

Preserve State Resources by Eliminating Duplicative Requirements and Regulations

With the passage of SB 1202 in 2001, Florida's Legislature created landmark elder care reform that resulted in tougher regulation, increased staffing requirements and quality improvement and risk management programs, all of which are enforced through a combined state and federal survey process of the Agency for Health Care Administration. Nursing home care has steadily improved as a result.

The benefits of improved oversight of the quality of care for residents, however, have resulted in duplicative requirements and regulations. The Florida Health Care Association is asking Florida's Legislature to support those bills which eliminate unnecessary and duplicative regulation, saving the state's resources during these tough economic times.

Representative Matt Hudson is proposing legislation that contains important provisions, including:

Eliminating Duplicative Inspections by the Department of Health

Over the years, the Department of Health (DOH) has been given statutory authority to conduct numerous inspections of health-related functions in local areas. The bill would remove requirements that result in duplicative inspections by DOH and the Agency for Health Care Administration in the kitchen and sanitation areas. By doing so, this would not weaken the authority of DOH should it be necessary to investigate a situation in a nursing home, such as an influenza outbreak or an infectious waste leak.

Enacting a Permanent Fix to the Lease Bond Requirement

Florida statute related to Medicaid overpayments requires leased facilities to obtain a bond or pay into a fund designated to provide necessary protection should a leased facility abandon its operation. Florida Health Care Association supports establishing a permanent provision that suspends the provisions of 400.179(d) as long as the balance in the fund remains at or above the \$25 million. The balance in the fund shall be calculated based upon collections from facilities less any funds used by the Agency to repay uncollected Medicaid overpayments.

Medical Record Documentation

The Federal government regulates the maintenance of residents' medical records. Florida legislators should eliminate outdated and obsolete administrative rule references and adopt the requirements for medical records as specified in Federal law and regulation.

Maximize Survey Resources

Current state and Federal law require nursing homes to complete "plans of correction" in response to deficiencies identified by the Agency for Health Care Administration during regular and complaint surveys. The Agency should be given flexibility to initiate more desk reviews as a means of conducting follow-up surveys for those deficiencies which do not compromise resident quality care. This would allow the state to maximize surveyors' time during the onsite survey process.

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