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588-03952D-11

Proposed Committee Substitute by the Committee on Health  
Regulation

1                                   A bill to be entitled  
2       An act relating to assisted living facilities;  
3       creating the Florida Assisted Living Quality  
4       Improvement Initiative Pilot Project; providing a  
5       purpose; providing definitions; creating the pilot  
6       project in area offices of the Agency for Health Care  
7       Administration; providing an expiration date for the  
8       pilot project; providing requirements for facilities  
9       to be eligible to participate in the pilot project;  
10      authorizing the Department of Elderly Affairs to adopt  
11      rules; providing duties of the department with regard  
12      to the pilot project; requiring the administrator of a  
13      facility that is eligible to participate in the pilot  
14      project to notify the Agency for Health Care  
15      Administration when the facility agrees to enroll;  
16      providing that enrollment in the pilot project is  
17      voluntary; requiring each facility to execute an  
18      agreement that includes a provision authorizing the  
19      agency to terminate the facility's participation in  
20      the pilot project; providing for open enrollment each  
21      year; providing that a facility's enrollment in the  
22      pilot project does not prohibit the facility from  
23      seeking alternative accreditation; requiring the owner  
24      or administrator of a facility that is enrolled in the  
25      pilot project to enter into a contract with a quality  
26      improvement team; providing for the composition and  
27      duties of a quality improvement team; providing for



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28 termination of the contract with a quality improvement  
29 team; providing for the resumption of inspections by  
30 the agency if a facility terminates enrollment in the  
31 pilot project; authorizing a facility to terminate its  
32 contract with a quality improvement team and execute a  
33 contract with a another team; requiring the agency to  
34 refer certain complaints regarding a facility to the  
35 quality improvement team; authorizing the agency to  
36 investigate repeated complaints and refer them to the  
37 appropriate law enforcement agency; authorizing the  
38 agency to investigate and conduct periodic appraisal  
39 visits of a facility; authorizing the agency to  
40 terminate a facility from the pilot project and  
41 require that the facility be subject to survey,  
42 inspection, and monitoring visits by the agency;  
43 requiring each quality improvement team to make  
44 available to the agency certain reports; authorizing a  
45 quality improvement team to use electronic means of  
46 capturing data and generating reports; providing that  
47 reports and documents of the quality improvement team  
48 may not be used in certain tort actions; prohibiting  
49 conflicts of interests between a facility owner,  
50 administrator, or employee and the members of a  
51 quality improvement team; providing an effective date.

52

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

54

55 Section 1. Florida Assisted Living Quality Improvement  
56 Initiative Pilot Project.-



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57       (1) The purpose of the pilot project is to identify best  
58 practices for providing care to residents of licensed assisted  
59 living facilities, provide caregivers with the competencies and  
60 skills necessary to implement best practices, and develop, in  
61 collaboration with the facility, a quality improvement plan to  
62 reduce the need for institutional care.

63       (2) As used in this section, the term:

64       (a) "Agency" means the Agency for Health Care  
65 Administration.

66       (b) "Department" means the Department of Elderly Affairs.

67       (3) (a) The pilot project shall be limited to no more than  
68 four approved quality improvement teams throughout the pilot  
69 areas and 20 facilities in each of the area office locations of  
70 the agency which are identified as areas 4, 5, 6, 8, and 11.  
71 This pilot project shall expire in 2016 unless reenacted by the  
72 Legislature.

73       (b) Eligibility for participation is limited to facilities  
74 that have a good survey track record, have not been cited for  
75 any class I or class II violations, and have no more than five  
76 uncorrected class III violations on the prior two annual surveys  
77 and on any survey that resulted from a complaint.

78       (4) The department may adopt rules as needed to administer  
79 the pilot project, with input from providers, advocates, the  
80 agency, or others. The department shall:

81       (a) Establish a method to measure facility improvement and  
82 collect data.

83       (b) Create criteria for quality improvement plans.

84       (c) Establish standards and requirements for quality  
85 improvement teams.



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86 (d) Establish the procedures for the agency to use in  
87 approving or revoking approval of quality improvement teams.

88 (e) Create an enrollment process and implementation  
89 timeline for the pilot project.

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

93 (g) Establish the components and provisions that must be  
94 contained in a contract between the facility and the approved  
95 quality improvement team.

96 (h) Establish the procedures for resolving complaints that  
97 are filed against a facility that is enrolled in the pilot  
98 project.

99 (5) The administrator of a licensed facility that is  
100 eligible to participate in the pilot project shall notify the  
101 agency when the facility agrees to enroll. Enrollment in the  
102 pilot project is voluntary. The agency shall enroll the first 20  
103 eligible facilities in each area that seek enrollment. Before  
104 enrollment, each facility must execute a memorandum of agreement  
105 with the agency which includes a provision authorizing the  
106 agency to terminate the facility's participation in the pilot  
107 project at will. The agency's termination of a facility from the  
108 pilot project may not be challenged or appealed under chapter  
109 120, Florida Statutes.

110 (6) Open enrollment in the pilot project shall begin on  
111 January 1 of each year. A facility's enrollment in the pilot  
112 project does not prohibit the facility from seeking alternative  
113 accreditation from a recognized health care accreditation  
114 organization, such as the Commission on Accreditation of



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115 Rehabilitative Facilities or The Joint Commission.

116 (7) The owner or administrator of each facility enrolled in  
117 the pilot project shall enter into a contract with an approved  
118 quality improvement team to develop, in accordance with the  
119 department's rules, and implement a quality improvement plan for  
120 that facility. The facility must pay the quality improvement  
121 team reasonable compensation for the services provided under the  
122 contract. The quality improvement plan must be approved by the  
123 agency prior to any implementation of the plan. The owner or  
124 administrator shall consult with the quality improvement team  
125 for the purpose of meeting the goals outlined in the quality  
126 improvement plan.

127 (8) Each quality improvement team must evaluate the  
128 progress of the facility in meeting the goals of the quality  
129 improvement plan. A quality improvement team shall include a  
130 quality improvement specialist who has professional expertise or  
131 a background in working with behavioral health needs or aging-  
132 related needs, a licensed registered nurse, a licensed  
133 dietician, and a staff development representative.

134 (9) Each quality improvement team must be approved by the  
135 agency prior to entering into any contract with a facility. The  
136 agency may revoke the approval of the quality improvement team  
137 if the quality improvement team does not meet the requirements  
138 or standards established by department rule. If such approval is  
139 revoked, the quality improvement team may no longer provide  
140 contract services to the facility and the facility must, within  
141 30 days, enter into a contract with another approved quality  
142 improvement team in order to remain enrolled in the pilot  
143 project.



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144       (10) Each quality improvement team shall:  
145       (a) Conduct an annual assessment and followup visits as  
146 needed to monitor the progress of the facility in meeting the  
147 goals of the quality improvement plan.  
148       (b) Consult with the owner and administrator of the  
149 facility in meeting plan requirements, create systems to monitor  
150 compliance with agency rules, ensure that training standards  
151 established under s. 429.52, Florida Statutes, are met, and  
152 provide access to community-based services that would improve  
153 the care of the residents and the conditions in the facility.  
154       (c) Maintain records of the assessments and ongoing efforts  
155 to help the facility meet quality improvement goals.  
156       (d) Issue a certification to each facility that meets  
157 agency standards and is in compliance with the goals of its  
158 quality improvement plan.  
159       (11) A quality improvement team may terminate, without  
160 penalty, the contract executed under subsection (7) with a  
161 facility that has failed to meet the goals of the plan after  
162 reasonable efforts are made to seek cooperation and assistance  
163 from the owner and the administrator of the facility. If a  
164 contract is terminated under these conditions, the facility is  
165 automatically terminated from the pilot project.  
166       (12) If a facility's enrollment in the pilot project is  
167 terminated, the quality improvement team shall notify the agency  
168 and that facility shall be subject to the survey, inspection,  
169 and monitoring visits conducted under s. 408.811, Florida  
170 Statutes. The facility is not eligible to reenroll in the pilot  
171 project until the agency has certified that the facility is in  
172 substantial compliance with agency rules.



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173       (13) A facility that has entered into a contract with an  
174 approved quality improvement team may terminate that contract  
175 without penalty and enter into a contract with another approved  
176 team. If such termination is sought, the facility administrator  
177 shall notify the agency area office in writing and specify the  
178 reasons the facility seeks to terminate the contract. The area  
179 office supervisor shall approve or reject the request under the  
180 terms and conditions of the memorandum of agreement completed by  
181 the facility before enrolling in the pilot project.

182       (14) The agency shall refer any complaint concerning the  
183 facility to the quality improvement team if the complaint does  
184 not allege immediate jeopardy to a resident of the facility,  
185 serious substandard care, or actual harm to a resident of the  
186 facility. The team shall investigate the complaint and work with  
187 the owner or administrator to address the complaint. If there is  
188 a pattern of repeated complaints, the agency may investigate  
189 those complaints and refer the complaints to the appropriate law  
190 enforcement agency in the local jurisdiction for investigation  
191 to ensure the health, safety, and well-being of the facility's  
192 residents.

193       (15) The agency may investigate and conduct periodic  
194 appraisal visits at any time in order to ensure compliance with  
195 Florida law and the approved quality improvement plan and assess  
196 the quality improvement team and the facility. If the agency  
197 finds that the facility is in substantial noncompliance with the  
198 quality improvement plan or state law, the agency may terminate  
199 the facility from the pilot project and shall require the  
200 facility to be subject to the survey, inspection, and monitoring  
201 visits conducted under s. 408.811, Florida Statutes.



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202       (16) (a) Each quality improvement team shall make available  
203 to the agency reports generated following a visit to an enrolled  
204 facility.

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

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

211       (18) A facility owner, administrator, or employee may not  
212 have an ownership interest in, or provide services to, any  
213 business owned by a member of a quality improvement team, and an  
214 owner, administrator, or employee may not participate as a  
215 member of a quality improvement team. The agency shall ensure  
216 that there are no conflicts of interest between the members of a  
217 quality improvement team and a facility that seeks to enroll or  
218 that is enrolled in the pilot project.

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