

## President's Message



The Florida Life Care Residents Association (FLiCRA) can be proud of progress made over the past year as we continue to work toward our goals and fulfill our mission, with a clear purpose. We know the

priorities on which to focus for the direction to take for the year ahead. The FLiCRA Board is prepared to meet the challenges.

Those who attended the successful FLiCRA Annual Board of Directors, Delegates, and Membership Meeting held in November saw that the agenda included topics of importance to residents of Florida continuing care retirement communities (CCRC).

Florida Commissioner of Insurance, David Altmaier, was the well-chosen keynote speaker, with the topic: "Residents, Providers and Regulators – Collaboration Leads to Better Public Policy."

Commissioner Altmaier was appointed to the position at the end of April, but has longevity within the Department. He is well-acquainted with the CCRC concept, and of the responsibilities of the Office of Insurance Regulation (OIR) as the state agency providing oversight of CCRCs.

The meeting agenda topics that followed provided reports of the year's areas of progress, the works in progress, and laid out a

forward path for the upcoming year.

Maintaining and increasing FLiCRA membership always figures prominently as all important for support in moving forward. It was reported that FLiCRA membership has now come very close to completely catching up again with the number of members shown before the considerable membership loss, in the precipitous slide over the first half of the past ten years, during the period of economic downturn when many CCRC's occupancy rates fell.

Credit for growing back our membership is given to the considerable work demonstrated by our board, regional directors, and chapter boards, in achieving this vital element. It is acknowledged that FLiCRA has a message to deliver to CCRC residents that is straightforward and compelling, so necessary in this time of seemingly unlimited distractions contributing to competition for attention.

The board has now appointed board member Jim Jandreau to form a special committee to further address effective membership efforts through development of a design for a strategic process with recommendations to aid chapters.

FLiCRA must rely on our eight regional directors as the frontline representatives to be counted on to sell and resell the value received through FLiCRA membership.

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*"A Resident-Led  
 Association to  
 Ensure Quality of  
 Life in  
 Retirement  
 Communities"*

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The position requires them to establish with the chapters in their region, through regular contact, an alignment that fosters closeness and trust for a continuous combination of encouragement and support.

This is a big responsibility, in and of itself, for regional directors. Nonetheless, the board added another: Contacts with state elected officials in the region. This means it will be included on the list in the FLiCRA Manual of Procedures and Board Handbook.

The contacts will include the recommendation for requests, by the Regional Director or chapter presidents in the region, to be placed on the agendas to ask for the legislative support for FLiCRA at the legislative districts' required annual State Legislative

Delegation Public Hearings held before the start of each year's state legislative session.

A most informative presentation by Bennett Napier, CAE at the Annual Meeting delivered a comprehensive report on the Joint Task Force of FLiCRA and LeadingAge (the association of owners and management of CCRCs) working in collaboration again this year to draft proposed legislation to be filed for the 2017 state legislative session.

As has been reported to membership throughout the year, the proposed legislation is designed to address the lengthy court case and subsequent bankruptcy of a Tampa CCRC operating under contested ownership.

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## 2017 FLiCRA State Board of Directors

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**Region 8 Director**

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**Executive Director**

Bennett E. Napier, CAE  
bennett@executiveoffice.org

Region 6 & 7 Directors are open. Interested residents in West & Southwest Florida may contact Bennett Napier, CAE at [bennett@executiveoffice.org](mailto:bennett@executiveoffice.org) for more information.

## Department of Elder Affairs Warns Floridians of Phone Scam

**TALLAHASSEE** – The Department of Elder Affairs is warning Florida residents to watch out for scam artists who are allegedly making calls pretending to be the Department or an organization they refer to as Senior Services. These callers are using a method known as “spoofing” to make it appear on Caller ID as if the call is coming from a number belonging to the Florida Department of Elder Affairs’ fax line – (850) 414-2004.

The callers are asking for personal information, including credit card information for payment of services, including funeral insurance, and are attempting to defraud those they call. Several individuals from across the state, including many who are not elders, have contacted the Department of Elder Affairs about the harassing calls.

The Department of Elder Affairs does not solicit payment for services of clients over the phone, nor does it contact individuals in this manner. As technology progresses, scammers and con artists, are finding new ways to exploit elders, including scam phone calls appearing to be from trustworthy organizations, like Elder Affairs or law enforcement.

In the last fiscal year, the Florida Department of Children and Families received more than 50,000 reports of abuse, neglect, and exploitation of Florida elders. More than 8,100, or 16 percent, were reports of financial exploitation – the third largest category of reported abuse. Nationwide, almost 90 percent of all elder abuse occurs in a domestic setting, usually by a family member or someone the victim knows. These figures do not include exploitation by strangers, so the numbers could actually be much higher when factoring in fraud attempts like these phone calls from unknown parties.

The Department of Elder Affairs reminds you to never give out personal information to unknown individuals who call you, including credit card or bank account information, technology passwords, or your Social Security number. If you receive a call from

(850) 414-2004, do not provide the caller with any personal information; simply hang up. If you received one of these calls and provided payment to the callers, please contact your local law enforcement to file a report.

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### *President’s Message - Continued from Page 2*

It is the first such court case in the years of FLiCRA’s existence; however, it can’t be assumed, without strengthening provisions in Chapter 651, Florida Statutes, that the serious flouting and abuse of the protective requirements in the law would never happen again.

In working along with the OIR, the Joint Task Force has identified clear objectives for development of the language for the proposed bills, and has interacted with authoritative resources to ensure good legislative design with the characteristics to achieve the intended goals. It is recognized that laws really cannot take into account every contingency, and it has been said that drafting legislation is “an art not a science.” While there are rules for drafting amendment language, we know the best are crafted from a thorough knowledge of the subject.

There have been iterations in Florida government and legislation over the past 27 years since FLiCRA’s founding. In FLiCRA’s case, this iteration, as a problem-solving method in which a repetition of a sequence yields results successively closer to the desired result, it has been demonstrated through our strong record of FLiCRA bills that successfully accomplish our important purpose, which remains the same: to ensure quality of life in retirement communities. **YOU NEED FLICRA and FLICRA NEEDS YOU.**

Pat Arends  
FLiCRA President

## Getting Grilled on What Really Matters Regarding Resident Contracts

In restaurant marketing, the common wisdom is to sell the sizzle, not the steak. In other words, people are looking for an experience when they dine out. Food matters but relaxation rules. Of course, if the steak is tough and indigestible, the restaurant will soon be gone -- a victim of its own failed reputation. The same is true of senior housing. In senior housing, the sense of well-being is to the customer experience what relaxation is to a restaurant patron. Well-being begins with the appearance of the residence. Is this a place in which I can picture myself living? It continues with the connectivity among the residents. Have I met residents whom I would like as friends? Food matters, too, as any senior housing marketing executive knows full well.

### **But then we come to the steak.**

The steak for senior housing is the promise of a safe passage through the ups and downs of aging. The generosity of the contract, and the client sensitivity of the provider in giving life to it, determine the experience of the steak.

A recent true life experience tells the tale. A prospective resident of considerable lifetime accomplishment visited a CCRC to lecture and to size up the place for move in. The lecturer and his wife lingered on site for three days and gave two lectures. They were surprised to find how well they connected with the other residents. They loved the location. The apartments were just what they were looking for. Their encounter with marketing was positive. They were poised to commit to make the move.

That's when they learned that they couldn't afford it because of the contract. It took all their lifetime savings to meet the entry fee requirement and to have enough to be able to pay the ongoing monthly cost of independent living. But the contract is a pay-as-you-go contract with residents paying for all care services beyond a minimum with only a tiny discount.

Their enthusiasm deflated when they learned that, if one of them were suddenly severely afflicted, they might end up having to pay \$6,000 to \$8,000 a month for Care Center services in addition to continuing to pay the ongoing independent living monthly fee. Marketing had told them that most residents hoped to remain healthy and so preferred the fee-for-service contract model. It was only when they focused on what that might mean in truth that they realized that, though they loved the CCRC, they could not afford it. The sale was lost and they left disillusioned.

### **Will it live up to the promoted sizzle?**

It need not have been so. Annuity principles are well-established and can readily be applied to entry fee investments. The senior housing industry has persistently resisted all such constraints. The core belief is that it's in the interests both of tax-exempt and tax-paying providers to have full freedom to use cash as they see fit. Of course, this departs from the integrity that a resident investor in an entry fee contract expects. The resident expects prudent, conservative use of funds consistent with the promised well-being . . . i.e., the residents expect that the steak will live up to the promoted sizzle.

That promise is not fulfilled when one party's lifetime savings become another party's free cash. Such a rationalization is not a responsible approach to stewardship for the well-being of trusting clients. It creates a temptation for excessive profit taking in the tax paying world and for sloppy, passive management practices among tax exempt providers.

The needs of all aging people for a continuum of care is the same regardless of socioeconomic situation. One would think that the entry fee senior housing industry that has the expertise to provide that continuum, should be thriving. But it's not. Sure, individual providers are making money, but the industry's market share for senior residence is miniscule.

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## Gov. Scott Announces Retirement of AHCA Secretary Liz Dudek

**TALLAHASSEE, Fla.** – Recently, Governor Rick Scott announced Secretary Liz Dudek’s retirement from the Agency for Healthcare Administration, which became effective on October 3, 2016. She has served in this role since 2011 and has been an employee with the State of Florida for more than 40 years. Justin Senior, who currently serves as Deputy Secretary of the Division of Medicaid, will serve as Interim Secretary.

Gov. Scott said, “Liz Dudek has been a part of my team since my first year in office and has spent over four decades serving Florida families. She cares deeply about making our state the best place for families. Under her leadership, we have worked to make hospitals more transparent and accomplished historic Medicaid reform. She helped champion quality health services for children in our state and worked hard on our Commission on Healthcare and Hospital Funding where she fought to protect patients from being price gouged at hospitals. She has done an outstanding job making sure all Floridians have the opportunity to lead a healthy and safe life and I wish her the best in her retirement.”

Justin Senior has served in his current position as Deputy Secretary since 2011, and has been with AHCA since 2007. He currently serves on the Board of Directors of the National Association of Medicaid Directors. Justin received his law degree from the University of Florida.

Gov. Rick Scott continued, “Justin has been an integral part of AHCA’s senior leadership team and has done an outstanding job running our state’s Medicaid system. He has been a leader in establishing our Statewide Medicaid Managed Care System and oversaw its successful implementation in 2013 and 2014. I am confident he will do a great job in this new role and be a strong advocate for patients in our state.”

As Secretary, Liz Dudek oversaw the operations of the Florida Medicaid Program, the Division of Health

Quality Assurance and the Florida Center for Health Information and Policy Analysis. She also Co-Chaired the Commission on Healthcare and Hospital Funding, which Governor Scott appointed her to in 2015. For more than 20 years, Dudek served in various roles at AHCA, including Bureau Chief of Certificate of Need/Budget Review, Assistant Director, Bureau Chief of Health Facility Compliance and Assistant Deputy Secretary of Managed Care and Health Quality. Her service to the State of Florida began in the mid-1970’s.

Ms. Dudek is now working with Holland and Knight. This law firm serves as one of the contract lobbying firms for LeadingAge Florida.

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### *Resident Contracts - Continued from Page 4*

This is an opportunity that has been rationalized away. It’s one that calls for new thinking.

The potential is there for disruptive entrepreneurship but not if greed governs. Those industries thrive that put their clients first. Since happy employees make happy clients, successful industries are sensitive, generous employers. That combination of thriving clients and committed employees brings about the growth that is the engine of profit for taxpaying enterprises and prosperity for tax exempts.

The proven mechanism is the entry fee contract. The entry fee contract allows a responsible senior to use accumulated retirement assets to assure carefree aging. Like a life annuity contract, it’s an investment of faith in the responsible stewardship of the provider. It may seem to be the industry’s interest to oppose regulated integrity, but the larger industry interest is to be seen as trustworthy. A constructive approach to integrity can make that dream of positive public perception a reality.

**Source: Senior Housing Forum**

**Author: Jack Cumming**

**<http://ActiveAgingAdvocates.com>**

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## 2017 Legislative Session Update

FLiCRA continues to hold joint meetings with LeadingAge Florida, the Office of Insurance Regulation and the Department of Financial Services relative to 2017 legislative proposals that would modify Florida Statutes 651.

### **FLiCRA seeks changes that would:**

- Eliminate opportunities for abuse of process that result in substantial delay in OIR's ability to take remedial action.
- Clarify OIR's ability to review changes in ownership when there is a change in a general partner.
- Improve the level of information provided to current residents by requiring that when providers share certain information, including information provided to OIR related to ownership changes, they must also share the information with the residents.

It appears that a major revision to Florida Statutes 651 will be presented to the Legislature that encompasses a broader array of items beyond those listed above. However, no formal agreement has been reached on specific language by either FLiCRA or LeadingAge Florida. Draft language will continue to come forward during the next month.

In addition to a proposed bill specifically related to the continuing care laws, FLiCRA is advocating for the Legislature to revisit the issue of observation notice for patients in hospital settings. The Florida Legislature passed two years ago a requirement whereby hospitals provide notice to patients of their status as "admitted vs. observation." As passed, the law provides notice after discharge.

The bill as originally filed, would have provided notice to the patient at the time of entry into the hospital.

More information on 2017 legislative proposals will be sent to chapters as they become available.

A number of counties are holding county legislative delegation meetings in December and January. If you are interested in testifying at a delegation meeting as a resident, contact FLiCRA at [flicra@executiveoffice.org](mailto:flicra@executiveoffice.org) for sample draft testimony.

### **2017 Interim Committee Meetings for Florida Legislature**

- **Organizational Session, November 22nd**
- **Monday, December 5th - Friday, December 9th**
- **Monday, January 9th - Friday, January 13th**
- **Monday, January 23rd - Friday, January 27th**
- **Monday, February, 6th - Friday, February 10th**
- **Monday, February 13th - Friday, February 17th**
- **Monday, February 20th - Friday, February 24th**
- **Monday, February 20th - Friday, February 24th**
- *The Regular Session will convene on Tuesday, March 7th, 2017*

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Updates by email at  
[www.flicra.com](http://www.flicra.com)**



## FLiCRA Annual Conference & Chapter Delegates Meeting



**Left:** FLiCRA President Pat Arends presents Commissioner David Altmaier with a Certificate of Appreciation for presenting at the FLiCRA Annual Conference.

**Bottom:** 2016 - 2017 FLiCRA Board of Directors.

**Top (L-R):** Vete Senkus, Region 1 Director; Ramsey Geyer, Region 2 Director; Steve Nash, Region 3 Director; Jim Jandreau, Treasurer and Wayne Forehand, Region 8 Director.

**Seated (L-R):** Alvin Perlman, Region 5 Director; Pat Arends, President; Louise Freeman, Region 4 Director and Hugh Strachan, Secretary.

**Not Pictured:** Diane Dalsimer, Vice President



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## Recent FLiCRA Events



FLiCRA Region 2 Annual Meeting at Westminster Woods,  
St. Johns.



Westminster Oaks Chapter President,  
Bob West, presents Sherwood  
De Forest with a gift of  
appreciation for his hard work and  
support of FLiCRA locally.