholder of an enrolled facility.

132 (18) A facility owner, administrator, or employee may not
133 have an ownership interest in, or provide services to, any
134 business owned by a member of a quality improvement team, and an
135 owner, administrator, or employee may not participate as a
136 member of a quality improvement team.

137
138 ===== T I T L E A M E N D M E N T =====

139 And the title is amended as follows:

140 Delete lines 31 - 51

141 and insert:

142 pilot project; authorizing a facility to terminate its
143 contract with a quality improvement team and execute a
144 contract with another team; requiring the agency to
145 approve or reject the request for another team;
146 requiring the agency to refer certain complaints
147 regarding a facility to the quality improvement team;
148 authorizing the agency to investigate repeated
149 complaints and refer them to the appropriate law
150 enforcement agency; authorizing the agency to
151 investigate and conduct periodic appraisal visits of a
152 facility; authorizing the agency to terminate a
153 facility from the pilot project and require that the
154 facility be subject to survey, inspection, and
155 monitoring visits by the agency; requiring each
156 quality improvement team to make available to the
157 agency certain reports; authorizing a quality



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158 improvement team to use electronic means of capturing
159 data and generating reports; providing that reports
160 and documents of the quality improvement team may not
161 be used in certain tort actions; providing an
162 effective date.