

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 816

INTRODUCER: Senator Aronberg

SUBJECT: Teaching Nursing Homes

DATE: March 14, 2010

REVISED: 03/18/10

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Stovall	Wilson	HR	Fav/1 amendment
2.		HE	
3.		HA	
4.			
5.			
6.			

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input checked="" type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill expands the criteria for a nursing home to qualify as a teaching nursing home in order to increase the number of teaching nursing homes in this state.

This bill amends ss. 430.80 and 400.141, Florida Statutes.

II. Present Situation:

Nursing homes are licensed and regulated by the Agency for Health Care Administration (Agency) under part II of ch. 400, F.S., part II of ch. 408, F.S., and rule chapter 59A-4, F.A.C. Nursing homes provide long term and sub-acute care to persons in need of 24-hour nursing services or significant supportive services. Nursing home residents are generally frail, physically and psychosocially compromised, heavily dependent upon others for basic care and sustenance, and in some cases near the end of their lives.

Gold Seal Program

The Gold Seal Program is established in s. 400.235, F.S., to award and recognize nursing facilities that demonstrate excellence in long-term care over a sustained period. The program was

developed and is implemented by the Governor's Panel on Excellence in Long-Term Care. In order for a nursing home facility to be considered for a gold seal award, the facility must have been licensed and operating for 30 months without a conditional license and no Class I or Class II deficiencies. The panel evaluates nominees based on quality of care issues, evidence of financial soundness and stability, consumer satisfaction, evidence of involvement of families and members of the community in the facility on a regular basis, workforce stability, the facility record regarding the number and types of substantiated complaints, and targeted in-service training to meet needs identified by internal or external quality assurance efforts. The panel makes recommendations to the Governor, who then makes the awards, if appropriate. Currently a nursing home designated as a Gold Seal facility may seek approval to provide certified nursing assistant training as prescribed by federal regulations and state rules. There are currently 16 nursing homes that have a Gold Seal award.¹

Teaching Nursing Homes

Teaching nursing homes are authorized in s. 430.80, F.S. A teaching nursing home is a licensed nursing facility that contains a minimum of 400 licensed nursing home beds; has access to a resident senior population of sufficient size to support education, training, and research relating to geriatric care; and has a contractual relationship with a federally funded accredited geriatric research center in this state.

To be designated as a teaching nursing home, the nursing home must:

- Provide a comprehensive program of integrated senior services that includes institutional services and community-based services;
- Participate in a nationally recognized accreditation program and hold a valid accreditation;
- Have been in business in this state for at least 10 consecutive years;
- Demonstrate an active program in multidisciplinary education and research that relates to gerontology;
- Have a formalized contractual relationship with at least one accredited health profession education program located in this state;
- Have a formalized contractual relationship with an accredited hospital that is designated by law as a teaching hospital;
- Have senior staff members who hold formal faculty appointments at universities, which must include at least one accredited health profession education program; and
- Maintain insurance coverage or proof of financial responsibility of at least \$750,000.

Additionally, in order for a nursing home to qualify as a teaching nursing home the nursing home must:

- Be primarily operated and established to offer, afford, and render a comprehensive multidisciplinary program of geriatric education and research to residents of the state; and
- Certify to the Agency each school year the name, address, and educational history of each trainee approved and accepted for enrollment in the institution.

¹ For a list of the nursing homes that currently have a Gold Seal see: <<http://www.floridahealthfinder.gov/seniors/gold-seal-nursing-homes.shtml>> (Last visited on March 14, 2010.)

There are 674 nursing homes in Florida, and only one facility, the Miami Jewish Home and Hospital for the Aged, has been designated as a teaching nursing home in s. 430.80, F.S.²

State funding was previously provided for teaching nursing homes; but was discontinued in the 2007-2008 fiscal year due to budgetary constraints.

III. Effect of Proposed Changes:

Section 1. Amends s. 430.80, F.S., to expand the criteria to be used to designate a nursing home as a teaching nursing home by:

- Reducing the minimum number of licensed nursing home beds required, from 400 to 275,
- Providing the option of operating in its own right a geriatric research center in lieu of having a contractual relationship with a federally funded accredited geriatric research center in this state,
- Providing the option of possessing a Gold Seal Award on the nursing home at the time of initial designation as a teaching nursing home in lieu of participating in a nationally recognized accreditation program, and
- Eliminating the requirement to have a formalized contractual relationship with an accredited hospital that is designed by law as a teaching hospital.

There are currently eight nursing homes with at least 275 beds. Of those, only one currently has the Gold Seal designation and two are involved with geriatric research.³ This bill gives alternatives that could broaden the applicant pool for teaching nursing homes.

Section 2. Amends s. 400.141, F.S., related to general and professional liability insurance coverage for nursing homes to conform a cross-reference in s. 430.80, F.S.

Section 3. Provides an effective date of July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Art. VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.

² See the AHCA 2010 Bill Analysis and Economic Impact Statement for SB 816, dated October 5, 2009, on file with the Senate Health Regulation Committee.

³ Ibid.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill gives alternatives that could broaden the applicant pool for teaching nursing homes.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

The Joint Commission on Accreditation of Healthcare Organizations has been renamed the Joint Commission. Lines 31 – 32 should be deleted and insert: accreditation awarded by the Joint Commission ~~on Accreditation of Health Care Organizations~~, or, at the time of initial

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

Barcode 851098 by Health Regulation on March 18, 2010:

Further reduces the minimum number of licensed beds to 170 that a nursing home must have as one criteria to become designated as a teaching nursing home.