

Elder & Family Services Policy Committee

**Tuesday, October 6, 2009
8:45 AM - 9:15 AM
24 House Office Building**

ACTION PACKET

**Larry Cretul
Speaker**

**Thomas "Tom" Anderson
Chair**

COMMITTEE MEETING REPORT
Elder & Family Services Policy Committee

10/6/2009 8:45:00AM

Location: 24 HOB

Summary: No Bills Considered

Committee meeting was reported out: Tuesday, October 06, 2009 12:19:29PM

COMMITTEE MEETING REPORT
Elder & Family Services Policy Committee

10/6/2009 8:45:00AM

Location: 24 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Thomas Anderson (Chair)	X		
Esteban Bovo, Jr.	X		
Rachel V. Burgin	X		
Gwyndolen Clarke-Reed	X		
Mia Jones	X		
Charles McBurney	X		
Mark Pafford	X		
Juan-Carlos Planas			X
Kenneth Roberson	X		
Ron Schultz	X		
Elaine Schwartz	X		
Richard Steinberg	X		
Ritch Workman	X		
Totals:	12	0	1

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2009

Elder & Family Services Policy Committee

Committee Overview

ELDER AND FAMILY SERVICES POLICY COMMITTEE

- The Elder and Family Services Policy Committee is one of three committees in the Health and Family Services Policy Council.
- The Elder and Family Services Policy Committee considers issues that primarily affect Florida's elderly citizens, and impact families. The state agencies that present information regarding these issues to the committee include:
 - The Department of Elderly Affairs
 - The Agency for Health Care Administration
 - The Department of Children and Family Services, and
 - The Department of Military and Veterans' Affairs

An organization chart for each committee may be found in Appendix I.

- Florida's elder services delivery system is operated by the Department of Elderly Affairs, the Agency for Health Care Administration and the Department of Children and Family Services.
- While each department has a distinct role in providing elder services, the Department of Elderly Affairs has the primary responsibility.
 - The Department of Elderly Affairs (DOEA) provides oversight and support in the delivery of elder care services; the Department of Children and Family Services provides the financial review regarding Medicaid elder health care services; and the Agency for Health Care Administration regulates certain entities that provide elder services.

For example: prior to an individual receiving Medicaid nursing home services, DOEA's Comprehensive Assessment and Review for Long-Term Care Services (CARES) staff determines the individual's level of care need, the Department of Children and Family Services Economic Sufficiency staff determines their eligibility, and the Agency for Health Care Administration regulates the entities where they receive services.

- The Department of Military and Veterans' Affairs provides services and support to veterans and currently operates five veterans' nursing homes and one domiciliary (Assisted Living Facility) in Florida. An additional veterans' nursing home is under construction in St. Augustine.
- Some issues that have recently been discussed by the committee include: Home and Community-Based Services: Area Agencies on Aging, Medicaid Elder Services Waiver Programs, Long-Term Care and Assisted Living Facilities, Elder Abuse Programs, and Statewide Public Guardianship.

The Department of Elderly Affairs

In 1988, the Department of Elderly Affairs (“DOEA” or “the department”) was created by the passage of a constitutional amendment. In 1991, the department was codified in s. 40.41, F.S., and organized pursuant to ch. 430, F.S. The department began operation in January 1992. The Secretary of the department is E. Douglas Beach, Ph.D.

The department’s mission is to foster optimal quality of life for elder Floridians.¹ The term “elder” or “senior” generally refers to individuals aged 60 and older; however, some programs are available to individuals aged 55 and older. There are more than 4.3 million residents aged 60 and older in the state, and Florida currently ranks first in the nation in the percentage of its elder citizens.²

The department is the designated state unit on aging as defined in the Older Americans Act (OAA) of 1965.³ As such, the department’s role is to administer the state’s OAA allotment and grants, and to advocate, coordinate, and plan all elder services.⁴ The OAA requires states to provide elder services through a coordinated service delivery system through designated Area Agencies on Aging (AAAs). There are 11 AAAs – 1 in each of the state’s 11 planning and service areas—that are responsible to the department to provide services.

In addition, ch. 430, F.S., requires that the department fund service delivery “lead agencies” that coordinate and provide a variety of oversight and elder support services at the consumer level in the counties within each planning and service area.

The department is 94 percent privatized through contracts with local entities and utilizes over 41,000 volunteers to deliver information and services to elders.

¹ Department of Elder Affairs, Summary of Programs and Services, 2009

² Id.

³ s. 305(a)(1)(C), Older Americans Act

⁴ s. 430.04(1), F.S.

Elder Care Service Delivery

Home and Community-Based Services

Area Agencies on Aging

Area Agencies on Aging (AAAs) are designated private not-for-profit local entities that are responsible for the planning, coordination and distribution of funds for services to elders. A listing of AAAs may be found in Appendix II. The AAA's primary functions are to: provide information and referral services, ensure timely and efficient determinations, triage clients who require assistance, and manage the availability of financial resources for certain long-term care programs. AAAs must also offer prevention and early intervention services.

- The department contracts with 11 Area Agencies on Aging to plan, fund and coordinate most programs and services for elders in their planning and service areas.
- Area Agencies on Aging designate and contract with lead agencies in each county to provide case management and other services.
- Lead agencies subcontract with over 1,200 local providers for client services, such as homemaking, home health, respite and personal care.

The total budget for all AAAs for FY 2009-10 is \$284,660,059.

Community Services and Programs

Using federal funds from the Administration on Aging, the Older Americans Act and in some cases state general revenue, Area Agencies on Aging (AAAs) provide access to a variety of home and community-based services.

These services include:

- Adult day care
- Caregiver training
- Congregate dining
- Home-delivered meals
- Homemaker services
- Information and referral
- Medical transportation
- Nutrition education
- Personal care
- Chores and shopping

Statewide, AAAs served 638,503 elders from October 1, 2007 through September 30, 2008.

Medicaid Waiver Programs

Home and Community Based services are provided through several Medicaid Waiver programs. A Medicaid Waiver is a program requested by the state and approved by the Centers for Medicare and Medicaid Services (CMS) that waives certain provisions of Medicaid program created by the federal legislation.⁵ Each program contains a set of eligibility standards and benefits relative to the constituency it serves. Waivers allow state Medicaid programs to cover services traditionally viewed as “long term care” and provide them in a community setting instead of a nursing home or other institutional care.

The Department of Elder Affairs operates six Medicaid Waiver programs and one State Plan in partnership with the Agency for Health Care Administration, which is Florida’s designated Medicaid agency. A description of these Medicaid Waivers may be found in Appendix V.

These waiver programs are administered through contracts with the 11 AAAs and local service providers, and provide alternative, less restrictive long-term care options for elders who qualify for skilled nursing home care. The department determines medical and functional eligibility for Medicaid nursing home admissions and waiver programs through its Comprehensive Assessment and Review for Long-Term Care Services (CARES) Program.

Elder Affairs Administered Waivers:

- Adult Day Health Care
- Aged and Disabled Adult
- Alzheimer’s Disease
- Assisted Living for the Frail Elderly
- Channeling
- Nursing Home Diversion Program

Elder Affairs State Plan Service:⁶

- Program of All-Inclusive Care for the Elderly (PACE)

⁵ s. 2176 Omnibus Budget Reconciliation Act of 1981 and incorporated into Title XIX Social Security Act, s.1915(c)

⁶ s.1902 of the Social Security Act, State Plan Requirements. A Medicaid state plan is a detailed description of a state Medicaid program, documenting its compliance with federal requirements, i.e. federal law requires states to submit state plans for approval prior to implementing the program and subsequent changes.

The Department of Elderly Affairs also administers through the AAAs, several Older Americans Act Programs:

- Title III B – Supportive Community Care
- Title III C – Nutritional Services for the Elderly
- Title III E – National Family Caregiver Support Program

The services provided through these programs include:

- Independent Living Training
- Congregate meals
- Home-delivered meals
- Disease prevention and health promotion
- Caregiver and family assistance

In 2008-09, Title III allocation to planning Service Areas was \$77.1 million and served approximately 82,000.

Statewide Public Guardianship Program: The Statewide Public Guardianship Office is under the jurisdiction of the Department of Elderly Affairs and maintains a program office in Tallahassee and provides services through a statewide delivery system. The office directs, coordinates and oversees all public guardianship services in the state, develops performance measures, collects data on individuals served and works to increase funding to further public guardianship services.

The office is also responsible for the curriculum and training of public and professional guardians, and registers professional guardians as mandated by the state. During FY 2007-08 more than 2,540 individuals received public guardianship services. A listing of statewide Public Guardianship offices may be found in Appendix IV.

The Agency for Health Care Administration

In 1992, the Agency for Health Care Administration, (“AHCA” or “the agency”) was created under s. 20.42, F.S., as the chief health policy and planning unit for the state. The agency is also the designated state unit regarding Medicaid. The agency issues certificates of need for nursing homes, develops policy and programs for community-based and residential programs for Medicaid recipients who require long-term care services. The agency also regulates, licenses, or certifies a variety of health service providers such as nursing homes, assisted living facilities, adult family care homes and adult day care centers and oversees the Medicaid long-term care waiver programs for elders. The Secretary of the agency is Holly Benson.

Statewide elder services include approximately 670 Nursing Homes, 1,707 Assisted Living Facilities, 503 Adult Family Care Homes, 2,225 Home Health Agencies, 1,770 Homemaker and Companion Services, 41 Hospice Services, and 294 Nurse Registries. The agency is responsible for certification of Medicare and Medicaid facilities, background screening and regulatory enforcement tracking system. Appendix III. provides a description of elder care service entities.

Department of Children and Family Services

The Department of Children and Family Services (“DCF” or “the department”) is authorized in statute to establish program offices including: Adult Services; Child Care Services; Domestic Violence; Economic Self-Sufficiency Services; Family Safety; Mental Health; Refugee Services; and Substance Abuse. DCF administers these programs through a structure of 6 regions. The Secretary of the department is George Sheldon.

The department’s interaction with regard to elder services is primarily in two areas:

- DCF determines financial and technical eligibility for Medicaid funded nursing home admissions, and Medicaid waiver programs, through the department’s Economic Self-Sufficiency Unit, and
- DCF serves vulnerable and permanently disabled adults who need assistance to stay in their homes or communities, through the department’s Adult Services Program.

Department of Veterans' Affairs

The Department of Veterans' Affairs ("DVA" or "the department") was first established in Florida in 1944 to address the needs of returning WWII Veterans. In 1988, the Florida Constitution was amended to create the Florida Department of Veterans' Affairs as a separate Cabinet Agency. The department provides advocacy and representation for Florida veterans in their dealings with the U.S. Department of Veterans' Affairs.⁷ The Executive Director is Leroy Collins, Rear Admiral USNR Ret.

There are currently 1.7 million veterans in Florida, and 758,975 veterans over the age of 65 and 124,685 veterans over the age of 85. The projected increase of age 85 and older veterans is expected to be 126,010 by September 2013.⁸ The department operates five State Veterans' Nursing Homes and one Domiciliary (Assisted Living Facility). A new nursing home is under construction in St. Augustine.

⁷ Florida Department of Veterans' Affairs, December 2008 Annual Report

⁸ Id.

APPENDIX I.

Elder and Family Services Policy Committee

Organizational Charts

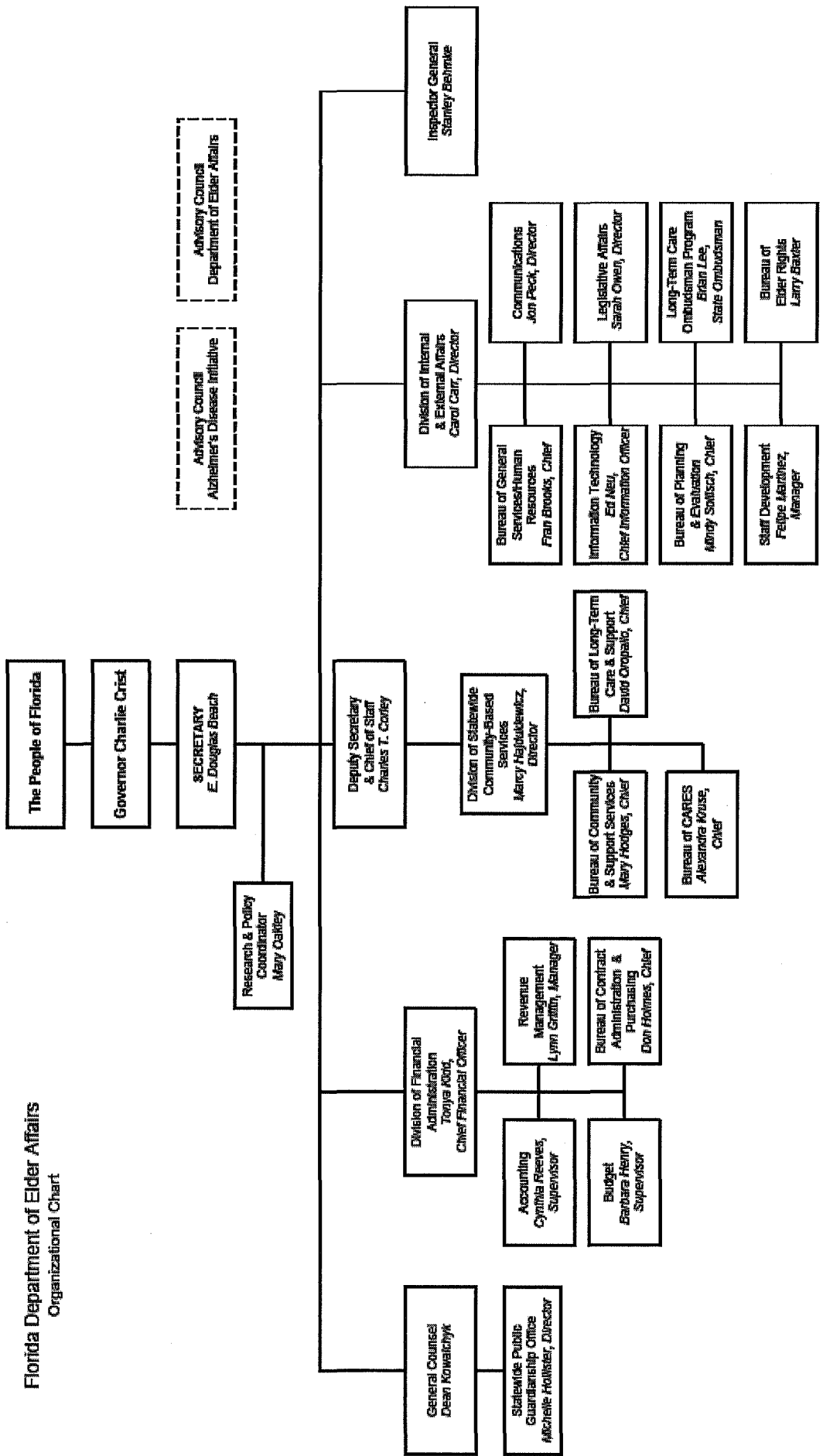
Department of Elderly Affairs

Agency for Health Care Administration

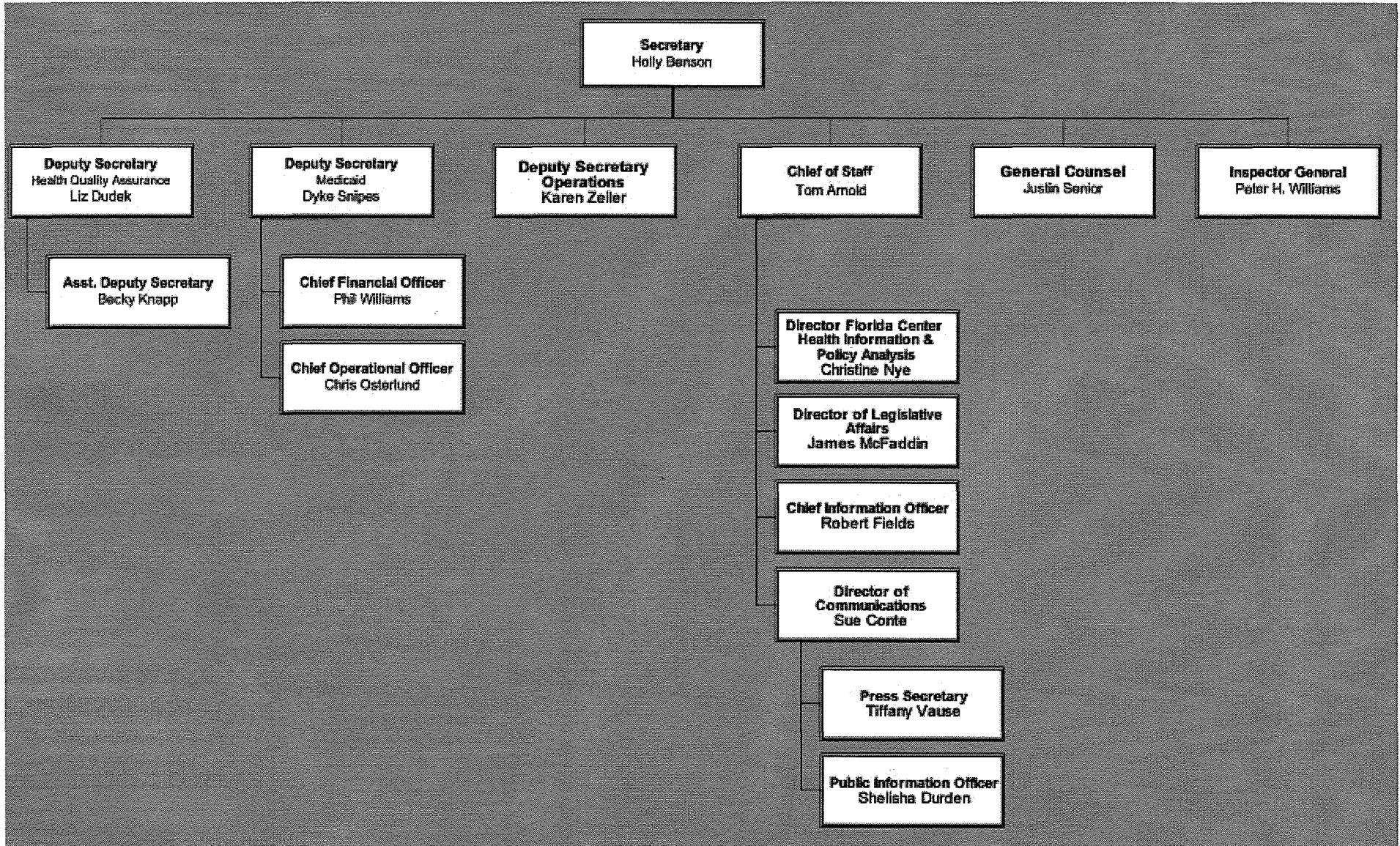
Department of Children and Family Services

Department of Military and Veterans' Affairs

Florida Department of Elder Affairs
Organizational Chart



Agency for Health Care Administration

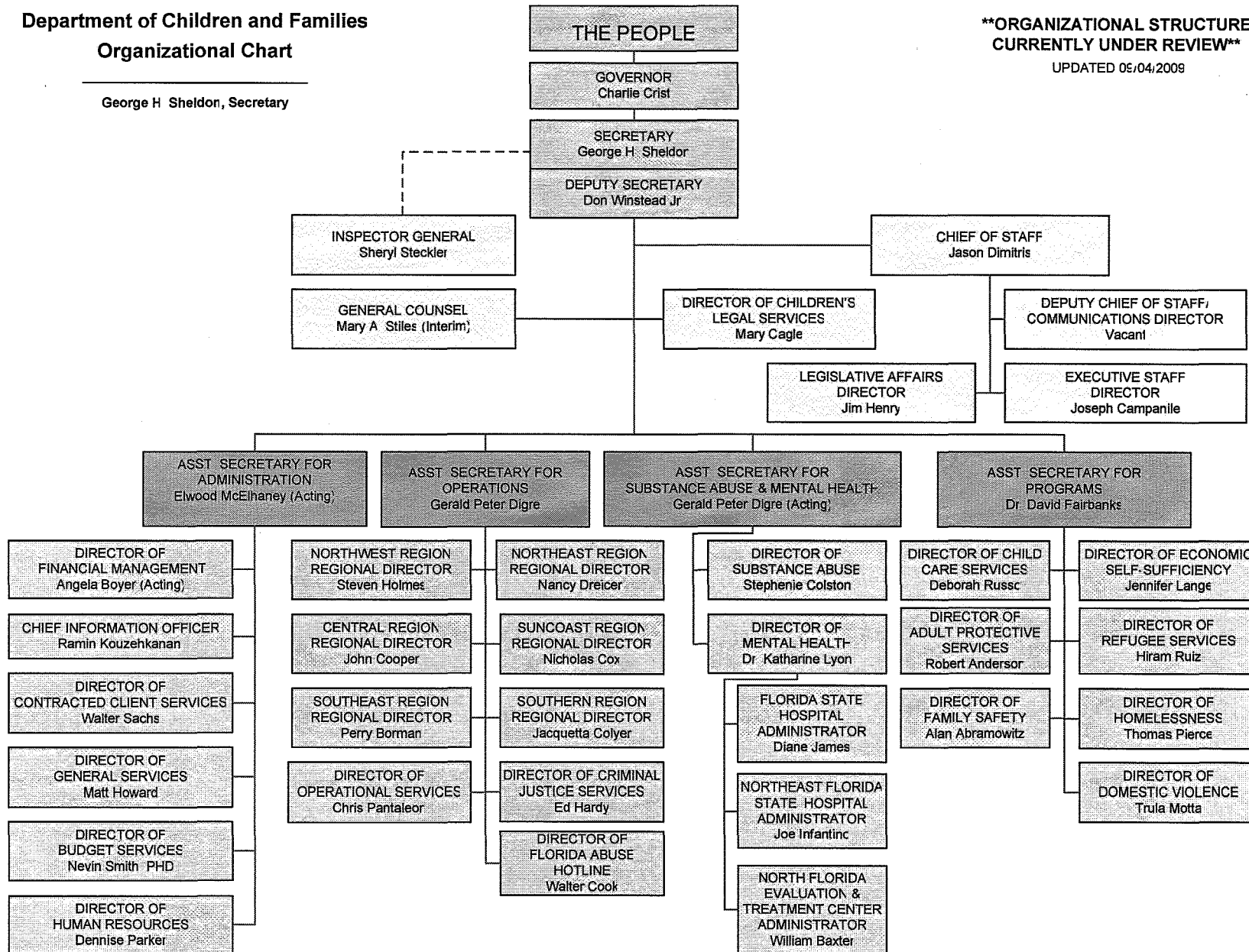


Department of Children and Families
Organizational Chart

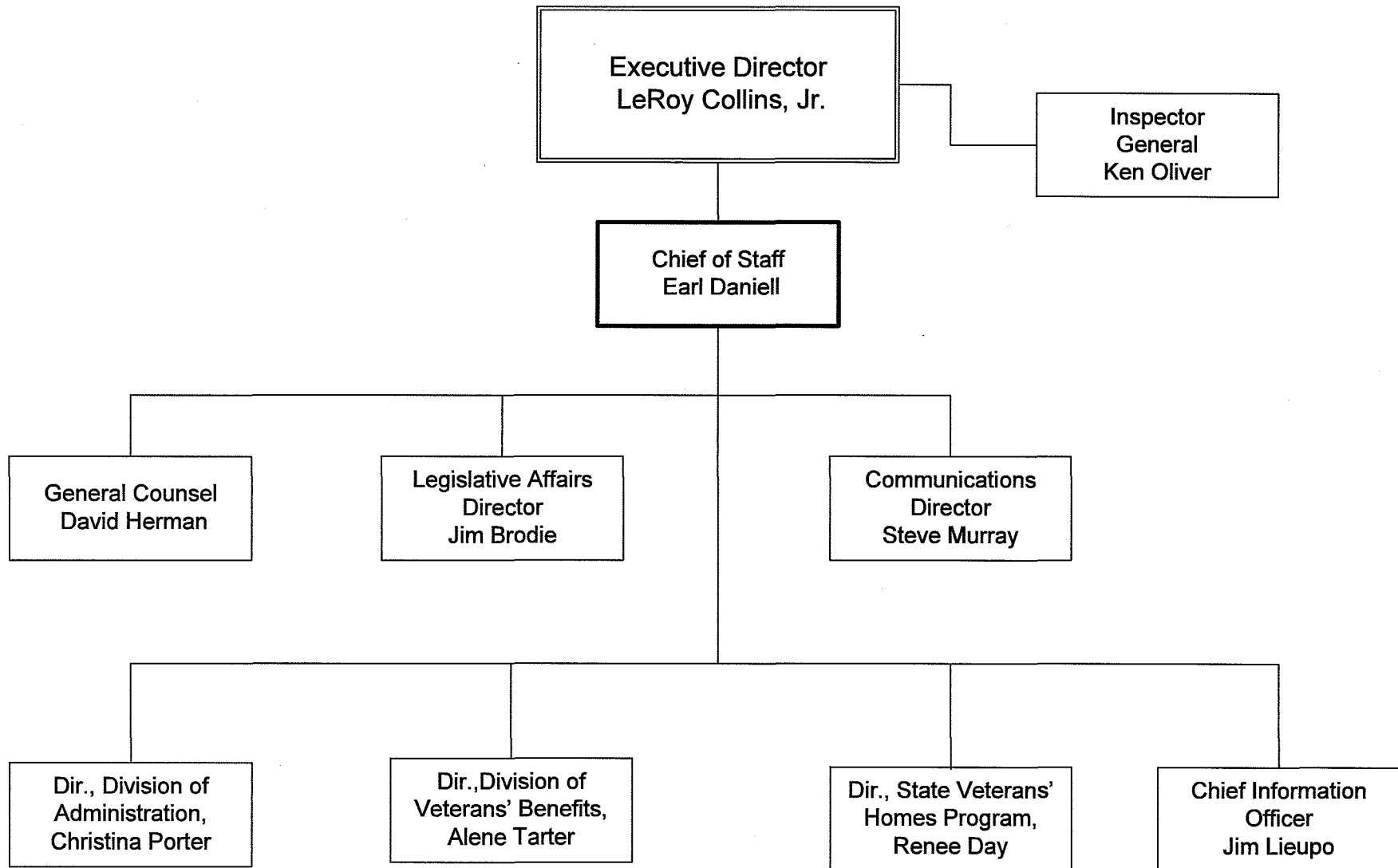
George H. Sheldon, Secretary

****ORGANIZATIONAL STRUCTURE
 CURRENTLY UNDER REVIEW****

UPDATED 05/04/2009



**Organizational Chart
Florida Department of Veterans' Affairs
Senior Management Staff**



Appendix II.

Area Agencies on Aging

- **Northwest Florida Area Agency on Aging**
5090 Commerce Park Circle
Pensacola, FL 32505
850-494-7100
(Escambia, Okaloosa, Santa Rosa and Walton Counties)
- **Area Agency on Aging for North Florida, Inc.**
2414 Mahan Dr.
Tallahassee, FL 32308
1-866-467-4624 or 850-488-0055
(Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and Washington Counties)
- **Elder Options, the Mid-Florida Area Agency on Aging**
5700 S.W. 34th St., Suite 222
Gainesville, FL 32608
352-378-6649 or 1-800-262-2243
(Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee and Union Counties)
- **ElderSource, Area Agency on Aging for Northeast Florida**
4160 Woodcock Drive, 2nd Floor
Jacksonville, FL 32207
904-391-6600 or 1-888-242-4464
(Baker, Clay, Duval, Flagler, Nassau, St. Johns and Volusia Counties)
- **Area Agency on Aging of Pasco-Pinellas**
9887 4th Street North, Suite 100
St. Petersburg, FL 33702
727-570-9696
727-570-5098 (Fax)
(Pasco and Pinellas Counties)
- **West Central Florida Area Agency on Aging, Inc.**
5905 Breckenridge Pkwy., Suite F
Tampa, FL 33610-4239
813-740-3888
(Hardee, Hillsborough, Highland, Manatee and Polk Counties)

- **Senior Resource Alliance**
 988 Woodcock Rd., Suite 200
 Orlando, FL 32803
 407-514-1800
 (Brevard, Orange, Osceola and Seminole Counties)

- **Area Agency on Aging of Southwest Florida**
 2285 First Street
 Fort Myers, FL 33901
 239-332-4233
 Email: info@aaaswfl.org
 (Charlotte, Collier, DeSoto, Glades, Hendry, Lee and Sarasota Counties)

- **Area Agency on Aging of Palm Beach/Treasure Coast, Inc.**
 4400 N. Congress Avenue
 West Palm Beach, FL 33407-3226
 561-684-5885
 (Indian River, Martin, Okeechobee, Palm Beach and St. Lucie Counties)

- **Aging and Disability Resource Center of Broward County**
 5300 Hiatus Road
 Sunrise, FL 33351
 954-745-9567
 (Broward County)

- **Alliance for Aging**
 760 NW 107th Avenue, Suite 214
 Miami, FL 33172-3155
 305-670-6500
 (Miami-Dade and Monroe Counties)

Appendix III.

Glossary Of Senior Service Entities

ADULT DAY CARE CENTER: A facility that is licensed to provide programs and services for adults who need a protective setting during the day. Program participants live in their own home, an assisted living facility, or an adult family care home, and come to the day care center during the day. An adult day care center can be a freestanding program or program services can be provided through a nursing home, assisted living facility or hospital.

ADULT FAMILY CARE HOME: A private residence that is licensed to provide a full-time family-type living arrangement in a private home to frail elderly and disabled adults who are unrelated to each other and who are unable to live independently. AFCHs are owned and operated by licensed providers who live with the residents they serve. AFCHs are limited to a maximum of five residents and are intended to be a less costly alternative to more restrictive, institutional settings for individuals who do not need 24-hour nursing supervision.

AREA AGENCY ON AGING: A public or nonprofit private agency or office designated by the Department of Elderly Affairs to coordinate and administer the department's programs and to provide, through contracting agencies, services within a planning and service area. An area agency on aging serves as both the advocate and the visible focal point in its planning and service area to foster the development of comprehensive and coordinated service systems to serve older individuals. As directed by the OAA, the department must designate and contract with area agencies on aging in each of the departments 11 planning and service areas. The Area Agencies on Aging contract with lead agencies to provide services for terms of 6 years.

ASSISTED LIVING FACILITY: A facility that is licensed to provide personal care services in the least restrictive and most home-like environment to frail elderly and disabled adults. Facilities range in size from one resident to several hundred residents. ALFs are operated and regulated as residential environments with supportive services and not as medical or nursing facilities.

CONTINUING CARE RETIREMENT COMMUNITY: An entity that provides varying levels of care to residents to accommodate their changing needs. CCRC levels of care services or facilities that provide these services are generally located on the CCRC property.

HEALTH CARE SERVICES POOL: An entity such as any person, corporation firm, partnership or association that employs or contracts with medically trained and licensed health care personnel to provide temporary employment in health care facilities, such as hospitals, assisted living facilities, nursing homes, and clinical laboratories. Health Care Services Pools (HCSP) personnel do not provide patient care or contract directly with a patient or work in a patient's home. HCSPs only provide staff to facilities and agencies.

HEALTH FACILITY: A not-for-profit private corporation authorized by law to provide hospital or nursing home care services in accordance with ch. 395, F.S.

HEALTH FACILITIES AUTHORITY: A health facility authority is a public corporation created to assist health facilities in the acquisition, construction, financing, and refinancing of projects within the geographical limits of the local agency—a county or municipality. Among the powers of the authority are the ability to acquire real or personal property to construct projects; construct, maintain, renovate or equip projects; execute contracts, deeds, mortgages, notes, and other instruments; issue bonds for the purpose of providing funds to pay all or part of the cost of any project; and form self insurance pools for medical malpractice.

HOME HEALTH AGENCY: An entity that is licensed to provide health and medical services and medical supplies through visits to private homes, assisted living facilities, adult family care homes, nursing homes and hospitals.

HOMEMAKER AND COMPANION SERVICE: A registered—not licensed—entity that provides limited services in the home. These agencies provide individuals to do housekeeping, cook, run errands, and provide companionship. These services can be offered by a homemaker/companion company, or by a home health agency, nurse registry, or hospice.

HOSPICE: An entity that is licensed to provide end-of-life services in private homes, assisted living facilities, adult family care homes, hospitals, or hospice facilities for terminally ill patients.

NURSING HOME: A licensed facility that provides nursing care, personal care, and custodial care to people who are ill or physically infirm. Nursing homes are free-standing, meaning that they are not part of a hospital. Some nursing homes are part of a continuing care retirement community (CCRC) and are governed through special contracts.

NURSE REGISTRY: An entity that is licensed to act as an employment agency between an individual patient and nurse, nursing assistant, home health aide, or companion and homemaker, for services in the patient's home. The nurse registry contracts with each health care worker. Unlike a home health agency, a licensed nurse registry is not required to carry liability insurance. A nurse registry must be licensed by the state and must include the nurse registry license number in public advertisements.

Appendix IV.

Public Guardian Local Offices

Aging Safely, Inc.

Manatee and DeSoto Counties

M. Ashley Butler, Ph.D.

Phone: 941-779-4682

AGING SOLUTIONS

Hillsborough County

Tamara Cribben

Phone: 813-949-1888, Fax: 813-949-1996

tamaracribben@aging-solutions.org

Brevard County Phone: 321-768-7997

Pasco and Pinellas Counties Phone: 727-442-1188

BARRY UNIVERSITY SCHOOL OF SOCIAL WORK

Broward County

Eloisa Roses Ramos

Phone: 954-831-6550, Fax: 954-831-6912

erosesramos@mail.barry.edu

CHARLOTTE COUNTY PUBLIC GUARDIAN

Charlotte County

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Marylou McKeon

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guardianship@coaiaa.org

FIFTH CIRCUIT PUBLIC GUARDIAN CORPORATION

Marion County

Catherine Ackerman, Esq.

Phone: 352-401-6753, Fax: 352-401-7803

ackerman@atlantic.net

GUARDIANSHIP CARE GROUP, INC.

Miami-Dade County

Barbara Reiser

Phone: 305-448-6111 ext. 109, Fax: 305-448-5553

breiser@infocentralsolutions.com

GUARDIANSHIP PROGRAM OF DADE COUNTY, INC.

Miami-Dade County

Jerry Santeiro

Phone: 305-592-7642, Fax: 305-592-6737

mail@guardianshipprogram.org

LEE COUNTY PUBLIC GUARDIAN

Lee County

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Robert@lcpgp.com

LEGAL AID SOCIETY OF PALM BEACH COUNTY, INC.

Palm Beach County

Rena Taylor, Esq.

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Osceola County

700 Generation Point

Kissimmee, FL 34744

Kathleen Foust

Phone: 407-846-8532 x213, Cell: 407-973-0780, Fax: 407-846-8550

kathyops@hotmail.com

SENIORS FIRST, INC

Orange County

Jenny Shuff-Dowd

Phone: 407-297-9980, Fax: 407-292-2773

jshuff-dowd@seniorsfirstinc.org

Appendix V.

Elder Services Waivers

Adult Day Health Care: The Adult Day Health Care Waiver was implemented in April 2004 and provides services statewide. The program is designed to meet the health and supportive needs of adults with functional or cognitive impairments through an individual plan of care implemented at an adult day health center. This program serves adults who are physically impaired or mentally confused and may require supervision, increased social opportunities and assistance with personal care or other daily living activities. Services include intake and assessment, case management and other direct care services such as transportation, medication management, rehabilitation and services which allow frail elders to remain in their home or community instead of going to a nursing facility.⁹

Aged and Disabled Adult: The Aged and Disabled Adult (ADA) Waiver was implemented in April 1982 and provides services statewide. The Florida Department of Elderly Affairs operates the waiver for frail individuals 60 years old and older and the Florida Department of Children and Families' Adult Services program operates the waiver to individuals with disabilities 18 to 59 years old. The Agency for Health Care Administration operates the cognitively intact, medically complex, and technologically dependent "aging out" portion of the waiver for individuals age 21 or older who have previously been served through Children's Medical Services. Services include adult companion, attendant care, caregiver training, case management, consumable medical supplies and others.¹⁰

Alzheimer's Disease: The Alzheimer's Disease Waiver was implemented in 2005 and provides services in Broward, Miami-Dade, Palm Beach and Pinellas counties. The program serves seniors who are 60 or older, are Medicaid eligible, have a diagnosis of Alzheimer's Disease, meet Nursing Home Level of Care, and live with a caregiver in a private residence. Services include adult day health care, behavioral assessment and intervention, caregiver training, incontinence supplies, personal care, respite care, wanderer alarm systems, wanderer identification and location programs and other services.¹¹

Assisted Living for the Frail Elderly: The Assisted Living for the Frail Elderly Waiver was implemented in February 1995 and provides services statewide. The program serves frail elders who reside in Assisted Living Facilities. The program provides extra support for elders by providing an attendant call system, attendant care, behavior management, case management, companion services, intermittent nursing, medication administration, therapeutic social and recreational activities and other services.¹²

⁹ 2008-2009 Florida Medicaid Summary of Services,

¹⁰ Id.

¹¹ Id.

¹² Id.

Channeling for the Frail Elder: The Channeling Waiver was implemented in July 1985 and provides services to frail elders in Miami-Dade and Broward counties. Services include adult day health care, adult companion, case management, chore services, family training, financial assessment, personal care, respite care, special drug and nutritional assessment, home delivered meals, medical equipment and supplies, therapies and other services.¹³

Nursing Home Diversion Program: The Nursing Home Diversion Waiver was implemented in December 1998 and currently provides services in 33 counties. The waiver is authorized to expand to an additional 27 counties, pending provider contracts in these counties. The program's primary objective is to provide frail elders with an alternative to nursing facility placement. Under this program, applicants can choose to continue living in their own homes or a community setting such as an assisted living facility. The program makes this option possible by offering coordinated acute and long-term care services to frail elders in the community. Services include acute medical services such as dental, community mental health services, inpatient hospital, outpatient hospital emergency services, physicians and prescribed drugs and long-term care community services such as adult companion, assisted living, case management, chore services, family training, home health care, nutritional assessment, personal emergency response system, nursing facility services, therapies and other services.¹⁴

State Plan Service/Program of All-Inclusive Care for the Elderly (PACE): The Program of All-Inclusive Care for the Elderly was established in 2002 and currently operates in Miami-Dade and Lee counties. PACE is designed as a managed care program and provides a comprehensive range of medical and home and community-based services for adults who qualify for nursing home care. PACE programs provide primary care, social restorative and supportive services for Medicaid and Medicare eligible persons age 55 and older who live in a PACE service area. Services include adult day health care, home care, prescription drugs, nursing home and inpatient care.

¹³ Id.

¹⁴ Id.

