

**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 Children, Families, and Elder Affairs Committee

BILL: SB 692

INTRODUCER: Senator Richter

SUBJECT: Assisted Living Facilities

DATE: April 1, 2011

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Daniell	Walsh	CF	<b>Pre-meeting</b>
2.			HR	
3.			RC	
4.				
5.				
6.				

**I. Summary:**

This bill removes the statutory requirement that the Agency for Health Care Administration distribute all biennial and interim visit reports of assisted living facilities 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 section 429.35, Florida Statutes.

**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 Agency for Health Care Administration (AHCA or agency) pursuant to part I of ch. 429, F.S., relating to assisted care communities and part II of ch.408, F.S., relating to the general licensing provisions for health care facilities.

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

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

Assisted living facilities are also subject to regulation under chapter 58A-5 of the Florida Administrative Code. These rules are adopted by the Department of Elder Affairs (DOEA or department) in consultation with 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 the state.<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 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;
- The public library; and
- The district Adult Services and Mental Health Program Offices.

Section 408.806(8), F.S., allows AHCA to provide electronic access to information or documents, such as inspection results. The agency provides written reports of all inspections to the provider. Compliance and noncompliance with regulations are cited in the report. Upon review by 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 Agency for Health Care Administration distribute all biennial and interim visit reports of assisted living facilities to the local ombudsman council, at least one public 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:

None.

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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 Committee on Children, Families, and Elder Affairs).

<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\(n3dnev45xakyh155qllelimg\)\)/Default.aspx](http://apps.ahca.myflorida.com/dm_web/(S(n3dnev45xakyh155qllelimg))/Default.aspx) (last visited Mar. 29, 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:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

By eliminating the requirement that the Agency for Health Care Administration (agency) 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.

**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.