

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 692

INTRODUCER: Senator Richter

SUBJECT: Assisted Living Facilities

DATE: April 11, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Daniell	Walsh	CF	<b>Favorable</b>
2.	O'Callaghan	Stovall	HR	<b>Favorable</b>
3.			RC	
4.				
5.				
6.				

**I. Summary:**

This bill removes the statutory requirement that the Agency for Health Care Administration (AHCA) distribute all biennial and interim visit reports of assisted living facilities (ALFs) to the local ombudsman council, at least one public library, and to the district Adult Services and Mental Health Program Offices.

This bill substantially amends s. 429.35, F.S.

**II. Present Situation:**

An assisted living facility (ALF) is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.<sup>1</sup> A personal service is direct physical assistance with, or supervision of, the activities of daily living and the self-administration of medication.<sup>2</sup> Activities of daily living include: ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks. An ALF may be operated for profit or not-for-profit, and can range from small houses resembling private homes to larger developments with hundreds of residential beds.

Assisted living facilities are currently licensed by the AHCA pursuant to part I of ch. 429, F.S., relating to assisted living facilities and part II of ch.408, F.S., relating to the general licensing provisions for health care facilities. Assisted living facilities are also subject to regulation under

<sup>1</sup> Section 429.02(5), F.S.

<sup>2</sup> Section 429.02(16), F.S.

chapter 58A-5 of the Florida Administrative Code. These rules are adopted by the Department of Elder Affairs (DOEA) in consultation with the AHCA, the Department of Children and Family Services, and the Department of Health.<sup>3</sup>

As of February 2011, there were 2,926 ALFs licensed in Florida.<sup>4</sup> All licensed ALFs must have a biennial inspection<sup>5</sup> and between January 2010 and February 2011, 2,366 biennial inspection visits were conducted.<sup>6</sup>

Section 429.35(2), F.S., requires the AHCA, within 60 days after a biennial inspection and 30 days after any interim visit, to forward the results to:

- The local ombudsman council in the appropriate planning and service area;
- At least one public library, or if none, then to the county seat; and
- The district Adult Services and Mental Health Program Offices.

Section 408.806(8), F.S., allows the AHCA to provide electronic access to information or documents, such as inspection results. The AHCA provides written reports of all inspections to the provider. Compliance and noncompliance with regulations are cited in the report. Upon review by the AHCA, the reports are posted on the inspections report website<sup>7</sup> and a monthly email is sent to the Office of State Long-Term Care Ombudsman (office) of all inspections completed. The office distributes this information to the local ombudsman councils.<sup>8</sup>

### III. Effect of Proposed Changes:

This bill amends s. 429.35, F.S., to remove the requirement that the AHCA distribute, within 60 days after the date of the biennial inspection visit or within 30 days after the date of any interim visit, all biennial and interim visit reports of ALFs to the local ombudsman council, at least one public library or to the county seat in which the inspected ALF is located if there is no library, and to the district Adult Services and Mental Health Program Offices.<sup>9</sup>

The bill provides an effective date of July 1, 2011.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

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<sup>3</sup> Section 429.41(1), F.S.

<sup>4</sup> Agency for Health Care Admin., *2011 Bill Analysis and Economic Impact Statement SB 692* (Feb. 28, 2011) (on file with the Senate Health Regulation Committee).

<sup>5</sup> Section 408.811(1)(b), F.S.

<sup>6</sup> Agency for Health Care Admin., *supra* note 4.

<sup>7</sup> See [http://apps.ahca.myflorida.com/dm\\_web/\(S\(n3dnev45xakyh155qlllelimg\)\)/Default.aspx](http://apps.ahca.myflorida.com/dm_web/(S(n3dnev45xakyh155qlllelimg))/Default.aspx) (last visited April 7, 2011).

<sup>8</sup> Agency for Health Care Admin., *supra* note 4.

<sup>9</sup> According AHCA, the reports will continue to be available on the agency's website for retrieval and review. *Id.*

**B. Public Records/Open Meetings Issues:**

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

**C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

By eliminating the requirement that the AHCA forward the results of all biennial and interim visit reports to the local ombudsman council, the public library, and the district Adult Services and Mental Health Program Offices, the bill may have a positive fiscal impact on the AHCA.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.