

By the Committee on Health Regulation; and Senator Wise

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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
28 termination of the contract with a quality improvement
29 team; providing for the resumption of inspections by

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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 another team; requiring the agency to
34 approve or reject the request for another team;
35 requiring the agency to refer certain complaints
36 regarding a facility to the quality improvement team;
37 authorizing the agency to investigate repeated
38 complaints and refer them to the appropriate law
39 enforcement agency; authorizing the agency to
40 investigate and conduct periodic appraisal visits of a
41 facility; authorizing the agency to terminate a
42 facility from the pilot project and require that the
43 facility be subject to survey, inspection, and
44 monitoring visits by the agency; requiring each
45 quality improvement team to make available to the
46 agency certain reports; authorizing a quality
47 improvement team to use electronic means of capturing
48 data and generating reports; providing that reports
49 and documents of the quality improvement team may not
50 be used in certain tort actions; providing an
51 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.—

57 (1) The purpose of the pilot project is to identify best
58 practices for providing care to residents of licensed assisted

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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.

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

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

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

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

96 (h) Establish the components and provisions that must be
97 contained in a contract between the facility and the approved
98 quality improvement team.

99 (i) Establish the procedures for resolving complaints that
100 are filed against a facility that is enrolled in the pilot
101 project.

102 (5) The administrator of a licensed facility that is
103 eligible to participate in the pilot project shall notify the
104 agency when the facility agrees to enroll. Enrollment in the
105 pilot project is voluntary. The agency shall enroll the first 20
106 eligible facilities in each area that seek enrollment. Before
107 enrollment, each facility must execute a memorandum of agreement
108 with the agency which includes a provision authorizing the
109 agency to terminate the facility's participation in the pilot
110 project at will. The agency's termination of a facility from the
111 pilot project may not be challenged or appealed under chapter
112 120, Florida Statutes.

113 (6) Open enrollment in the pilot project shall span from
114 January 1 until March 1 of each year. A facility's enrollment in
115 the pilot project does not prohibit the facility from seeking
116 alternative accreditation from a recognized health care

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117 accreditation organization, such as the Commission on
118 Accreditation of Rehabilitative Facilities or The Joint
119 Commission.

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

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

138 (9) Each quality improvement team must be approved by the
139 agency prior to entering into any contract with a facility. The
140 agency may revoke the approval of the quality improvement team
141 if the quality improvement team does not meet the requirements
142 or standards established by department rule. If such approval is
143 revoked, the quality improvement team may no longer provide
144 contract services to the facility and the facility must, within
145 30 days, enter into a contract with another approved quality

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146 improvement team in order to remain enrolled in the pilot
147 project.

148 (10) Each quality improvement team shall:

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

152 (b) Consult with the owner and administrator of the
153 facility in meeting plan requirements, create systems to monitor
154 compliance with agency rules, ensure that training standards
155 established under s. 429.52, Florida Statutes, are met, and
156 provide access to community-based services that would improve
157 the care of the residents and the conditions in the facility.

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

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

163 (11) A quality improvement team may terminate, without
164 penalty, the contract executed under subsection (7) with a
165 facility that has failed to meet the goals of the plan after
166 reasonable efforts are made to seek cooperation and assistance
167 from the owner and the administrator of the facility. If a
168 contract is terminated under these conditions, the facility is
169 automatically terminated from the pilot project.

170 (12) If a facility's enrollment in the pilot project is
171 terminated, the quality improvement team shall notify the agency
172 and that facility shall be subject to the survey, inspection,
173 and monitoring visits conducted under s. 408.811, Florida
174 Statutes. The facility is not eligible to reenroll in the pilot

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175 project until the agency has certified that the facility is in
176 substantial compliance with agency rules.

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

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

197 (15) The agency may investigate and conduct periodic
198 appraisal visits at any time in order to ensure compliance with
199 Florida law and the approved quality improvement plan and assess
200 the quality improvement team and the facility. If the agency
201 finds that the facility is in substantial noncompliance with the
202 quality improvement plan or state law, the agency may terminate
203 the facility from the pilot project and shall require the

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204 facility to be subject to the survey, inspection, and monitoring
205 visits conducted under s. 408.811, Florida Statutes.

206 (16) (a) Each quality improvement team shall make available
207 to the agency reports generated following a visit to an enrolled
208 facility.

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

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

215 (18) A facility owner, administrator, or employee may not
216 have an ownership interest in, or provide services to, any
217 business owned by a member of a quality improvement team, and an
218 owner, administrator, or employee may not participate as a
219 member of a quality improvement team.

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