



## Weekly Legislative Update

325 John Knox Rd, Ste L103 • Tallahassee, Florida 32303 • Ph: (850) 906-9314 • FAX: (850) 906-9315 • www.flicra.com

TO: FLiCRA Membership

FROM: Bennett Napier, CAE

DATE: May 5, 2007

RE: End of Session Legislative Report

*The Florida legislature adjourned its regular session at 4:10 p.m. on Friday, May 4th. One of the key items still outstanding is the issue of property tax reform. In that regard, a special session is scheduled for June 12-22 in Tallahassee. Depending on the outcome of the special session, a ballot issue could reach Florida voters as early as September on property tax reform.*

Although many bills filed this year before the legislature did not pass, FLiCRA is happy to report that its key priority bill this year, the Return to Home bill did among some other long term care related bills that will have an effect on seniors including those residing in continuing care retirement communities.

Here is a report of some key legislation, which did pass this year:

### **House Bill 1001/Senate Bill 590 – Return to Home**

FLiCRA's HMO Return to Home bill, Senate Bill 590 by Senator Burt Saunders was taken up on Wednesday in lieu of House Bill 1001 by Representative Greg Evers. The process to get this legislation passed started back in 2006 when our University Village FLiCRA chapter recruited then Senator Les Miller to bring this to the Florida Legislature. It did not even get a committee hearing that year, but we tried again this year and were extremely successfully.

Senate Bill 590, having already passed the Florida Senate in April, was voted on by the House this week and passed by a vote of 117-0. It now goes to the Governor for further action. I have provided the language as it now will appear in the law once it becomes official barring anything issues with the Governor signing the legislation. Congratulations to all of our members who helped with grass roots activity on these bills. The staff of the Florida Association of Homes

and Services for the Aging are also to be thanked for their generous support on this legislation.

The new wording of the law is provided : Florida Statutes 641.31 Health maintenance contracts.--

**(25) If a subscriber is a resident of a continuing care facility certified under chapter 651 or a retirement facility consisting of a nursing home or assisted living facility and residential apartments, the subscriber's primary care physician must refer the subscriber to that facility's skilled nursing unit or assisted living facility if requested by the subscriber and agreed to by the facility; if the primary care physician finds that such care is medically necessary; if the facility agrees to be reimbursed at the health maintenance organization's contract rate negotiated with similar providers for the same services and supplies; and if the facility meets all guidelines established by the health maintenance organization related to quality of care, utilization, referral authorization, risk assumption, use of the health maintenance organization's network, and other criteria applicable to providers under contract for the same services and supplies. If a health maintenance organization enrolls a new subscriber who already resides in a continuing care facility or a retirement facility as described in this subsection, the health maintenance organization must provide in writing a disclosure of the subscriber's rights under this subsection. If a subscriber's request to be referred to the skilled nursing unit or assisted living facility that is part of the subscriber's place of residence is not honored, the subscriber may use the grievance process provided in s. 641.511. This act shall take effect July 1, 2007.**

#### **House Bill 385/Senate Bill 682 - Nursing Home Regulation**

Senate Bill 682 was passed by the House of Representatives on May 3rd and modifies the number of quality of care monitor visits received by nursing homes and will allow all nursing homes with a standard license to provide CNA training. Standard license is terminology that defines any nursing home that is registered and licensed by the state and does not indicate a distinction in quality of service delivery.

#### **House Bill 1019/Senate Bill 1916 - Assisted Living Facilities**

Senate Bill 1916 passed the House of Representatives on May 2nd. The legislation provides funding for the Department of Elder Affairs to hire staff to conduct training for workers in the assisted living facility environment with the

goal of increasing quality of care in that setting for residents. Additionally, it sets forth criteria for the experience necessary to become a qualified trainer.

### **House Bill 7065/Senate Bill 2450 – Florida Senior Care**

The bill amends section 409.912(5), Florida Statutes, to implement an integrated fixed-payment service delivery system (Florida Senior Care) for Medicaid recipients age 60 and older in Area 7 (Orange, Osceola, Seminole and Brevard counties) and Area 11 (Dade and Monroe counties) of the Agency for Health Care Administration. The bill authorizes the Agency for Health Care Administration to implement the Florida Senior Care program in accordance with approved federal waivers.

The bill makes participation of eligible individuals voluntary at both pilot sites. The Medicaid recipients must affirmatively choose to enroll into the pilot program. The bill specifies that individuals who choose to participate in the pilot may remain in their current licensed residence even if this residence is not under contract to the managed care program operator.

The bill also provides enrollees access to an additional grievance process through the Subscriber Assistance Panel by designating the participating managed care organizations as prepaid health plans. The bill removes the requirement for the Agency for Health Care Administration to competitively procure managed care entities to operate the pilot program. The agency may select entities to operate the pilots who meet or exceed the minimum standards of the Agency.

In addition, providers who participate are also provided with a grievance system that includes a formal and informal process. The bill creates a 10-business-day prompt payment requirement for participating managed care organizations in the pilot projects to make payment to nursing homes that bill electronically. This bill also clarifies section 409.915, Florida Statutes, to ensure continuation of county participation in nursing home cost contributions.