



# The Resident CONNECTION

4th Quarter 2021



## President's Message

As we face another year of continued COVID-19 challenges, it is clear that many of our communities have learned new coping skills. Although many of us have begun to resume in-person gatherings in our dining rooms and meeting spaces,

mask-wearing remains a basic part of our attire.

Having access to computer technology has proven to be almost a necessity. We have learned to use Zoom, Facetime, Webex and other platforms to virtually visit with family, friends, and for entertainment, and education. While cell phones had already been treated as a necessity, those without are often denied access to timely information that seems to flood us by the minute. We once thought that the computer age would be a paperless one, but we were mistaken. In order to keep everyone in the loop with the latest information, the notices and fliers seem to arrive non-stop.

But these challenges are not without positive outcomes. While we were unable to meet in person for meetings or entertainment, meeting virtually enabled many more people to attend an event. For example, FLiCRA members who otherwise would not have been able to travel to our Annual Membership Meeting in November attended from the comfort of their own homes or community auditoriums.

Residents from fifty continuing care retirement communities participated. Some watched with other residents in auditorium settings; the conference had over 400 attendees statewide.

That's many more than would have been there in person. As a result, more folks had access to the information provided, in addition to being able to observe and participate in the valuable panel presentation.

A highlight of the event was a Best Practices panel which included LeadingAge Florida members Joel Anderson, President/CEO, LifeStar Living and Garry Hennis, COO Westminster Communities of Florida, and CCRC residents and FLiCRA State Board members Ray Neff, Plymouth Harbor and Ramsey Geyer, Westminster Woods (see more on Page 6).

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## President's Message - Continued from Page 1

Bennett Napier, FLiCRA Executive Director and Mary Ellen Early, LeadingAge Florida Public Policy Liaison co-moderated the session.

This panel discussion made clear the value of collaboration between FLiCRA and Leading Age Florida to ensure the best interests of residents of continuing care retirement communities. Together these organizations can influence the development of the legislation that sets the goals and standards and monitors the performance of the industry.

Our FLiCRA legislative team is actively reviewing legislation being proposed for the 2022 session of the state Legislature. They will alert us to any that will impact our lives and help us prepare relevant action should that be indicated.

**Diane Dalsimer, FLiCRA President**

## Veterans Day Celebration at Cypress Village, Jacksonville

Cypress Village, a CCRC in Jacksonville, Fla. recently had 150 veterans, spouses, widows and widowers from their resident population participate in a Veterans Day Dinner. This was a sit-down dinner and the community served, wine, Petite Filet and Shrimp, etc.

As part of the celebration Cypress Village unveiled a Veterans Recognition Wall; this is a "living wall" that allows the community to update, change, and add content. It currently lists all veterans, residents and employees, spouses, widows and widowers on a rolling set of screens. The six service seals on either side were specially bronze cast for Cypress Village.

**By:** Jim Jandreau, Cypress Village Resident, U.S. Army, Retired



## FLiCRA State Board Recognizes 30 Years of Service for Bennett Napier

2022 will mark the 30th year that Bennett Napier has worked with the Florida Life Care Residents Association. The FLiCRA State Board of Directors during its November business meeting officially recognized the milestone.



Bennett plays electric guitar and bass as a hobby (neither of which really well) and is an avid music lover. In his spare time, he likes to attend rock concerts and festivals around the country.

As part of the 30th anniversary recognition, the board commissioned a “metal” piece of art with Bennett’s name and FLiCRA logo resting under an electric guitar design. The second piece of the recognition is a framed periodic table of the History of “Hard Rock” music.

The awards were presented at a recent meeting of the Westminster Oaks, FLiCRA chapter in Tallahassee, Florida where Bennett was the guest speaker.

### **Pictured (Left to Right)**

Charlotte Cummings, FLiCRA State Board Secretary and Region 1 Director; Bennett Napier, CAE and Bill Gill, Westminster Oaks, FLiCRA Immediate Past Chapter President

## Senior Living Non-Profits Charged 3.2% More for Skilled Nursing in 2021

Skilled nursing facilities had the highest annual resident monthly fee increase at 3.21% this year compared to its other aging facility counterparts, according to Ziegler’s CFO Hotline poll released this month.

Other senior living types included in the data were assisted living, which had a cost increase of 3.08%, and independent living, whose cost increased by 2.98%, on average.

In 2022, monthly skilled nursing costs are expected to see that increase bump up even further to 3.92%. Assisted and independent living are expected to see monthly costs increase by 3.78% and 3.71%, respectively.

When asked what the primary driver was for predicted fee increases, wages were top of the list,

followed by inflation of supply costs, staffing and recruitment, and rising food costs.

“Consistent with previous years, most pressing by far was increased wages for employees,” the Ziegler report said. “Finding new staff was also a concern. Inflated cost of supplies, food, and other operating costs were factors in fee increases, and the lasting effects of COVID-19 (as it related to staffing, medical supplies, and changes in census) was a theme throughout.”

Southern facilities are expected to outpace western facility increases, jumping up to 3.96% next year from this year’s increase of 3.18%.

**Source:** <https://skillednursingnews.com/2021/10/senior-living-non-profits-charged-3-2-more-for-skilled-nursing-in-2021/>

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## Special Session of the Florida Legislature

The Florida Legislature's special session concluded on November 17th. Governor DeSantis signed four bills into law on November 18th.

**SB 2B/HB 1B COVID-19 Mandates:** Requires employers to add more opt-out options than the federal government rule and created stiff fines for companies who violate them

**SB 4B /HB 3B Public Records/Employer COVID-19 Vaccination Policies:** Shields from public view records of employee complaints about vaccine exemptions

**SB 6B/HB 5B Florida Occupational Safety and Health State Plan:** Asks the Governor's Office to create a plan for a state-level version of the federal OSHA and provides funds

**SB 8B/HB 7B Vaccinations During Public Health Emergencies:** Removes the State Health Officer's ability to order the vaccination of individuals upon declaration of a public health emergency

### **Do large companies in Florida have to require their employees to get vaccinated now?**

No. The rule from the Occupational Safety and Health Administration has been put on hold - at least temporarily - by a federal court. And even if it was in effect, it was not set to require proof of vaccinations or testing until Jan. 4, 2022.

The federal Labor Department also has said it will not attempt to enforce the rule until legal challenges are settled.

The OSHA rule requires companies of 100 or more employees to either require their workers to be vaccinated or submit to free, weekly COVID testing, with some exemptions on medical or religious grounds, or face penalties of nearly \$14,000 per violation.

The Florida bill that passed doesn't ban vaccine mandates for large companies but does render them largely toothless by requiring private employers to offer more opt-outs for any employees who refuse to be vaccinated, including a claim of "immunity" from COVID-19 with a medical test (although it does not specify what that test would be), pregnancy or

"anticipated pregnancy," or workers can simply agree to wear employer-provided protective equipment whenever around other people.

### **What happens if the federal government's COVID rule for large companies goes into effect?**

If OSHA's rule survives legal challenges, then companies doing business in Florida have a problem.

If they don't comply with federal guidelines, they risk federal penalties and possibly federal funds for those businesses that receive them. If they do comply with federal guidelines and do not offer the additional opt-outs required by the Florida law, they risk lawsuits and can be fined \$10,000 per violation for employers with fewer than 100 employees, \$50,000 per violation for larger companies.

DeSantis told the National Federation of Independent Business-Florida that if the rule is enforced, he would look to use federal stimulus dollars to pay the fines of any companies facing federal penalties for not having vaccine-or-test requirements.

### **How will this bill affect the state's response to a new COVID surge, or future pandemics?**

Under the new laws, local governments and school districts may strongly recommend vaccines and mitigation efforts such as masks and social distancing, but they are prohibited from requiring them.

Businesses may not establish vaccine mandate policies that do not allow employees to opt-out for medical or religious reasons; if they provide proof of "immunity" from COVID-19 from a medical professional; if they are pregnant or expect to become pregnant; if they agree to regular employer-paid testing; or if they agree to wear masks and socially distance from other employees.

**By:** C. A. Bridges, Tallahassee Democrat

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## Cypress Cove, Cypress Living Recipients of LeadingAge Florida Awards in Excellence

Cypress Cove and Cypress Living have been selected for 2021 awards by LeadingAge Florida, the state's largest senior care and community service organization. The two awards, the Excellence in Collaboration and the organization's Innovation, were presented during the state association's annual membership convention held in Orlando.

Cypress Cove, a not-for-profit CCRC established in 1999, is located on a beautiful 60-acre campus at HealthPark Florida in south Fort Myers. Cypress Cove is home to more than 600 residents and offers a full complement of quality living options: independent living, assisted living, skilled nursing, state-of-the-art memory care assisted living and rehabilitative care. Cypress Living serves as the management and support arm for Cypress Cove.

The Excellence in Collaboration award recognizes Cypress Cove for the community's exceptional teamwork between residents and staff by using creative ingenuity during the pandemic times. Our community presented a family response during this very difficult time. As a unified team, the community pulled together, reflecting the true spirit of Cypress Cove – teamwork collaboration, and doing whatever it takes for both residents' and employees' benefit.

As the pandemic began, all activities were cancelled, restaurants closed, all committees came to a standstill, visits were curtailed and our community went into a lock-down mode. Behind the scenes, however, management worked diligently; dining employees prepared, packaged and delivered amazing meals directly to residents' doors daily. Activities directors mastered the art of "Instacart", teaching residents online ordering. The abnormal became the normal as nurses became iPad experts, connecting residents with waving and smiling loved ones. Other staff multi-tasked as package delivery carriers. Staff at all levels took turns manning the security gate 24/7.

Resident volunteers also stepped up to the plate. Resident knitters became "masketeers," sewing over 1,500 masks for distribution among residents and staff. Residents donated needed food to local food banks, gifted over \$100,000 through the "SOS"- "Support Our Staff" campaign to help 300 financially struggling employees with families adversely affected by COVID-19, and raised significant funds for a gift of appreciation to all staff as well as provided sufficient funds to gift 23 staff and children higher education scholarships. Additionally, 200 residents volunteered nearly 12,000 hours of their time helping with dozens of everyday tasks.

Receiving LeadingAge's Innovation award, Cypress Living's CEO/President Troy Churchill and VP of Innovation, Joe Velderman were recognized as architects of innovation by creating technological offerings to improve the lives and well-being of Cypress Cove residents.

These innovative solutions became even more relevant during the pandemic. The list of innovative solutions is quite long.

A few examples include a coordinated roll-out of a cloud-based instant messaging platform (Microsoft Teams), healthcare specific offerings such as telepresence robots that can be brought anywhere on the campus to facilitate telemedicine appointments, and remote patient monitoring devices (RPM), including wearables. A campus-wide Wi-Fi upgrade has improved Cypress Cove's network's speed and security, supporting the many modern devices used by residents and providing easy access to "Smart-Home" technologies.

**By:** Rita McSharry, Resident at Cypress Cove, Fort Myers

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## Key Bills on FLiCRA's Tracking List for the 2022 Session

### **Senate Bill 988 - Patient Visitation Rights sponsored by Senator Garcia**

This bill is titled the "No Patient Left Alone Act"; requiring providers to allow clients to receive visitors during their admission; requiring providers to develop certain alternative visitation protocols if providers have to restrict public access to their facilities for health or safety concerns; authorizing providers to require visitors to adhere to specified infection control protocols; authorizing providers to refuse visitation to a visitor who does not pass a health screening or refuses to comply with the provider's infection control protocols; requiring providers to submit their visitation policies to the Agency for Health Care Administration.

At the time of this publication, there is no corresponding House bill.

### **Senate Bill 804 – Modernization of Nursing Home Facility Staffing**

Modernization of Nursing Home Facility Staffing;

Specifying functions that do not constitute direct care staffing hours for purposes of required nursing home staffing ratios; revising nursing home staffing requirements; requiring nursing home facilities to maintain and report staffing information consistent with federal law.

At the time of this publication, no House companion bill has been filed.

This legislation has received considerable media attention and will continue to do so as amendments are filed during the course of the next month.

FLiCRA has not taken a public position on either bill yet, however, positions are likely during the coming weeks as additional language is filed.

In addition to these two bills, FLiCRA is currently monitoring over 100 House and Senate bills for the 2022 Session.

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## Best Practice Panel Co-Hosted by FLiCRA and LeadingAge Florida

The Best Practice Panel during the virtual conference in November was very beneficial and informative. Here is a sample of some of the questions posed during the panel presentation and respective answers by each association.

### **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's council. Ask if they can appoint 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 a useful tool to help guide committee operations. This resource is available from FLiCRA for free for electronic copies and a nominal cost (to covering printing and postage) if hard copies are desired.

### **Explain the designated resident representative in Florida Statutes 651.085(3), F.S. 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.

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# FLiCRA Policy on Taking Positions on State Legislative Proposals

The Florida Life Care Residents Association has a formal process on taking positions on legislative proposals. During a normal state legislative session, there can be over 2,000 bills filed between the House and Senate, this does not include amendments that get filed onto existing bills during the course of each session.

FLiCRA actively monitors bills primarily related to Florida Statutes 651 (Continuing Care Retirement Communities), 400 (Nursing Homes and Assisted Living), 641 (Health Care Services), 196 (Taxes), 631 (Insurer Insolvency), and 624 (Insurance). In this regard, it is not unusual for FLiCRA to be monitoring over one hundred bills each session.

Periodically, members contact the FLiCRA office and/or state board to ask if the association is or has taken a position on a specific bill.

The process FLiCRA takes encompasses several key criteria before a position may be taken on a specific bill.

- Does the bill or amendment restrict residents' rights?
- Does the bill or amendment enhance residents' rights?
- Will the bill or amendment likely result in increased costs to residents?
- Will the bill or amendment likely result in decreased costs to residents?
- Are there other groups that publicly support the bill or amendment? Who, and how many?
- Are there other groups publicly opposed to the bill or amendment? Who, and how many?
- Is the bill controversial based on certain elements of the bill (but not in its entirety?)

FLiCRA takes the process of taking a public position on a specific bill seriously. Only in the clearest cut circumstances will the association take a pro or con position. In most cases, a neutral position is warranted.

Politics is the art of compromise (or should be). FLiCRA could take positions on numerous bills,

however, the political credibility of the organization at some point would be questioned. Are positions being taken just for media mentions or grandstanding? The association has been well served only taking positions on key bills that are properly vetted using the criteria above and then taking action accordingly. When and if there is a need to do so, especially after taking a formal position on a specific bill, calls to action may go out to the membership to get involved.

**To track specific bills, in the House and Senate each state legislative session, the best resource is <http://leg.state.fl.us/Welcome/index.cfm>.**

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## ***Best Practices Panel - Continued from Page 6***

**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.

**To view the entire list of questions and answers visit the [flicra.com](http://www.flicra.com) website and download the document at: [http://www.flicra.com/uploadedFiles/File/FLiCRA\\_2021\\_Annual\\_Conference\\_-\\_QA\\_Follow-Up.pdf](http://www.flicra.com/uploadedFiles/File/FLiCRA_2021_Annual_Conference_-_QA_Follow-Up.pdf)**



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## Shortage of 59,000 Nurses by 2035 Draws Concern from Florida Hospital Association

Florida Hospital Association (FHA) President and CEO Mary Mayhew shared a grim statistic with state legislators at a recent Florida Senate Committee on Health Policy meeting. Florida could have a shortage of more than 59,000 nurses in less than 15 years, according to a recent report.

Without intervention at the nursing education level to retain workforce numbers, Mayhew said, this shortage would put further strain on a field that has suffered losses throughout the pandemic.

FHA and the Safety Net Hospital Alliance of Florida commissioned the Nurse Workforce Projection Report, released in late September 2021, on the growing demand for nurses in the state.

The study estimated there were 234,821 registered nurses (RN) in Florida in 2019, which was already 11,000 RNs short of the state's actual demand. The study said the state's demand could increase up to

322,928 RNs by 2035, although current workforce growth will not meet that goal.

Due to increased burnout during the pandemic, the report found an approximately 35% turnover rate in licensed practical nurses (LPNs) and certified nursing assistants (CNAs), and a 25% turnover for total RNs, this year. It typically takes 90 days or longer to hire new positions to fill these vacancies.

The report also highlighted disparities in nursing shortages across the state. Major metropolitan areas have higher shortages of LPNs rather than RNs. Rural areas in the state have the opposite case.

**Source:** <https://stateofreform.com/uncategorized/2021/10/potential-shortage-of-59000-nurses-by-2035-draws-concern-from-florida-hospital-association/>