

Question:

Has there been any progress in getting any significant representation of CCRC residents on the Board and Executive Committee of the governing body of their own CCRC?

LeadingAge Florida Response: CCRCs engage residents in decision making in different ways. Quite a few Florida CCRCs have a resident on the board as a voting member. Some have non-voting resident representation at each board meeting. Others offer residents opportunities to participate through committees and meetings with the governing body or a representative of the governing body. LeadingAge Florida believes that this flexibility should be maintained.

FLiCRA Response: Florida law is permissive and states “The board of directors or governing body may at its sole discretion allow a resident of the facility to be a voting member of the board or governing body of the facility.” Florida law does not address non-voting members. A number of CCRCs in Florida have at least one member of the governing board that is a resident. In some cases, Florida CCRCs (usually independent communities not part of a network of CCRCs) have more than one resident on their governing board. For multi-location owner/operators, for Florida purposes, there may be one or more residents on the national governing board and not one resident per location. In addition, the Florida CCRCs that are owned by a publicly traded entity would not have a resident on the corporate board. FLiCRA continues to communicate with LeadingAge Florida about the trends nationally on mandated seats. FLiCRA conceptually likes the California law language which already manages resident representation on governing boards and it addresses various corporate structures in great detail relative to resident representation. There is no legislation on this subject being filed for the 2022 Florida legislative session.

Question:

Given the Surfside tragedy, are there plans to work with the State to ensure periodic inspections of older CCRC buildings?

LeadingAge Florida Response: To date this has not been an issue. Most CCRCs are not located near the water which was one of the main problems with the Surfside tragedy. It should be noted that risk managers for property insurers conduct physical plant inspections of CCRCs and review repair logs and inspection reports from private contractors hired by CCRCs to comply with state laws. In addition, various state and local authorities conduct both announced and unannounced life-safety inspections of buildings.

FLiCRA Response: The Surfside tragedy was certainly tragic. There are other aspects of Florida law that relate to the skilled nursing and assisted living portions of CCRC campuses relative to infrastructure (safety including fire protection requirements). Further, many bond covenants (relative to short and long term financing of CCRC operations) may have requirements relative to continued maintenance/upgrades to infrastructure/physical plant to be in compliance for continuing outside financing.

Question:

Have any member CCRCs been advised of a fee increase, by their respective Executive Directors, to commence in January 2022? Our residents were recently told the increase will be 6.2%. We were wondering if this amount is in line with other communities.

LeadingAge Florida Response: According to a national survey done by Ziegler, the projected 2022 increase is higher than in previous years with a median increase of 4% and a high of 10%. The increase will vary from community to community depending on location which could affect staffing challenges and related wages, benefits and perks to retain and recruit employees. Investments in technology and infection control are also contributing to increases in operational costs along with increases in the cost of supplies and food products.

FLiCRA Response: FLiCRA generally surveys CCRCs to gauge the average increases. Further, increases are public record through Public Records requests from the Office of Insurance Regulation. The Consumer Price Index for the Southern Region for many years has been at or below 3%. For 2021, its at 5.8%. It is expected that the average CCRC maintenance fee increase in Florida for 2022 will be north of 4.5% the highest average in over twenty years.

Question:

Many CCRCs seem to support wide access to facilities for disabled residents even with the resistance of some residents. Are CCRCs covered entities under any of the federal civil rights laws like the Fair Housing Act and the Americans with Disabilities Act?

LeadingAge Florida Response: CCRCs are covered by the Americans with Disabilities Act and the Rehabilitation Act of 1973 which is why accommodations must be made for wheelchairs and scooters. CCRCs are exempt from the age requirements of the Fair Housing Act.

FLiCRA Response: This topic continues to generate a lot of resident interest. The regulatory compliance (at the federal level) does encompass a number of requirements that providers have to follow relative to dining room accommodations; scooter and walker use in common areas and some aspects of continuing to reside in an independent living unit prior to transitioning to a higher level of care setting on campus. FLiCRA is happy to share some well-done legal resources prepared the American Seniors Housing Association on this topic upon request.

Question:

I understand that the appearance of a CCRC is important to marketing a CCRC. But when you do 90% on marketing and 10% on resident issues such as resident suggested improvements on dining. This is further concerning when management is extremely poor in communicating with residents be it by phone, email, or informational flyers.

LeadingAge Florida Response: Residents are the best spokespersons and marketers for the CCRC in which they live. If residents are not happy, marketing will suffer. Therefore, it would not be wise for providers to focus their effort almost exclusively on prospective residents. We agree with FLiCRA – if there are concerns, they should be discussed with the Resident Council followed by management.

FLiCRA Response: Continued recruitment of new residents is important to all CCRCs. As resident fees represent a large percentage of operating revenue for the CCRC, this need has only been increased given the increased competition (and increasing market wages/ salaries) to recruit and retain employees working in a CCRC environment. The local Resident Council should work collaboratively with management to ensure that expenses strike a proper balance on serving the contractual needs of existing residents while also continuing to market the CCRC as an attractive retirement community for future residents.

Question:

How does one start a Resident Budget and Finance Committee? What is the optimal number of members?

LeadingAge Florida Response: Let your CEO know that this is an interest of residents. Start with your Resident Council. Ask if they would consider appointing a budget and finance committee. According to one of the speakers, the number of committee members can vary, but an odd number is preferable to break a tie vote.

FLiCRA Response: Having a Resident Budget and Finance Committee is a great way to ensure there is open communication and collaboration between residents and local management. FLiCRA has prepared a 125-page Budget and Finance Committee Handbook that serves as a useful tool to help guide Committee operations. This resource is available from FLiCRA for free for electronic copies and a nominal cost (to cover printing and postage) if hard copies are desired.

Question:

Explain the designated resident representative in Florida Statutes 651.085(3). How do you establish one if you have not done that in your community yet?

LeadingAge Florida Response: Every community must have a designated resident representative. You may not be aware of who it is. Best to check with the CEO or Executive Director of your community.

FLiCRA Response: Florida law provides the following:

A residents' council formed pursuant to Florida Statutes 651.081, members of which are elected by the residents, shall designate a resident to represent them before the governing body of the provider. The initial designated representative elected under this section shall be elected to serve at least 12 months.

The designated representative shall be notified at least 14 days in advance of any meeting of the full governing body at which proposed changes in resident fees or services will be discussed. The representative shall be invited to attend and participate in that portion of the meeting designated for the discussion of such changes.

All Resident Councils should ensure that appointing a designated resident representative is part of their annual agenda to fulfill one of the most important charges and scopes of authority that the law affords the Resident Council.

Question:

Is the CCRC industry moving away from attracting "healthy" residents to providing higher level care services in the ILF living units?

LeadingAge Florida Response: No, CCRCs have admission criteria that usually includes a health assessment. Because of the pandemic, it is possible that some residents may have stayed in IL longer than would have been advisable under normal circumstances.

FLiCRA Response: the CCRC model is about aging in place and data indicates that CCRC wellness programs may result in longer lifespans of residents. With this in mind, it is likely that some communities may see higher levels of care delivered in independent living units. This is largely based on the demographics of the community and the physical layout of the campus given proximal access to higher levels of care. This a crucial issue for Resident Councils to work on collaboratively with management so there is awareness and understanding of short and long term trends within the CCRC.