



# The Resident CONNECTION

1st Quarter 2019

## President's Message



The Board is happy to welcome Bob Forbush of Sandhill Cove to the Board as the new Region 4 Director.

Region 6 in Southwest Florida (Lee, Collier and Charlotte counties) is still in need of a

director. It is important that we fill this position so we can continue to support all chapters in the recruitment and retention of members.

It is the membership that is the heart of FLiCRA. The greater our membership numbers, the stronger our influence on the State Legislature.

It is there that the important work of our association takes place. Our Executive Director, Bennett Napier, who so ably and successfully represents us before the lawmakers, can tell them that we are almost 14,000 members strong. Because we are such reliable voters, legislators pay attention to our needs.

But, there are others who represent our interests and well-being before the legislature. Our staff attorney, Eric Thorn, and our Legislative Representative, William H. Stander, along with Bennett Napier maintain ongoing contact with key state legislators who oversee health care and elder affairs issues.

Our legislative team follows about 75 bills each year that may impact residents of continuing care communities or elders in general. When we have a particular interest in a bill, sometimes it is imperative that we CCRC residents become engaged as well. We may get the call from Bennett to contact

legislators ourselves. In the past, we have been very effective in making our positions clear. The result is that through the work of FLiCRA since its inception 30 years ago, we can demonstrate that we save each resident more than \$8,000 annually.

Occasionally someone asks "Can FLiCRA, speaking for so many Florida residents, press the legislature to take some action to protect the environment, or to encourage new forms of energy, or to influence the legislators in Washington to protect federal funds appropriated for hurricane relief?" The answer is simple: No, we can not.

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While FLiCRA is in fact, an advocacy organization, its mission is also simple.

Florida Life Care Residents Association (FLiCRA) is a statewide association of residents living in Continuing Care Retirement Communities (CCRCs). Under the leadership of resident volunteers and a dedicated staff in Tallahassee, FLiCRA is a recognized voice before the state legislature and state regulatory agencies. Generally speaking, our public policy agenda is focused on issues that impact residents within the CCRC environment (independent living, assisted living and skilled nursing).

The primary mission of FLiCRA is to promote and protect the rights of residents who live in CCRCs within Florida. In addition to maintaining its relationship with legislators and state agencies, members of the association regularly participate in meetings of the Governor's Continuing Care Advisory Council as well as other governmental bodies. These activities command all of our resources. While there are many issues of concern to our members, health care, safety, and elder affairs issues in Florida are our paramount focus.

That is not to say that CCRC residents should not be active in promoting our needs. Your Resident Council represents your interests with your administration. Form a legislative committee if you do not already have one. That group can pursue other interests that are outside of FLiCRA's mission.

Our major objective this coming session is to be successful in getting the State Legislature to pass a bill whose purpose is to strengthen our protections in Continuing Care Retirement Communities legislation. This bill is the result of collaboration among Leading Age (the association to which our providers belong), OIR (the Office of Insurance Regulation) and FLiCRA. We will continue to keep you informed about its progress.

If you are curious, please go to our website, [www.flicra.com](http://www.flicra.com) and click on the Legislation tab. You will find the latest information there.

Are you looking for an interesting speaker or program to present to your community at a FLiCRA meeting? If so, please call the FLiCRA office at 850-906-9314 for an updated Speakers Guide.

Diane Dalsimer  
FLiCRA State Board President

## Member News

### **Governors Continuing Care Advisory Council**

FLiCRA Region 2 and State Board Executive Committee Member, Ramsey Geyer of Westminster Woods on Julington Creek was elected Chair of the Governors Continuing Care Advisory Council at the Council's recent meeting in Tallahassee in February. Two other FLiCRA State Board Members serve on this Council as well. Ray Neff, Region 7 Director, Plymouth Harbor and John Dalsimer, Region 5 Director, John Knox Village, Pompano Beach.

### **FLiCRA Region 4 Director Appointment**

FLiCRA is pleased to announce that Bob Forbush, Sandhill Cove has been appointed to the State Board serving as Region 4 Director. Mr. Forbush serves on the local FLiCRA chapter Board in his community and also on the Residents' Finance Committee. A U.S. Navy veteran, during his career he worked with Hershey Foods, Titleist and served as President and CEO of FootJoy, Inc. Region 4 of FLiCRA covers Martin, North Palm Beach, Indian River and Brevard counties.

### **National Continuing Care Residents Association**

Dave Bayer, State Board Vice President of FLiCRA, John Knox Village, Pompano Beach is running for election to the Board of Directors for the National Continuing Care Residents Association, [www.naccra.com](http://www.naccra.com) The election will be held in March 2019. Florida has the second largest total of individual members of NaCCRA in the U.S. and the highest number of community members/resident councils in the U.S.

### **FLiCRA Region 6 Meeting**

A meeting of FLiCRA leaders from several continuing care retirement communities in Southwest Florida was held on January 23rd.

The three-hour meeting and luncheon was hosted by South Port Square in Port Charlotte. Thanks to the residents and management at the community for their hospitality.

Resident leaders from South Port Square, Gulf Coast Village and Cypress Cove were in

attendance. Residents from VI at Bentley Village were not able to attend as they had a FLiCRA membership meeting the day before on January 22nd. Residents from the Terraces at Bonita Springs were also not able to attend.

FLiCRA Immediate Past President Pat Arends facilitated the meeting.

A resident leader from Region 6 (Lee and Collier counties) is still being sought to serve in the role of Region 6 Director of FLiCRA. For more information on duties contact [flicra@executiveoffice.org](mailto:flicra@executiveoffice.org).



Lamar Miller Chapter at Oak Hammock President, David Rader, speaks at the chapter annual meeting held on February 15, 2019.

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## Nursing Homes Get More Time for Generators

About 300 nursing homes across the state have been given another six months to meet a state mandate that they have generators and fuel that can help keep buildings cool.

Agency for Health Care Administration spokeswoman Mallory McManus said that before agreeing to temporarily waive the requirement, the state reviewed the nursing homes to ensure that they had “made every effort to attain compliance.”

“We will stop at nothing to ensure these facilities are appropriately protecting Florida patients,” McManus said in a prepared statement given to The News Service of Florida.

The backup power requirement came after residents of a Broward County nursing home died following Hurricane Irma in 2017. The hurricane knocked out the facility’s air-conditioning system, creating sweltering conditions.

In recent looks at state data, about 40 percent of all nursing homes in Alachua County and 58 percent in Marion County had not yet complied with the mandate.

Florida has 686 licensed nursing homes, and a News Service review of state records shows that 406 nursing homes have requested variances to the backup power requirements since September because they were unable to comply with the law. The state during the past week has approved about 300 of the requests. To date, no request for a variance has been denied, McManus said.

By contrast, according to the website, 198 nursing homes have fully implemented their emergency plans.

Florida has 3,083 licensed assisted-living facilities, which also are required to meet backup-power requirements. Department of Elder Affairs spokeswoman Amy Chambers said the agency has received requests for variances from 270 providers. Five have been approved, Chambers said, and two have been denied.

Gov. Ron DeSantis’ administration already has indicated that it may revisit the backup power mandate, which Gov. Rick Scott made a top priority in his final legislative session.

Lt. Gov. Jeanette Nuñez said this month that the mandate will likely be an “ongoing discussion,” given the number of long-term care providers that are unable to meet the timelines.

Scott, who came into office railing against costly government regulations, lobbied the Legislature during the 2018 session to ratify backup-power rules initially ordered following the deaths of as many as 12 residents of The Rehabilitation Center at Hollywood Hills after Hurricane Irma.

Despite the steep costs — \$121.3 million over the first five years for nursing homes and \$243 million for assisted living facilities — the Legislature put the rules into law.

The regulations have been phased in over time, first requiring facilities to submit to local officials comprehensive emergency-management plans that detail how facilities would obtain generators and 96 hours of fuel to keep residents cool in the aftermath of a storm.

Providers were required to submit the plans and implement them by June 1, the start of hurricane season. The rules allowed the Agency for Health Care Administration to grant informal extensions giving providers additional time to comply with the requirements while remaining in good standing with the state.

The temporary extensions expired Jan. 1, which triggered the onslaught of waiver requests.

Lobbyists for nursing homes and assisted living facilities worried that the timeline in the regulations would be difficult for facilities to meet, but the state maintained the Jan. 1 deadline for compliance.

*By Christine Sexton / The News Service of Florida*

# 2019 Legislative Proposal

## Continuing Care Retirement Communities

Senate Bill 1070 sponsored by Senator's Lee and Passidomo and House Bill 1033 sponsored by Representative Clay Yarborough makes needed changes to Florida's continuing care laws to protect Florida retirees living in CCRCs.

Major problems occurred at University Village in Tampa, a CCRC that went into bankruptcy. In the University Village legal case, the owner's attorneys used loopholes in Chapter 651 to legally prevent the Office of Insurance Regulation from removing a general partner that illegally seized control of the community and prevented OIR from appointing a receiver.

The abuses of process caused a delay in enforcement of over 18 months which the owners used to syphon cash out of University Village, in part by assessing exorbitant weekly management fees and using the Minimum Liquid Reserve funds to illegally collateralize a sale of University Village's nursing home from one shell entity to another shell entity.

Over the past two years, FLiCRA and LeadingAge Florida have been working with providers, residents, lenders, attorneys and the Office of Insurance Regulation (OIR) on the changes to Chapter 651 needed to help prevent a recurrence of a University Village type of situation. The proposed bills focus on four primary areas:

**Closes loopholes** - Will eliminate opportunities for abuse of process that resulted in substantial delays in the University Village case. For example, clarifies the circumstances under which OIR's remedial power may be suspended and clarifies OIR's ability to review changes in ownership or in the general partner.

**Protects residents** - Provides clearer performance metrics that trigger OIR review of troubled CCRCs and a preference for resident claims. Also clarifies the permissible use of required reserves.

**Provides greater transparency** - by improving the level of information shared with residents. For example, when providers submit information to OIR related to ownership changes, they must also provide the information to the residents.

**Provides OIR with the information and enforcement tools needed** - to promptly enforce against any future rogue actors.

## WANT MORE FLiCRA?

Go to [FLiCRA.com](http://FLiCRA.com) and  
sign up to receive  
FLiCRA Alerts and  
Updates straight to your  
email inbox!

## SAVE THE DATE

### 2019 FLiCRA Annual Conference & Delegates Meeting

November 6 - 7

Edgewater at Boca Pointe  
Boca Raton

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## How to Avoid Phishing Scams

While online and mobile banking and e-commerce are safe, the volume and sophistication of phishing scams continues to dramatically increase.

As a general rule, you should be careful about giving out your personal financial information over the Internet.

### Here are some steps you can take to avoid becoming a victim:

- Be suspicious of any email or communication (including text messages, social media post, ads) with urgent requests for personal financial information.
- Phishers typically include upsetting or exciting (but false) statements to get people to hand over their usernames, passwords, credit card numbers, Social Security numbers, date of birth and other personal information.
- Avoid clicking on links. Instead, go to the website by typing the Web address directly into your browser or by searching for it in a search engine. Calling the company to verify its legitimacy is also an option, too.
- Pay attention to the website you are being directed to and hover over URLs. An email that appears to be from PayPal could direct you to a website that is instead [www.2paypal.com](http://www.2paypal.com) or [www.gotyou scammed.com/paypal/login.htm](http://www.gotyou scammed.com/paypal/login.htm).
- Don't send personal financial information via email, and avoid filling out forms in email that ask for your information.
- You should only communicate information such as credit card numbers or account information via a secure website or telephone.
- Use a secure website (<https://> and a security "lock" icon) when submitting credit card or other sensitive information online.

- Never use public, unsecured WiFi for banking, shopping or entering personal information online, even if the website is secure.
- When in doubt, your 3/4G or LTE connection is always safer than using public WiFi

### Other Helpful Tips:

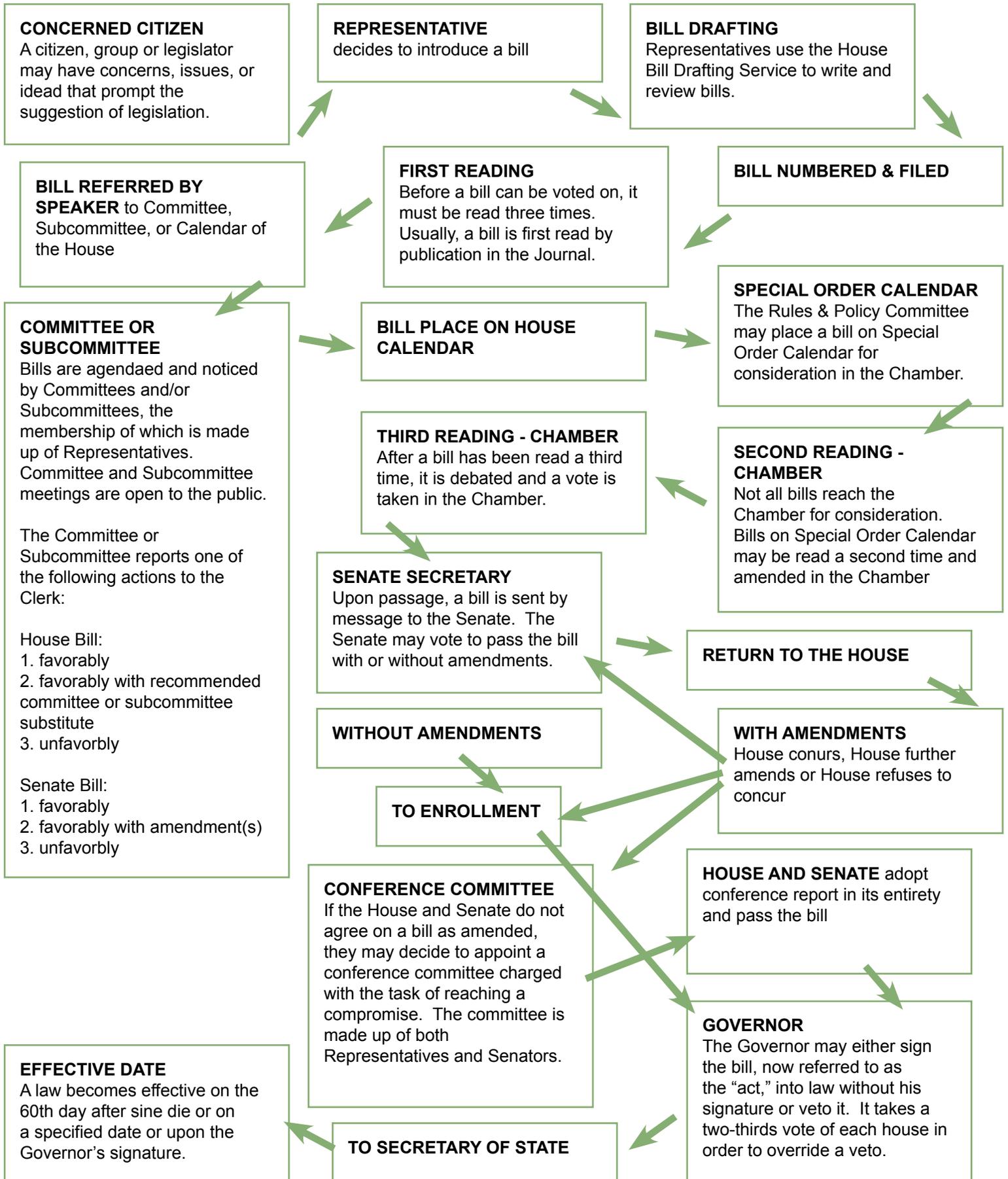
- Unless an email is digitally signed, you can't be sure it wasn't forged or spoofed.
- Double-clicking the "lock" icon on a website will display the security certificate for the website. If the certificate isn't displayed, or you get a warning message that the address of the website does not match the certificate, do not continue.
- Typically, phisher emails are not personalized, but they can be. Valid messages from your bank and e-commerce companies are personalized. When in doubt, call the company directly to see if the email is in fact from them.

Phishers have the ability to spoof and/or forge the <https://> that you normally see on a secure Web server and a legitimate-looking Web address, which – again – is why you should always type the web address yourself instead of clicking on displayed links.

**For more recommendations visit:** [www.us-cert.gov/sites/default/files/publications/emailscams\\_0905.pdf](http://www.us-cert.gov/sites/default/files/publications/emailscams_0905.pdf)

*Source: APWG is the international coalition unifying the global response to cybercrime across industry, government and law-enforcement sectors and NGO communities.*

# How an Idea Becomes a Law





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## Aging with Dignity - Five Wishes

Guided by our core beliefs, Aging with Dignity encourages public policies that protect the rights of individuals and families. We have provided testimony to the United States Congress and to several state legislatures that has resulted in policies that strengthen patient rights. Since Five Wishes was introduced, a total of 42 states now allow residents to put their end-of-life wishes in their own words, rather than require state-written documents. Aging with Dignity has recently cautioned against reforms that, although well intended, could have the negative consequence of making it more difficult for individuals to express their own preferences without undue influence. In each instance, we look at policies through the lens of these two questions: Does it enhance the rights of individuals and families to make their own decisions regarding care? Does it safeguard the individual's inherent human dignity? Sometimes this requires us to comment on proposed public policy. Sometimes this requires us to intervene in situations where individual's wishes are not being honored or respected.

### **IS FIVE WISHES A LEGAL DOCUMENT?** Yes!

Five Wishes is used in all 50 states and in countries around the world . It meets the legal requirements of 42 U .S . states and the District of Columbia . In the other eight states, a completed Five Wishes can be used with the state's required form .

**CAN I ACCESS FIVE WISHES ONLINE?** Yes! In addition to the original 12-page booklet, Five Wishes is also available in an online format called Five Wishes Online, which allows users to complete their Five Wishes advance directive on a computer and save and print this document for signing/ witnessing . Five Wishes Online users have unlimited free access to their document for a full year with renewal subscriptions available to make changes at a later date .

**For more information:** <https://agingwithdignity.org/wp-content/uploads/2018/01/aging-with-dignity-advocacy-toolkit.pdf>

*Source: <https://agingwithdignity.org/>*