

By Senator Wise

5-01267-11

20111838__

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

28
29 Be It Enacted by the Legislature of the State of Florida:

5-01267-11

20111838

30
31 Section 1. Florida Assisted Living Quality Improvement
32 Initiative Pilot Project.—

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

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

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

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

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

5-01267-11

20111838__

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

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

69 (7) Each quality improvement team shall:

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

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

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

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

83 (8) A quality improvement team may elect to terminate the
84 agreement executed under subsection (5) with a facility that has
85 failed to meet the goals of the plan after reasonable efforts
86 are made to seek cooperation and assistance from the owner and
87 the administrator.

5-01267-11

20111838

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

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

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

111 (12) At any time, based on reasonable cause or concern for
112 the health, safety, or well-being of the residents of a
113 facility, the agency may investigate and conduct periodic
114 appraisal visits to ensure compliance with the approved quality
115 improvement plans and assess both the quality improvement team
116 and the facility. If the agency finds that the facility is in

5-01267-11

20111838__

117 substantial noncompliance with the quality improvement plan, the
118 agency may terminate the agreement, which shall result in the
119 termination of that quality improvement team from the approved
120 list of providers and shall require the facility to be subject
121 to the survey, inspection, and monitoring visits conducted under
122 s. 408.811, Florida Statutes.

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

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

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

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