

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: SB 872

INTRODUCER: Senator Campbell

SUBJECT: Pediatric skilled nursing facilities

DATE: February 14, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bedford	Wilson	HE	Pre-meeting
2.	_____	_____	CF	_____
3.	_____	_____	HA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides for the implementation of a pediatric skilled nursing facility license. The Agency for Health Care Administration (AHCA or agency) is required to implement a comprehensive multidisciplinary program of education and rehabilitation in a pediatric skilled nursing facility and develop criteria for designation of licensed pediatric skilled nursing facilities. The bill outlines the minimum criteria a nursing home must meet in order to be designated a licensed pediatric skilled nursing facility. Certain organizational affiliations are required and the purposes of such affiliations are outlined. In order to receive benefits under this section, a nursing home must meet certain requirements. A licensed pediatric skilled nursing facility is prohibited from using funds appropriated to administer this section for: any purpose other than operating and maintaining a pediatric skilled nursing facility; constructing any building; or maintaining or operating a nonlicensed facility.

This bill creates one undesignated section of law.

II. Present Situation:

The agency is responsible for the licensure and regulation of nursing homes based on state and federal laws. Currently nursing facilities in the state are required to obtain a Certificate of Need before the establishment of a new facility or the addition of beds. A moratorium on the issuance of certificates of need for new nursing home beds is in place until July 1, 2006.

Care of pediatric residents is authorized under the nursing home licensure regulations in part II of chapter 400, F.S., and in Chapter 59A-4.1295, F.A.C., which provides additional standards for nursing homes that admit children 0 through 20 years of age. The standards in 59A-4.1295, F.A.C., include interdisciplinary care team assessments for children as well as unique staffing, educational, environmental and construction standards to accommodate the special needs of children.

Currently, seven Florida nursing homes indicate that they provide special services for children, one of which exclusively serves children. That facility, Broward Children's Center, is a 36-bed nursing home in Broward County.

During FY 2004-05, the total amount paid by the Florida Medicaid Program to nursing homes for recipients under the age of 21 was \$26,004,899.54. Medicaid currently reports 280 recipients under the age of 21 receiving Medicaid services in nursing facilities. The current average Medicaid reimbursement per diem for pediatric residents in nursing homes is \$382.62, based on an average nursing home per diem of \$160.43 plus a supplemental amount for medically fragile residents under the age of 21 of \$222.19.

III. Effect of Proposed Changes:

Section 1. Requires AHCA to designate certain licensed nursing homes as pediatric skilled nursing facilities.

Subsection (1) defines pediatric skilled nursing facility to be a nursing home with a maximum of 36 licensed beds, which has access to a resident pediatric and young adult population of sufficient size to support resident education, socialization, and rehabilitation, and has a contractual relationship with the Department of Education (DOE) in this state.

Subsection (2) requires AHCA to implement a multidisciplinary program of education and rehabilitation in a nursing facility designated by the agency as a licensed pediatric skilled nursing facility. The agency is also required to develop criteria to be used in designating licensed pediatric skilled nursing facilities.

Subsection (3) outlines the following minimum criteria that a licensed nursing home must meet in order to be designated a licensed pediatric skilled nursing facility:

- Provide a comprehensive program of integrated pediatric services.
- Participate in a national accreditation program and hold a valid accreditation.
- Have been in business in this state for a minimum of 10 consecutive years.
- Have an active program in education and rehabilitation for medically fragile children.
- Have a formalized contractual relationship with at least one accredited health profession education program in this state.
- Have a formalized relationship with an accredited hospital.
- Have senior consultants and staff members who hold formal faculty appointments at universities, at least one of which has an accredited health profession education program.

Subsection (4) requires a licensed pediatric skilled nursing facility to have affiliations with DOE and certain national organizations. The purpose of these affiliations is to foster the most effective and appropriate services for technologically dependant medically fragile infants, children and young adults.

Subsection (5) outlines the criteria for a nursing home to qualify as a licensed pediatric skilled nursing facility entitling it to benefits under this section. The nursing home must:

- Be primarily operated and established to offer a comprehensive multidisciplinary program for medically fragile children and young adults.
- Certify to AHCA each school year the name, address, and educational history of each person admitted to the facility.

Subsection (6) prohibits a licensed pediatric skilled nursing facility from spending funds appropriated to administer this section on the following:

- Any purpose other than operating and maintaining a pediatric skilled nursing facility and conducting pediatric education and rehabilitation.
- Constructing any building.
- Maintaining or operating a nonlicensed facility.

Section 2. Provides the bill will take effect upon becoming a law.

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.

C. Trust Funds Restrictions:

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

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may affect nursing homes providing pediatric services and the children who reside in these facilities.

C. Government Sector Impact:

The bill appears to affect DOE as those facilities designated as pediatric skilled nursing facilities are required to contract with DOE. The exact details of the impact are unknown.

It is not anticipated that the number of children receiving services will change due to this bill; therefore there is no expected impact on Medicaid funding. The bill does not include an authorization for an annual appropriation, but does place restrictions on the use of any funds that might be appropriated. The agency does anticipate an increased workload associated with new responsibilities, which would require one full time position. Specifically, AHCA is requesting a Health Services and Facilities Consultant at a cost of \$65,269 the first year and \$62,659 annually thereafter. General Revenue funds would be needed, since no funding is provided in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Agency for Health Care Administration needs specific rule making authority to establish criteria and a new licensure category, if the bill is intended to create a new licensure program. It is unclear whether a pediatric skilled nursing facility is a licensed nursing home that has a special designation by AHCA or whether the pediatric skilled nursing facility has a separate specialty license.

It is unclear what the benefits referred to in subsection (5) would be.

Subsection (6) refers to the facility receiving funds appropriated to administer this section, implying that additional funding or reimbursement might be attached to licensure as a “pediatric skilled nursing facility.” This is unclear.

On page 1, lines 26 through 30, the bill requires AHCA to implement a multidisciplinary program of education and rehabilitation in a licensed pediatric skilled nursing facility. It is unclear whether AHCA is the appropriate entity to implement the education component.

VIII. Summary of Amendments:

None.

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