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# Health Care Appropriations Subcommittee

March 4, 2014  
1:30 PM—3:30 PM  
Webster Hall

## Action Packet

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Health Care Appropriations Subcommittee

**Start Date and Time:** Tuesday, March 04, 2014 01:30 pm  
**End Date and Time:** Tuesday, March 04, 2014 03:30 pm  
**Location:** Webster Hall (212 Knott)  
**Duration:** 2.00 hrs

**Consideration of the following bill(s):**

HB 91 State Ombudsman Program by Roberson, K.

CS/HB 573 Assisted Living Facilities by Health Innovation Subcommittee, Ahern

Department of Veterans' Affairs:

Update on State Veterans' Nursing Home Study and Building Process  
Update on the Outreach and Branding Campaign

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Monday, March 3, 2014.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, March 3, 2014.

**NOTICE FINALIZED on 02/28/2014 16:07 by LAL**

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**  
**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**Summary:**

**Health Care Appropriations Subcommittee**

*Tuesday March 04, 2014 01:30 pm*

HB 91	Favorable	Yeas: 10	Nays: 0
CS/HB 573	Favorable With Committee Substitute	Yeas: 11	Nays: 1
Amendment 655437	Adopted Without Objection		
Amendment 340883	Adopted Without Objection		
Amendment 449219	Withdrawn		
Amendment 156449	Adopted Without Objection		
Amendment 846899	Withdrawn		
Amendment 539831	Adopted	Yeas: 10	Nays: 1
Amendment 799145	Adopted Without Objection		
Amendment 218563	Withdrawn		

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Matt Hudson (Chair)	X		
Jason Brodeur	X		
Neil Combee	X		
Janet Cruz	X		
Jose Diaz	X		
Matt Gaetz	X		
Walter Hill	X		
MaryLynn Magar	X		
Jared Moskowitz			X
Amanda Murphy	X		
David Richardson	X		
Elaine Schwartz	X		
John Wood	X		
<b>Totals:</b>	<b>12</b>	<b>0</b>	<b>1</b>

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**HB 91 : State Ombudsman Program**

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
Neil Combee				X	
Janet Cruz	X				
Jose Diaz				X	
Matt Gaetz	X				
Walter Hill	X				
MaryLynn Magar	X				
Jared Moskowitz			X		
Amanda Murphy	X				
David Richardson	X				
Elaine Schwartz	X				
John Wood	X				
Matt Hudson (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 0</b>			

**Appearances:**

Murray, G. (Lobbyist) - Proponent  
 Florida Justice Association  
 218 S Monroe St  
 Tallahassee FL 32301  
 Phone: (850) 521-1034

Cantwell, Laura (Lobbyist) - Waive In Support  
 AARP  
 400 Carillon Pky Ste 100  
 St Petersburg FL 33716  
 Phone: (850) 570-2110

Anderson, Susan (Lobbyist) - Waive In Support  
 Department of Elder Affairs, Long-Term Care Ombudsman Program  
 4040 Esplanade Way Ste 280  
 Tallahassee FL 32399-700  
 Phone: (850) 414-2054

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**CS/HB 573 : Assisted Living Facilities**

*Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
Neil Combee	X				
Janet Cruz	X				
Jose Diaz	X				
Matt Gaetz	X				
Walter Hill	X				
MaryLynn Magar	X				
Jared Moskowitz			X		
Amanda Murphy	X				
David Richardson		X			
Elaine Schwartz	X				
John Wood	X				
Matt Hudson (Chair)	X				
<b>Total Yeas: 11</b>		<b>Total Nays: 1</b>			

**CS/HB 573 Amendments**

**Amendment 655437**

*Adopted Without Objection*

**Amendment 340883**

*Adopted Without Objection*

**Amendment 449219**

*Withdrawn*

**Amendment 156449**

*Adopted Without Objection*

**Amendment 846899**

*Withdrawn*

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**CS/HB 573 : Assisted Living Facilities (continued)**

**Amendment 539831**

*Adopted*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
Neil Combee	X				
Janet Cruz	X				
Jose Diaz	X				
Matt Gaetz			X		
Walter Hill	X				
MaryLynn Magar	X				
Jared Moskowitz			X		
Amanda Murphy	X				
David Richardson	X				
Elaine Schwartz		X			
John Wood	X				
Matt Hudson (Chair)	X				
<b>Total Yeas: 10</b>		<b>Total Nays: 1</b>			

**Amendment 799145**

*Adopted Without Objection*

**Amendment 218563**

*Withdrawn*

**Appearances:**

Amendments 3, 4, and CS/HB 573

Sandra Hall - Opponent  
 700 Anderson Drive  
 Bonifay FL 32425  
 Phone: (850) 547-3708

Molly McKinstry (State Employee) - Information Only

AHCA--Health Quality Assurance  
 2727 Mahan Drive  
 Tallahassee FL 32308  
 Phone: (850) 412-4022

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**CS/HB 573 : Assisted Living Facilities (continued)**

**Appearances: (continued)**

Rosemary Carbonelli (General Public) - Proponent

Pines of Sarasota  
1501 N. Orange Ave.  
Sarasota FL 34236  
Phone: (941) 365-0250

Langston, Susan (Lobbyist) - Information Only

Florida Assisted Living Association  
2447 Millcreek Ct Ste 3  
Tallahassee FL 32308  
Phone: (850) 383-1159

Polivka-West, Lumarie (Lobbyist) - Proponent

Florida Health Care Association  
307 W Park Ave  
Tallahassee FL 32301  
Phone: (850) 224-3907

Berkowitz, Carol (Lobbyist) - Waive In Support

Leading Age Florida (Formerly FAHSA)  
1812 Riggins Rd  
Tallahassee FL 32308  
Phone: (850) 671-3700

Mike McQuone (Lobbyist) - Waive In Support

Florida Conference of Catholic Bishops  
201 W. Park Ave  
Tallahassee FL 32301  
Phone: (850) 284-9130

McRay, Jack (Lobbyist) - Proponent

AARP  
200 W. College Avenue, Ste. 304  
Tallahassee FL 32301  
Phone: (850) 577-5163

Amendment 3 to CS/HB 573

McRay, Jack (Lobbyist) - Waive In Opposition

AARP  
200 W. College Avenue, Ste. 304  
Tallahassee FL 32301  
Phone: (850) 577-5163

Matillo, Gail (Lobbyist) - Waive In Support

FL ALFA  
9445 Buck Haven Trail  
Tallahassee FL 32312  
Phone: (850) 496-2562

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM



**COMMITTEE MEETING REPORT**  
**Health Care Appropriations Subcommittee**

**3/4/2014 1:30:00PM**

**Location:** Webster Hall (212 Knott)

**Presentation/Workshop/Other Business Appearances:**

FDVA Outreach & Branding Campaign  
Steve Murray (State Employee) - Information Only  
Florida Department of Veterans' Affairs  
Suite 2105 Capitol 400 S. Monroe St.  
Tallahassee FL 32399  
Phone: (850) 487-1533

State Veterans' Nursing Home Presentation  
Prendergast, Executive Director, Mike (Lobbyist) (State Employee) - Information Only  
Florida Department of Veterans' Affairs  
2105 Capitol  
Tallahassee FL 32399  
Phone: (850) 487-1533

Committee meeting was reported out: Tuesday, March 04, 2014 4:48:46PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee  
 3 Representative Ahern offered the following:

**Amendment (with title amendment)**

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**T I T L E A M E N D M E N T**

8 Remove lines 138-139 and insert:  
 9 conforming a cross-reference; requiring the Office of  
 10 Program Policy Analysis

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION  (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee  
 3 Representative Richardson offered the following:

4  
 5 **Amendment**  
 6 Remove lines 168-169 and insert:  
 7 A Medicaid managed care plan or a managing entity shall The  
 8 department must ensure that:

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT        (Y/N)  
 WITHDRAWN   ✓   (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee

3 Representative Richardson offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove lines 701-803 and insert:

7 (a) Class "I" violations are defined in s. 408.813. The  
 8 agency shall impose an administrative fine for a cited class I  
 9 violation in an amount of ~~not less than~~ \$5,000 ~~and not exceeding~~  
 10 ~~\$10,000~~ for each violation.

11 (b) Class "II" violations are defined in s. 408.813. The  
 12 agency shall impose an administrative fine for a cited class II  
 13 violation in an amount of ~~not less than~~ \$1,000 ~~and not exceeding~~  
 14 ~~\$5,000~~ for each violation.

15 (c) Class "III" violations are defined in s. 408.813. The  
 16 agency shall impose an administrative fine for a cited class III  
 17 violation in an amount of ~~not less than~~ \$500 ~~and not exceeding~~

Amendment No. 3

18 ~~\$1,000~~ for each violation.

19 (d) Class "IV" violations are defined in s. 408.813. The  
20 agency shall impose an administrative fine for a cited class IV  
21 violation in an amount of not less than \$100 and not exceeding  
22 ~~\$200~~ for each violation.

23 (e) Regardless of the class of violation cited, instead of  
24 the fine amounts listed in paragraphs (a)-(d), the agency shall  
25 impose an administrative fine of \$500 if a facility is found not  
26 to be in compliance with the background screening requirements  
27 as provided in s. 408.809.

28 (3) For purposes of this section, in determining if a  
29 penalty is to be imposed and in fixing the amount of the fine,  
30 the agency shall consider the following factors:

31 (a) The gravity of the violation, including the  
32 probability that death or serious physical or emotional harm to  
33 a resident will result or has resulted, the severity of the  
34 action or potential harm, and the extent to which the provisions  
35 of the applicable laws or rules were violated.

36 (b) Actions taken by the owner or administrator to correct  
37 violations.

38 (c) Any previous violations.

39 (d) The financial benefit to the facility of committing or  
40 continuing the violation.

41 (e) The licensed capacity of the facility.

42 (4) Each day of continuing violation after the date  
43 established by the agency fixed for correction termination of

Amendment No. 3

44 the violation, ~~as ordered by the agency,~~ constitutes an  
45 additional, separate, and distinct violation.

46 (5) An ~~Any~~ action taken to correct a violation shall be  
47 documented in writing by the owner or administrator of the  
48 facility and verified through followup visits by agency  
49 personnel. The agency may impose a fine and, in the case of an  
50 owner-operated facility, revoke or deny a facility's license  
51 when a facility administrator fraudulently misrepresents action  
52 taken to correct a violation.

53 (6) A ~~Any~~ facility whose owner fails to apply for a  
54 change-of-ownership license in accordance with part II of  
55 chapter 408 and operates the facility under the new ownership is  
56 subject to a fine of \$5,000.

57 (7) In addition to any administrative fines imposed, the  
58 agency may assess a survey fee, equal to the lesser of one half  
59 of the facility's biennial license and bed fee or \$500, to cover  
60 the cost of conducting initial complaint investigations that  
61 result in the finding of a violation that was the subject of the  
62 complaint or monitoring visits conducted under s. 429.28(3)(c)  
63 to verify the correction of the violations.

64 (8) During an inspection, the agency shall make a  
65 reasonable attempt to discuss each violation with the owner or  
66 administrator of the facility, prior to written notification.

67 (9) The agency shall develop and disseminate an annual  
68  
69 -----

Amendment No. 3

70

T I T L E A M E N D M E N T

71

Remove line 96 and insert:

72

s. 429.19, F.S.; revising the amounts of

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee  
 3 Representative Ahern offered the following:

**Amendment**

Remove lines 753-758 and insert:

7 (f) Notwithstanding s. 408.813 (2)(c) and 408.832, if a  
 8 facility is cited for ten or more class III violations during an  
 9 inspection or survey, the agency shall impose a fine for each  
 10 violation.



Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT ~~\_\_\_\_\_~~ (Y/N)  
 WITHDRAWN  (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee

3 Representative Richardson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 1028-1092 and insert:

7 Health Care Administration shall by November 1, 2014, create  
 8 content that is easily accessible through the front page of the  
 9 agency's Internet website either directly or indirectly through  
 10 links to one or more other established websites of the agency's  
 11 choosing. The website must be searchable by facility name, city,  
 12 or zip code. At a minimum, the content must include:

13 (1) Information on each licensed assisted living facility,  
 14 including, but not limited to:

15 (a) The name and address of the facility.

16 (b) The number and type of licensed beds in the facility.

17 (c) The types of licenses held by the facility.

## Amendment No. 5

18 (d) The facility's license expiration date and status.

19 (e) Proprietary or nonproprietary status of the licensee.

20 (f) Any affiliation with a company or other organization  
21 owning or managing more than one assisted living facility in  
22 this state.

23 (g) The total number of clients that the facility is  
24 licensed to serve and the most recently available occupancy  
25 levels.

26 (h) The number of private and semiprivate rooms offered.

27 (i) The bed-hold policy.

28 (j) The religious affiliation, if any, of the assisted  
29 living facility.

30 (k) The languages spoken by the staff.

31 (l) Availability of nurses.

32 (m) Forms of payment accepted, including, but not limited  
33 to, Medicaid, Medicaid long-term managed care, private  
34 insurance, health maintenance organization, United States  
35 Department of Veterans Affairs, CHAMPUS program, or workers'  
36 compensation coverage.

37 (n) Indication if the licensee is operating under  
38 bankruptcy protection.

39 (o) Recreational and other programs available.

40 (p) Special care units or programs offered.

41 (q) Whether the facility provides mental health services,  
42 as defined in s. 394.67, Florida Statutes, to residents with  
43 mental illness and the number of mental health residents.

Amendment No. 5

44 (r) Whether the facility is a part of a retirement  
45 community that offers other services pursuant to part II or part  
46 III of chapter 400, part I or part III of chapter 429, or  
47 chapter 651, Florida Statutes.

48 (s) Links to the State Long-Term Care Ombudsman Program  
49 website and the program's statewide toll-free telephone number.

50 (t) Links to the Internet websites of the providers or  
51 their affiliates.

52 (u) Other relevant information that the agency currently  
53 collects.

54 (2) Survey and violation information for the facility,  
55 including a list of the facility's violations committed during  
56 the previous 60 months, which upon the effective date of this  
57 act may include violations committed on or after July 1, 2009.  
58 The list shall be updated monthly and include for each  
59 violation:

60 (a) A summary of the violation, including all licensure,  
61 revisit, and complaint survey information, presented in a manner  
62 understandable by the general public.

63 (b) Any sanctions imposed by final order.

64 (c) The date the corrective action was confirmed by the  
65 agency.

66 (3) Links to inspection reports that the agency has on  
67 file.

68 -----  
69 -----

Amendment No. 5

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71  
72

**T I T L E   A M E N D M E N T**

Remove lines 143-145 and insert:  
requiring the agency to create content for the agency's website

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee  
 3 Representative Ahern offered the following:

**Amendment (with title amendment)**

Remove lines 1029-1031

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**T I T L E A M E N D M E N T**

12 Remove lines 143-145 and insert:  
 13 requiring the agency to create content for the agency's website

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Health Care Appropriations  
 2 Subcommittee  
 3 Representative Ahern offered the following:

**Amendment (with title amendment)**

Between lines 1092 and 1093, insert:

7 Section 17. For Fiscal Year 2014-2015, two full-time  
 8 equivalent positions with associated salary rate are authorized  
 9 and the sums of \$7,986 in nonrecurring funds and \$151,322 in  
 10 recurring funds from the Health Care Trust Fund of the Agency  
 11 for Health Care Administration are hereby appropriated for the  
 12 purpose of carrying out the regulatory activities provided in  
 13 this act.

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Amendment No. 7

18  
19  
20  
21  
22

T I T L E A M E N D M E N T

Remove line 148 and insert:  
criteria for the content; providing an appropriation; providing  
an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 573 (2014)

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

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1 Committee/Subcommittee hearing bill: Health Care Appropriations  
2 Subcommittee

3 Representative Schwartz offered the following:

4  
5 **Amendment**

6 Remove line 1030 and insert:

7 facilities by March 1, 2015. The rating system shall follow the  
8 model established by the Florida Nursing Home report card in  
9 Florida Law. The agency shall adopt rules to