

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Health Care Committee

BILL: CS/SB 1516

SPONSOR: Health Care Committee and Senator Wilson

SUBJECT: Respite Care

DATE: April 22, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Wilson</u>	<u>HE</u>	<u>Fav/CS</u>
2.	_____	_____	<u>HA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill requires the Agency for Health Care Administration (AHCA) to create a pilot project for an assisted living facility that will provide respite care for children and adults who have disabilities and to elderly persons having special needs. The project must be located in Miami-Dade County and operated by a not-for-profit entity. The pilot project will last for 5 years, and AHCA must report to the Legislature after 4 years regarding the effectiveness of the project.

This bill creates s. 400.4071, F.S., F.S.

II. Present Situation:

Assisted Living Facilities

Assisted living facilities (ALFs) are residential care facilities that provide housing, meals, personal care, and supportive services to older persons and disabled adults who are unable to live independently. ALFs are intended to be a less costly alternative to more restrictive, institutional settings for individuals who do not require 24-hour nursing supervision. ALFs are regulated in a manner so as to encourage dignity, individuality, and choice for residents, while providing reasonable assurance for their safety and welfare. To reside in a standard ALF, a person must meet the standard ALF "residency criteria," which is defined by state regulations and by facility policy. Generally speaking, ALFs provide supervision, assistance with personal and supportive services, and assistance with or administration of medications to elders and disabled adults who require such services. Residents living in ALFs cannot have conditions that require 24-hour nursing supervision. The only exception is for an existing resident who is receiving licensed hospice services while residing in the ALF. An ALF may provide respite care for adults, but not for children.

Respite Care

Respite care is the provision of care to an individual who requires care in order to provide a period of respite for the primary caregiver. While several types of facilities provide respite care for children and others provide respite care for adults, only a nursing home is licensed to provide respite care to children and adults. However, there are no nursing homes in Florida that provide only respite care for children and adults with disabilities and elderly adults with special needs for a period of at least 24 hours and no more than 14 days. An ALF can provide respite care for adults but not for children. Medicaid pays for respite in certain home and community-based-services waiver programs.

III. Effect of Proposed Changes:

Section 1. Creates s. 400.4071, F.S., to require AHCA to establish a 5-year pilot program to license an ALF that will provide intergenerational respite care to minors and adults who have disabilities and to elderly persons having special needs. The respite care will be provided for a period of at least 24 hours but no more than 14 consecutive days. The pilot program must be at a facility or facilities at which minors and adults reside in distinct and separate living units. The facility must have a maximum of 48 beds, be located in Miami-Dade County, and operated by a not-for-profit entity. After 4 years, AHCA must report to the Legislature on the effectiveness of the pilot program and recommend whether the Legislature should make the program permanent.

The bill authorizes AHCA to adopt rules to implement the pilot program.

Section 2. Provides that the bill will take effect July 1, 2005.

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 Article VII, Section 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 Article I, Section 24(a) and (b) of the Florida Constitution.

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. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Families would benefit from respite care for the children and adults with disabilities or adults with special needs for whom they provide care.

Easter Seals of Miami-Dade plans to build an intergenerational respite care center, which will be called The Inn at Easter Seals. This center likely will be the site of the pilot program.

C. Government Sector Impact:

According to AHCA, respite care is provided in four home and community-based waiver programs and is not a heavily utilized service. A not-for-profit entity will operate the ALF. AHCA does not anticipate a fiscal impact for the state because the bill does not expand the number of people served in respite care.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
