

**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 and Human Services Appropriations Committee

**BILL:** CS/CS/SB 816

**INTRODUCER:** Health and Human Services Appropriations Committee, Higher Education Committee, and Senator Aronberg

**SUBJECT:** Teaching Nursing Homes

**DATE:** April 19, 2010      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Wilson	HR	<b>Fav/1 amendment</b>
2.	Harkey	Matthews	HE	<b>Fav/CS</b>
3.	Kynoch	Hansen	HA	<b>Fav/CS</b>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

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

No fiscal impact is anticipated as a result of this legislation.

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 ch. 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.<sup>1</sup> There are currently 16 nursing homes that have a Gold Seal award.<sup>2</sup>

**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 Florida.

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 provide a comprehensive multidisciplinary program of geriatric education and research to Florida residents; and

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<sup>1</sup> s. 400.141(2), F.S.

<sup>2</sup> 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.)

- Certify to the agency, each school year, the name, address, and educational history of each trainee approved and accepted for enrollment in the institution.

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 under s. 430.80, F.S.<sup>3</sup>

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:**

The bill revises the criteria for a teaching nursing home by:

- Reducing the minimum number of licensed nursing home beds required, from 400 to 170;
- Providing a nursing home facility 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,
- Making the state's conferral of a Gold Seal Award for the nursing home an alternative criterion to participation 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.

According to the agency, there are currently 110 nursing homes with at least 170 beds. Of those, only three currently have the Gold Seal designation. It is not known if those three nursing homes have a contractual relationship with a federally funded accredited geriatric research center in Florida. This bill gives alternatives that could broaden the applicant pool for teaching nursing homes.

The bill 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.

### **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.

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<sup>3</sup> 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.

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:

No fiscal impact is anticipated as a result of this legislation.

VI. **Technical Deficiencies:**

The Joint Commission on Accreditation of Healthcare Organizations has been renamed the Joint Commission. Lines 31 – 32 should be amended to refer to the commission by its new name.

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.)

**CS by Health and Human Services Appropriations Committee on April 19, 2010:**

The committee substitute provides a nursing home facility the option of operating its own geriatric research center as an alternative to the requirement that a teaching nursing home must have a contractual relationship with a federally-funded, accredited center.

**CS by Higher Education on April 7, 2010:**

The committee substitute:

- Reduces to 170 the minimum number of licensed beds that a nursing home must have to become designated as a teaching nursing home; and
- Deletes the option of operating its own geriatric research center as an alternative to the requirement that a teaching nursing home must have a contractual relationship with a federally-funded, accredited center.

B. Amendments:

None.

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

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