

2015 Legislative Session Weekly Briefing



An Organization of Retirement Housing and Long-Term Care Communities

Week Seven of 2015 Session

Week ending: April 17

Governor Scott released his recommended budget. The “KEEP FLORIDA WORKING” budget totals \$77.0 billion, just a fraction less than last year’s \$77.1 billion budget, and includes \$673 million in tax reductions. (Eliminates sales tax on college textbooks, reduces tax on cell phone and cable TV service, eliminates tax on new machinery and equipment, and increases the corporate income tax exemption.)

More specifically, of some interest to LeadingAge Florida members is the recommendation to sweep \$165.3 million from the Local Government Housing Trust Fund, but also infuse \$100.8 million into affordable housing in the State Apartment Incentive Loan and State Housing Initiative programs. The recommended budget does not reduce the recurring level of documentary stamp tax revenues dedicated to affordable housing. Three new State Veterans Nursing Homes are proposed: one in St. Lucie County, and the location of the other two to be decided at a later date.

Governor Scott proposes additional funding of \$2 million for enrolling an additional 196 individuals in the Alzheimer’s Disease Initiative program, and another \$2.7 million to reduce the Community Care for the Elderly Program waiting list by 406 individuals.

Most other housing and health and human services programs relevant to LeadingAge Florida members are held at current funding levels. The budget fully funds the estimated nursing home caseload and price level increase (approximately 1%). Until we are able to look at the relevant work papers and related conforming and implementing bills, we will not be able to provide more specific information.

One additional proposal dedicates \$500,000 for the development of Resource Utilization Groups (RUGs) for nursing homes. This additional funding would allow AHCA to hire consultants to assist in the development of the RUGs reimbursement model. When the Legislature takes up this issue, LeadingAge Florida will be requesting that the study and revision of the current property reimbursement be included in this effort and that LeadingAge Florida members/staff be involved. Traditionally, AHCA would form a workgroup and extend an invitation to participate to interested parties, including LeadingAge Florida. Last year, the Legislature considered, but did not pass, this recommendation. However, a similar issue for hospital inpatient services has already passed the Legislature and is being implemented.

House and Senate Appropriation Committees will be reviewing the Governor’s budget and will be crafting their own versions. The two final Appropriations Bills will be reconciled during a series of budget conferences during the last two weeks of Session.

Week 3 Update: On 3/17/2015 the House Appropriations Subcommittee on Health Care released the “Chair’s Budget.” On 3/19/2015 the Senate Health and Human Services Appropriations Subcommittee released its funding proposal. These are preliminary budgets and some of the specifics will not be known until the printed appropriations and related conforming bills are published. The budget highlights are as follows:

Topic	House	Senate
Alzheimer’s Initiative	167 slots	50 slots
Community Care for the Elderly	406 slots	75 slots
Inflation Adjustment for Medicaid Institutional Providers (1%)	Included	Included
Medicaid Long Term Care Waiver Wait List Reduction	413 slots	1,220 slots
Medicaid Nursing Home Prospective Payment Plan	Included	Not included
PACE (Palm Beach County)	150 slots	Not included
Continued Funding for 7 th Veterans Nursing Home (St. Lucie)	Included	Included
Total Health & Human Services	\$8.174B	\$8.212B

Week 4 Update: Senate appropriations bills SB 2500, 2502, and 2512 were passed by the Appropriations Committee on 3/25/2015. The comparable House bills have passed the House Appropriations Committee on the same date. We have also learned that AHCA made a correction to their methodology for estimating the amount of budget cuts the Quality Assessment will be able to buy back. As it turns out, the new, corrected, methodology reduces the amount of potential buyback by close to \$40 million per year. This will translate to a small per day reduction in the average Medicaid per diem for September 1, 2015. The actual impact will not be known until all of the cost reports are in hand and analyzed. Our best estimate is that even after the inflation adjustment built into both House and Senate budget, the September 1, 2015 rates will go down by \$1 - \$2 compared to the January 1, 2015 rates. We are satisfied that the new methodology is correct.

Week 6 Update: On 4/1/2015 both House and Senate voted out all of their appropriations bills. There were no amendments that impacted long-term care related funding issues. We anticipate that budget conference meetings will not start prior to the second full week of April. Before these meetings can be convened leadership of the two chambers will have to agree on budget allocation for the major funding categories, such as health care, general government, education, etc. Because of the extreme funding and philosophical differences in health care, these agreements will not come easily. As an extra complication, CMS suspended negotiations with AHCA regarding funding for a LIP replacement and the Senate proposed alternative (FHIX) to Medicaid Expansion. There is a high likelihood that the Legislature will not be able to finish its work on the budget during the regular 60-day session and will have to pass the budget in a special session.

Week 7 Update: The Senate and House budget conferees have not yet been appointed. As was reported last week, there is a general feeling a special legislative session will be required, specifically and solely, to approve the budget.

Affordable Housing Bills

SB 586 Relating to Implementation of the Water & Land Conservation Constitutional Amendment (Sen. Charles Dean R-Inverness), **SB 586** Relating to Implementation of the Water and Land Conservation Constitutional Amendment – 2015 (Sen. Charlie Dean R-Inverness), and **HB 1291** Relating to Implementation of Water and Land Conservation Constitutional Amendment – 2015 (Rep. Jim Boyd R-Bradenton)

Affordable Housing advocates are speaking out against Senate Bill 586, one of a series of bills intended to implement an amendment to the Florida Constitution passed in

November 2014.

Amendment 1 designates a third of the excise tax the state collects on documents when real estate is sold for the purchasing, restoring, improving and managing of conservation lands. Some estimates put the amount at \$10 billion over the 20-year life of the measure, though such estimates are difficult to make because the annual amount will fluctuate with the economy. It also prohibits the state from directing any of that money into the state's general fund for other purposes. Doc stamps are also the source of funding for the Affordable Housing Trust Funds.

Housing advocates support the implementation of Amendment 1, but find that SB 586, which specifically addresses the distribution of documentary stamp tax revenues, unnecessarily hurts affordable housing. Florida Housing Coalition (FHC) President Jaimie Ross believes the bill as filed will do significant and permanent harm to affordable housing. According to Ross "If this legislation passes as is, monies coming into the Housing Trust Funds will drop from \$266.87 million to approximately \$154.14 million for fiscal year 2015-2016. The changes this bill proposes will be permanent, substantially reducing the doc stamps distributed to the state and local housing trust funds every year, in excess of \$100 million per year. The voters of Florida were repeatedly assured by proponents of Amendment 1 that Amendment 1 would not hurt affordable housing. When 75 percent of Floridians voted for Amendment 1, I don't think they meant to hurt the Sadowski Act, which provides funding for Florida's most vulnerable citizens, persons with disabilities, the elderly and veterans."

Week 1 Update: SB 586 (now CS/CS/SB 586) was referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations. SB 586 passed as a committee substitute by its first committee of reference, the Senate Environmental Preservation and Conservation Committee. Next stop: Senate Appropriations Committee on General Government. HB 1291 was referred to Referred to Agriculture & Natural Resources Appropriations Subcommittee; and Appropriations Committee. SB 584 was referred to Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations. SB 584 was passed by the Environmental Preservation and Conservation Committee.

Week 2 Update: CS/SB 586 and SB 584 (now CS/SB 584) both were passed as committee substitutes by the Senate Appropriations Subcommittee on General Government. HB 1291 was passed as a committee substitute by the House Agriculture & Natural Resources Appropriations Subcommittee.

Week 3 Update: On 3/18/2015, the Senate Appropriations Committee heard CS/CS/SB 586. The bill was amended by Senator Alan Hays (R-Umatilla). The amendment, which passed, unanimously restored the Doc Stamp distribution to the current level of \$256 million with no proposed sweep of any portion of the funding. The House Appropriation Committee on 3/20/2015 passed HB 1291 unanimously. Both bills will now be referred to their respective floor calendars for final passage. This will end up as a budget conference matter, since the House Bill does identify \$150 million in total sweep.

Week 4 Update: CS/CS/SB 586 saw no action this week. CS/SB 584 is on the Special Order Calendar for 3/24/2015. SB 1291 is on the calendar for second reading. The good news is the Florida Housing Coalition, of which LeadingAge is a member, has prevailed in its efforts to get legislative support to avoid funding cuts for affordable housing as a result of Amendment 1.

Week 6 Update: CS/CS/SB 586 saw no action this week. The Senate unanimously passed CS/SB 584 on 4/1/2015. The House passed HB 1291 on 4/2/2015. Since the bills are not identical, one or more of these bills will be amended to bring them into conformity with the bill from the other chamber and then the amended bills will be passed in both chambers.

Week 7 Update: Both Chambers have agreed to make this a Budget conference issue. Since both Chambers passed similar bills but with substantially different funding levels it was referred to the budget conference.

HB 839 Relating to Property Prepared for Tax-Exempt Use – 2015 (Rep. Colleen Burton R-Lakeland), **SB 924** (Sen. Alan Hays R-Umatilla)

HB 839 and SB 924 make the following changes:

- *Section 196.196(5) deletes the exemption currently in place for property purchased by a 501(c)(3) entity for the purpose of developing affordable housing.*
- *Section 196.1955 is created to substantially modify a similar exemption in section 196.196 (3) which the bill deletes for property owned by an exempt entity if the property is intended for educational, literary, scientific, religious or charitable use. However, it does not include the words “affordable housing.” This omission could lead some property appraisers to interpret the bill to mean that nonprofit developers of affordable housing are no longer eligible for the exemption.*
- *The staff analysis for SB 924 makes no mention of how the bill affects affordable housing.*
- *Based on our experience, nonprofit affordable housing may not be considered by all property appraisers to be charitable use since providers of such service receive government subsidies to offset reduced rents, and do not finance them out of their own private resources.*
- *The promotion of affordable housing has long been a goal of the state legislature and the Sadowski Housing Coalition. It is especially important to elder Floridians who are dependent primarily on Social Security for their incomes.*
- *If the property tax exemption for property purchased by a nonprofit entity for the purpose of developing affordable housing is eliminated or interpreted to be eliminated, it will create an economic barrier for nonprofits that are interested in expanding their mission to provide safe and affordable housing for seniors.*
- *A property tax assessment on undeveloped property intended for affordable senior housing would increase the initial development cost making it more difficult, if not financially impossible, for nonprofit entities to build additional apartment units for low to moderate income seniors.*
- *The bill and staff analysis should be amended to clarify that the intent of the sponsors is to continue the exemption for property purchased by a 501(c)(3) entity for affordable housing under charitable use so there is no confusion.*

Week 1 Update: HB 839 was referred to Finance & Tax Committee; Local & Federal Affairs Committee; and Appropriations Committee, but has not yet been put on the agenda for its first committee of reference. SB 924 was referred to Community Affairs; Finance and Tax; and Appropriations.

Week 2 Update: SB 924 (now CS/SB 924) was passed as a committee substitute by the Senate Community Affairs Committee on 3/10/2015. There was no action on HB 839.

Week 3 Update: There was no action of CS/SB 924 and HB 839 this week.

Week 4 Update: Beth Vecchioli and Bobby Bernal met with the bill sponsors in the House and Senate to discuss LeadingAge Florida's concerns with these bills. The bills appear to remove a tax exemption for undeveloped land to be used for affordable housing. Beth and Bobby have asked the bill sponsors to amend the bills to address this concern. LeadingAge Florida staff Mary Ellen Early spoke with former State Senator Carey Baker who is now the property appraiser for Lake County and the chair of the Florida Property Appraisers Association about the bill which was authored by his association. He assured her that the bill is not intended to eliminate the exemption for property purchased by a nonprofit entity to build affordable housing. She explained our concerns about provisions in the bill that delete all references to affordable housing and the likelihood of it being interpreted unfavorably by some property appraisers. He agreed to an amendment that would reinsert the words affordable housing. Contact has also been made with the Senator Alan Hayes legislative staff – Senator Hayes is the Senate sponsor.

Week 6 Update: CS/HB 839 is on the Local and Federal Affairs Committee agenda for 4/9. The Senate Finance and Tax Committee unanimously passed CS/CS/SB 924 on 4/7/2015 with one amendment. However, a proposed LeadingAge amendment was not offered that would have clarified that property purchased by a nonprofit entity for the purpose of constructing affordable housing is exempt from property tax. Staff of the Senate Finance and Tax Committee contacted Mary Ellen Early to express their concerns about the amendment before the committee meeting. Bobby Bernal and Beth Vecchioli followed up with an in-person visit. The staff director for the committee worked with Mary Ellen on ad valorem property tax exemption bills in the past so he is aware of the challenges we have faced with certain property appraisers when legislation is not clear. Nonetheless, he was insistent that the bill does not delete the exemption currently in place for property purchased to construct affordable housing since it could be obtained under "charitable use." As an alternative, the Senate staff director said he would amend the staff analysis to explain why the change was made and that it is not intended to eliminate the exemption for affordable housing. It should be noted that a staff analysis may be used to show legislative intent, but it does not have the force of law. Meanwhile, the CS/HB 839 contains our amendment, but the sponsor (a new legislator) is concerned about leaving it in if the amendment could jeopardize passage of the bill.

Week 7 Update: There was no action on HB 839 nor SB 924 this week.

Assisted Living Facilities Bills

HB 1001 (Rep. Larry Ahern R-Seminole), **SB 382** Relating to Assisted Living Facilities (Sen. Eleanor Sobel D-Hollywood)

Senate Bill 382 largely mirrors where the 2014 legislative session left off. The bill would create a consumer website and a monitored comment page for consumers to post comments on their experiences, allow ALFs to perform additional services that are currently available only in ALFs with a limited nursing or extended congregate care license, require AHCA to develop an ALF rating system by March 1, 2016, and modify the calculation of fines so they are based on facility size. The bill also creates a provisional license for new extended congregate care (ECC) providers. We support the consumer website but oppose a consumer comment page and fines based on bed size. Although we support the idea of a provisional license for new ECC providers, we oppose a provision in the bill that would render the license void for failure to admit an ECC resident within three months. Rep. Larry Ahern (R-

Seminole) recently filed HB 1001, the assisted living facilities legislation, in the House. The bill is significantly different from the Senate bill. It does not include the fine structure, nor the comment blog on the AHCA website and does not render a provisional license void for failure to admit an ECC resident within the first three months.

Week 1 Update: SB 382 (now CS/SB 382) was referred to Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations. It passed as a committee substitute by the Senate Health Policy Committee. The next stop is the Senate Health and Human Services Appropriations Committee. HB 1001 has not yet been assigned to a committee.

Week 2 Update: HB 1001 was referred to Health Innovation Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee. HB 1001 was passed by the Health Innovation Subcommittee on 3/10/2015. There was no action of CS/SB 382 this week.

Week 3 Update: There was no action on HB 1001 and CS/SB 382 this week.

Week 4 Update: HB 1001 (now CS/HB 1001) and a related technical amendment were passed by the Health Care Appropriations Subcommittee Committee on 03/24/15. A number of individuals, including LeadingAge Florida Director of Public Policy and Business Development Bobby Bernal testified in support of the bill. CS/SB 382 saw no action this week.

Week 6 Update: The House Health & Human Services Committee amended and unanimously passed CS/HB 1001 (now CS/CS/HB 1001) as a committee substitute on 4/1/2015. The amendment offered by Representative Ahern changes the requirement for additional surveys if the facility is cited for a Class I violation or three or more Class II violations. The original bill required re-inspection if the facility is cited for a Class I violation or **two** or more Class II violations. CS/SB 382 passed out of the Senate Appropriations Subcommittee on Health and Human Services on 4/2/2015. During a meeting of the representatives of LeadingAge Florida, FCAL, FL ALFA, and FALA attendees agreed that this bill should move forward and the latest amendment should be removed. Representative Ahern agreed to offer a floor amendment to remove the last amendment. If that occurs, then more than likely, the Senate will substitute and pass the House bill for CS/SB 382. If this occurs, then the issue related to variable fines based on unit size will be resolved. CS/CS/HB 1001 bill has been through all committees of reference and is on second reading on the House floor.

Week 7 Update: On 4/15/15, HB 1001 was placed on the Special Order Calendar. SB 382 is scheduled to be heard in the Senate Appropriations Committee on Thursday 4/16/15. We are anticipating a "strike all" amendment by the Senate Sponsor which will conform the Bill with the House Bill.

Continuing Retirement Care Communities Bills

HB 749 Continuing care communities (Rep. Charles Van Zant R-Palatka), **SB 1126** (Sen. Thad Altman R-Indian River)

HB 749 makes the following changes to Ch. 651:

- *For traditional contracts, requires a continuing care retirement community (CCRC) to make entrance fee refunds within 90 days after the contract is terminated and the unit is vacated vs. current law which requires the refund to be made no later than 120 days after the resident gives notice of intent to cancel.*

- Codifies into law the practice of some CCRCS/to enter into contracts approved by the Office of Insurance Regulation (OIR) that tie entrance fee refunds to the next entrance fee received for the unit that is vacated or a like or similar unit, whichever is applicable.
- Phases out contracts that tie a refund to the unit that is vacated by specifying that they will not be approved by OIR after October 1, 2015; and those that have been approved prior to that date may not be used after October 1, 2016.
- Effective January 1, 2016, requires CCRCS/with contracts that tie entrance fee refunds to the next entrance fee received for a “like or similar unit” to include a maximum time frame to be set by the provider for making a refund when the contract is not voluntarily terminated.
- Defines “like or similar unit.”
- For contracts issued on or after October 1, 2015 that are voluntarily terminated and tie the refund to the receipt of the next entrance fee for a like or similar unit, the refund must be made within 30 days of receipt of the next entrance fee for whatever unit or unit type is specified in the contract.
- Clarifies that CCRCS/must be accredited without stipulations or conditions for OIR to waive equivalent requirements in rule or law.
- Adds bankruptcy to language in law related to preferred claims for liquidation and receivership.
- Requires a representative of the provider to give a copy of the final examination report and corrective action plan, if one is required by OIR, to the governing body of the provider within 60 days of the issuance of the report.
- Clarifies and strengthens the role of a residents’ council.
- Requires a facility that files for chapter 11 bankruptcy to include the name and contact information of a designated resident selected by the residents’ council for consideration by the court to serve on the Creditors’ Committee.
- Provides that a board of directors or governing board of the licensed provider may at its discretion allow a resident of the facility to be a voting member of the board or governing body of the facility. Provides guidance on how this may be achieved.
- Requires every CCRC to provide a copy of the most recent third-party financial audit to the president or chair of the residents’ council within 30 days after filing the annual report with OIR.

Week 1 Update: HB 749 has been referred to the Health Innovation Subcommittee; Insurance and Banking Subcommittee; and Health & Human Services Committee. SB 1126 has been referred to Banking and Insurance; Appropriations Subcommittee on General Government; and Fiscal Policy. Neither bill has yet been put on the agenda for its first committee of reference.

Week 2 Update: HB 749 was passed by the House Health Innovation Subcommittee on 3/10/2015. SB 1126 (now CS/SB 1126) was passed as a committee substitute by the Senate Banking and Insurance Committee. Don Wilson, CEO of Westminster Oaks Retirement Community, LeadingAge Florida consultant Beth Vecchioli, and FLiCRA lobbyist Eric Thorn testified in support of these two bills.

Week 3 Update: HB 749 (now CS/HB 749) was passed by the Insurance and Banking Subcommittee on 3/18/2015. Our sponsor, Representative Van Zant offered two technical amendments. The first replaced a reference to “bankruptcy” since that term is defined only in federal statutes. The second amendment clarified residents’ council governance documents will be approved by its members. Both amendments passed. Bennett Napier, representing FLiCRA, Beth Vecchioli and Bobby Bernal, representing LeadingAge Florida spoke in support of the bill. The bill with the two amendments attached now goes to the Health and Human Services

Committee. There was no action on CS/SB 1126 this week.

Week 4 Update: CS/HB 749 was passed by the Health and Human Services Committee on 3/26/2015. We expect CS/SB 1126 to be heard next in the Senate on April 2nd in the Appropriations Subcommittee on General Government. It is interesting to note that a bill was filed recently in California to address entrance fee refunds that are contingent on the receipt of the next entrance fee for the unit that is vacated. The California bill could have a serious fiscal impact on providers that offer such contracts. It requires all refunds to be made within 14 calendar days after resale of the unit, but in no event more than 90 days after the formerly occupied unit has been vacated. Any payments that are not made to the resident within the 90-day will accrue interest until the date the full lump-sum payment is paid.

Week 6 Update: There was no action on CS/HB 749 this week. The Senate Appropriations Subcommittee on General Government unanimously passed CS/SB1126 on 4/8/2015. Two conforming amendments were also added to the bill to align the bill with the CS/HB 749. LeadingAge Florida consultant Beth Vecchioli and FHCA staff Bob Asztalos testified in support of the bill. CS/SB 1126 has one more stop in the Senate Fiscal Policy Committee.

Week 7 Update: On 4/15/15 HB 749 was placed on the special order calendar and was read for the second time. HB 749 will be read a third time and passed on the House Floor on 4/16/15. SB 1126 was heard in its last committee of reference, Senate Fiscal Policy Committee, on Wednesday, 4/15/15. It passed this committee, on 4/15/15, unanimously with no amendments. SB 1126 now goes to the Senate Floor for its second reading.

Gold Seal Requirements for CCRC-based Nursing Homes

The FLiCRA/LeadingAge Ch. 651 Task Force approved language in its legislative proposal that would allow a CCRC to submit to the Gold Seal Panel an audit for the CCRC rather than just the nursing home as proof of the nursing home's financial strength. However, staff believes it is too risky to include it in the CCRC bill for fear of the bill becoming a train for nursing home amendments. We will look for opportunities to amend the proposed change to another bill during Session. AHCA is okay with the language.

Week 1 Update: There was no action on this issue yet.

Week 2 Update: There was no action on this issue yet.

Week 3 Update: There was no action on this issue yet.

Week 4 Update: There was no action on this issue yet.

Week 6 Update: There was no action on this issue yet. We are still waiting for an appropriate nursing home bill to which we could offer this issue as an amendment. Based on the advice of our consultants, we decided not to try to amend the CCRC bills as the topic is related to CH. 400 and not to CH. 651.

Week 7 Update: In an attempt to amend the Gold Seal requirement to the State Ombudsman Bill, SB 7018, Beth Vecchioli and Bobby Bernal met with the Senate sponsor's aide. He said that Senator Sobel would not be able to support this amendment even though she and staff had no problems with the contents of the amendment, because it was too late to amend the Senate bill since it was already in a posture to pass on the Senate Floor and be sent over to the House in messages. Even

though there are still some differences between the house and senate bills, it is not likely that the House will amend its bill either to adopt this amendment because then the bill will have to be sent back to the Senate for their concurrence.

Home and Community-Based Services Bills

HB 111 Relating to Transitional Living Facilities (Rep. MaryLynn Magar R-Hobe Sound), **SB 682** (Sen. Denise Grimsley R- Sebring)

SB 682 creates part XI, CH 400, F.S., relating to transitional living facilities; provides requirements with respect to licensure, policies & procedures, client admission & care, screening of employees, recordkeeping, & safekeeping of client property & funds; provides penalties for violations.

Week 1 Update: HB 111 (now CS/HB 111) Referred to Health Innovation Subcommittee; Health Care Appropriations Subcommittee; and Health & Human Services Committee. It passed out of the Health Innovation Subcommittee as a committee substitute. SB 682 Referred to Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

Week 2 Update: CS/HB 111 was passed by the Health & Human Services Committee on 03/12/15. There was no action on SB 682 this week.

Week 3 Update: There was no action on CS/HB 111 this week. SB 682 was passed by the Senate Appropriations Subcommittee on Health and Human Services on 03/19/15.

Week 4 Update: There was no action on CS/HB 111 and SB 682 this week.

Week 6 Update: There was no action on CS/HB 111 and SB 682 this week.

Week 7 Update: On Tuesday 04/14/15 SB 682 was retained on the Special Order Calendar.

HB 167 Relating to Hospices (Rep. David Santiago R-Deltona), **SB 190** (Sen. Aaron Bean R-Jacksonville/Sen. Alan Hays R-Umatilla)

SB 167 Requires AHCA to assume need for additional hospice provider in planning areas where only a single hospice is operating.

Week 1 Update: SB 190 was referred to Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations. It was temporarily postponed at the Health Policy Committee hearing. HB 167 was withdrawn prior to introduction.

Week 2 Update: There was no action on HB 167 and SB 190 this week.

Week 3 Update: There was no action on HB 167 and SB 190 this week.

Week 4 Update: There was no action on HB 167 and SB 190 this week.

Week 6 Update: There was no action on HB 167 and SB 190 this week.

Week 7 Update: There was no action on HB 167 and SB 190 this week.

No bill was filed on adult day services that nursing homes and ALFs may provide through the licensure exemption in section 429.905, F.S.

Section 429.905, FS, (adult care centers licensure law) allows nursing homes and assisted living facilities to provide adult day services without obtaining a separate adult day care center license. The law requires AHCA to monitor adult day service programs during the regular licensure survey of nursing homes and ALFs that offer these services to ensure that staffing and square footage requirements are adjusted to accommodate the additional clients. No problems have arisen as a result of the licensure exemption that has been in effect for more than 20 years. Qualified highly regulated providers should be encouraged to offer adult day services to families that are struggling to keep loved ones at home without the burden of additional regulation. After LeadingAge Florida staff contacted the legislator who considered filing a bill, the bill will not be filed.

Nursing Homes Bills

HB 293 Relating to State Ombudsman Program – 2015 (Rep. Kenneth Roberson R-Port Charlotte, Rep. Sharon Pritchett D-Miramar), **SB 7018** (Senator Eleanor Sobel D-Hollywood).

HB 293 revises the operating structure and internal procedures of the Long Term Care Ombudsman Program, to reflect current practices, maximize operational and program efficiencies and conform to the Older American Act. The bill establishes local Ombudsman districts to replace the current council structure and outlines district membership, duties and responsibilities. The bill has a number of “related bills, such as SB 654 and SB 718; there are no identical bills.

Week 1 Update: HB 293 (now CS/HB 293) was referred to Children, Families & Seniors Subcommittee; Health Care Appropriations Subcommittee; and Health & Human Services Committee. On its first stop it was passed as a committee substitute by the Children, Families & Seniors Subcommittee;

Week 2 Update: CS/HB 293 (now CS/CS HB 293) was passed by the Health and Human Services Committee on 3/12/2015.

Week 3 Update: There was no action on CS/CS/HB 293 this week.

Week 4 Update: There was no action on CS/CS/HB 293 this week.

Week 6 Update: There was no action on CS/CS/HB 293 this week. It should be noted that some changes to the ombudsman program are included in the ALF bills.

Week 7 Update: SB 7018 is on the Special Order Calendar with three technical amendments. HB 293 is on the House Special Order Calendar for 04-15-15.

HB 411 (Rep. Mike Miller R-Orlando/Rep. Charlie Stone R-Ocala), **SB 332** Pneumococcal Vaccination (Sen. Denise Grimsley R-Sebring)

SB 332 requires a resident of a licensed facility to be assessed for eligibility for pneumococcal vaccination or revaccination by a specified date and, if indicated, to be vaccinated or revaccinated by a specified date. Removes specific reference to "polysaccharide vaccine" and in place requires any pneumococcal vaccination that is recommended by the CDC.

Week 1 Update: HB 411 was referred to Health Innovation Subcommittee; Health Care Appropriations Subcommittee; and Health & Human Services Committee. HB 411 was passed out of the Health Care Appropriations Subcommittee on 3/3/2015. SB 332 Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations. SB 332 was passed by the Appropriations Subcommittee on Health and Human Services on 3/3/2015.

Week 2 Update: HB 411 was passed by the Health & Human Services Committee on 03/12/15 and placed on the House Calendar for second reading on 3/14/2015. There was no action on SB 332 this week.

Week 3 Update: There was no action on HB 411 this week. SB 332 is on the Appropriations Committee agenda for 03/18/15.

Week 4 Update: SB 332 was on the Senate Special Order Calendar for 03/24/15 and will be voted on 4/1/2015. There was no action on HB 411 this week.

Week 6 Update: There was no action on HB 411 this week. The Senate unanimously passed SB 332 on 4/1/2015.

Week 7 Update: HB 411 is on the Special order Calendar. SB 332 is in House messages.

HB 863 (Rep. Shawn Harrison R-Tampa), **SB 784** Relating to Health Care (Sen. Don Gaetz R-Destin)

SB 784 Creates the "Right Medicine, Right Time Act." The bill establishes the Clinical Practices Review Commission within the Department of Health. The commission will review prior authorization, step therapy, or other protocols, submitted by health maintenance organizations, insurers, or Medicaid managed care plans, that limit access to covered services at the point of service to determine if the limitation is supported by sufficient clinical evidence which proves that the limitation does not inhibit timely diagnosis or effective treatment of the specific illness or condition of the covered patient.

This bill may provide health care providers with a greater number of drugs and treatments to meet the unique medical needs of their patients in a timelier manner and Health care providers may experience less administrative costs associated with prior authorization protocols and formularies.

Week 1 Update: HB 863 was referred to Banking and Insurance; Health Policy; and Appropriations. SB 784 was referred to Banking and Insurance; Health Policy; and Appropriations. SB 784 (now CS/SB 784) was passed as a committee substitute by the Senate

Banking and Insurance Committee on 3/4/2015. The next stop is Health Policy.

Week 2 Update: There was no action on CS/SB 784 and HB 863 this week.

Week 3 Update: There was no action on CS/SB 784 and HB 863 this week.

Week 4 Update: CS/SB 784 passed out of Health Policy Committee into Appropriations.

Week 6 Update: There was no action on CS/SB 784 and HB 863 this week.

Week 7 Update: There was no action on CS/SB 784 and HB 863 this week.

HB 573 (Rep. Evan Jenne D-Hollywood), **SB 854** Relating to Domestic Partners (Sen. Eleanor Sobel D-Hollywood),

HB 573 and SB 854 require nursing homes to give a domestic partner access to his or her partner who is a resident and requires that the domestic partner be allowed to meet with the families of other residents; adds the term "domestic partner" to the definition of "patient representative" as it relates to Electronic Health Records Exchange Act; requires that assisted living facilities allow domestic partners to share a room under specified circumstances; provides that a domestic partner may serve as a health care proxy.

Week 1 Update: SB 854 was referred to Judiciary; Community Affairs; and Appropriations. HB 573 was referred to Civil Justice Subcommittee; Children, Families & Seniors Subcommittee; Appropriations Committee; and Judiciary Committee.

Week 2 Update: There was no action on SB 854 and HB 573 this week.

Week 3 Update: There was no action on SB 854 and HB 573 this week.

Week 4 Update: There was no action on SB 854 and HB 573 this week.

Week 6 Update: There was no action on SB 854 and HB 573 this week.

Week 7 Update: There was no action on SB 854 and HB 573 this week.

HB 1061 (Rep. Dwight Dudley D-St. Petersburg), **SB 862** Relating to Nursing Home Guides (Sen. Darren Soto D-Kissimmee),

SB 862 requires the Agency for Health Care Administration to publish Gold Seal designated facilities in the Nursing Home Guide; requires each nursing home facility to post a sign on every facility entrance which indicates the Gold Seal designation of the facility; requires a nursing home facility on the Nursing Home Guide Watch List to notify the primary family contact for each resident of the licensure status.

Week 1 Update: SB 862 was referred to Health Policy; Children, Families, and Elder Affairs; and Fiscal Policy. We are watching this bill as a possible vehicle for our amendment regarding Gold Seal financial requirements for CCRC-based nursing homes. HB 1061 was referred to Health Policy; Children, Families, and Elder Affairs; and Fiscal Policy.

Week 2 Update: There was no action on HB 1061 and SB 862 this week.

Week 3 Update: There was no action on HB 1061 and SB 862 this week.

Week 4 Update: There was no action on HB 1061 and SB 862 this week.

Week 6 Update: There was no action on HB 1061 and SB 862 this week.

Week 7 Update: There was no action on HB 1061 and SB 862 this week.

Bills of Interest – All Members

HB 309 Patient Admission Status (Rep. Shawn Harrison R-Tampa), **SB 768** Patient Observation Status (Sen. Don Gaetz R-Destin), **SB 820** Patient Admission Status (Sen. Renee Garcia R-Hialeah)

Each of these bills requires hospitals to notify patients orally and in writing and include a written notice in the patient's record when a Medicare beneficiary is placed on observation status rather than being admitted to the hospital. Senator Garcia filed SB 820 at the request of LeadingAge Florida

The Florida Hospital Association is not supportive of a mandated disclosure, particularly if it requires a patient's signature. AARP will support legislation on this topic if it is at least as strong as laws passed in four other states. FLiCRA is also supportive.

Week 1 Update: SB 768 was referred to Health Policy; Children, Families, and Elder Affairs; and Fiscal Policy. SB 820 was referred to Health Policy; Children, Families, and Elder Affairs; Rules. HB 309 was referred to Health Innovation Subcommittee; Health Care Appropriations Subcommittee; and Health & Human Services Committee. HB 309 was passed by the Health Innovation Committee on 3/3/2015.

Week 2 Update: SB 768 (now CS/SB 768) was heard in the Senate Health Policy Committee. There was an amendment offered by Senator Gaetz, the bill's sponsor. The amendment removes all existing language that the initial bill offered regarding observation status notification and instead requires hospitals to document observations status related information in the patient's discharge documents. The revised bill will ensure that nursing homes will know prior to admission whether a potential resident is eligible for Medicare or other insurance coverage. This was a compromise agreed to by the Florida Hospital Association. Bobby Bernal, LeadingAge Florida Director of Business Development and Public Policy testified in support of the bill. Representatives of FHCA and AARP also supported the bill. The bill as amended passed as a committee substitute and now moves to its next committee of reference, the Children, Families, and Elder Affairs Committee. SB 820 may be withdrawn. HB 309 saw no action this week.

Week 3 Update: There was no action on HB 309, CS/SB 768, and SB 820 this week. On March 17, 2015, however, the U.S. House unanimously passed HR 876 that will require hospitals to notify their patients placed in observation status within 36 hours of such status. The bill requires virtually the same notification as the LeadingAge Florida proposed bill (SB 820) filed in the Senate by Senator Garcia.

Week 4 Update: Representative Harrison filed an amendment to HB 309 to bring it into conformity with CS/SB 768. On 03/24/15 the Health Care Appropriations Subcommittee

Committee passed the amended HB 309. CS/SB 768 was passed by the Children, Families, and Elder Affairs Committee agenda for 03/26/15. Bobby Bernal, LeadingAge Florida Director of Business Development and Public Policy, Bennett Napier of FLiCRA, Jack McCray of AARP and Melody Selis of FHCA testified in support of the bill. SB 820 has been withdrawn.

Week 6 Update: The House Health & Human Services Committee unanimously passed HB 309. There was no action on CS/SB 768 this week.

Week 7 Update: The Senate Fiscal Policy Committee on 4/15/15 voted the bill out unanimously. This was the bill's final committee of reference. We anticipate it being placed on special order calendar in the next few days.

SB 110 Relating to Taxes – 2015 (Sen. Dorothy Hukill R-Port Orange)

SB 110 reduces the state portion of the communications services tax (CST) rate from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent and makes conforming changes to the CST rates when billing for various communications services is combined. LeadingAge Florida is responsible for the existing exemption from this tax available for 501 (c) (3) nonprofit organizations.

Week 1 Update: SB 110 (now CS/SB 110) was referred to Communications, Energy, and Public Utilities; Finance and Tax; and Appropriations. CS/SB 110 was passed by its first committee of reference as a committee substitute.

Week 2 Update: There was action on CS/SB 110 this week.

Week 3 Update: CS/SB 110 (now CS/CS/SB 110) was passed by the Finance and Tax Committee as a committee substitute on 3/16/2015.

Week 4 Update: There was action on CS/CS/SB 110 this week.

Week 6 Update: There was action on CS/CS/SB 110 this week.

Week 7 Update: There was action on CS/CS/SB 110 this week.

SB 1232 and **HB 915** Relating to Building Codes – 2015 (Sen. Wilton Simpson R- New Port Richie and Rep. Dane Eagle R-Cape Coral)

SB 1232 Requires the Department of Health to conduct inspections of certain public pools with operating permits to ensure continued compliance with specified criteria; specifies that the department may close certain public pools or deny, suspend, or revoke operating permits for such pools if the Florida Building Code is violated; requires local enforcing agencies to permit and inspect modifications and repairs made to certain public pools and public bathing places as a result of the department's inspections, etc. Section 19 requires all new high-rise and existing high-rise buildings, to have a minimum radio signal strength for fire department communications as required by the authority having jurisdiction. Existing buildings may not be required to comply with minimum radio strength for fire department communications and two-way radio system enhancement communications as required by the Florida Fire Prevention Code until January 1, 2022.

Existing apartment buildings may not be required to comply until January 1, 2025. In addition, dead-end corridors within an apartment may not exceed 50-feet in buildings protected throughout by an approved automatic supervised sprinkler system.

Week 4 Update: Both bills passed their first committee of reference as committee substitutes.

Week 6 Update: There was no action on CS/SB 1232 and CS/HB 915 this week.

Week 7 Update: Senate Fiscal Policy Committee heard SB 1232 on 04-15-15. There were four amendments placed on the bill. It was voted out unanimously. It is scheduled for special order calendar in the next few days. The amendments will be discussed during the briefing.

CS/CS/HB 889 and **CS/SB 1224** Relating to Health Care Representative (Rep. John Wood R-Winter Haven and Sen. Arthenia Joyner D-Tampa)

These bills create s. 765.202(6), F.S., to provide that an individual may elect to designate a health care surrogate who may act while the individual is still competent to make health care decisions. The bills also add that an alternate may also act where the primary surrogate is not reasonably available. The bills offer sample forms for health care surrogate designation.

Week 6 Update: The Senate Health Policy Committee passed CS/SB 1224 on 4/7/2015. CS/SB 1224 has only one more committee of reference prior to a floor vote. CS/CS/HB 889 also has only one more committee of reference.

Week 7 Update: HB 489 passed out of Judiciary Committee on 4-9-15 and is now on the Calendar second reading. SB 1224 is now in the Rules Committee.

CS/CS/HB 269 and **CS/SB 1052** Relating to Florida Right to Try Act (Rep. Ray Pilon R-Sarasota, co-sponsors Rep. Shawn Harrison R-Tampa and Rep. MaryLynn Magar R-Hobe Sound; and Sen. Jeff Brandes R-St. Petersburg)

CS/SB 1052 creates the "Florida Right To Try Act" which provides a framework in which an eligible patient with a terminal illness to access investigational drugs, biological products, and devices from the manufacturer after phase one of clinical trials. An amendment was made to section 395.1041 F.S. EMERGENCY SERVICES to recognize the directions in the Physician Order for Life Sustaining Treatment (POLST) when determining whether to provide cardiopulmonary resuscitation. It also amends by authorizing nursing home facility staff to (line 178) withhold or withdraw cardiopulmonary resuscitation if an individual has a Physician Order for Life Sustaining Treatments and requires the Department of Health to establish circumstances and procedures for honoring Physician Order for Life Sustaining treatment. CS/CS/HB 269 does not address POLST.

Week 6 Update: CS/CS/HB 269 has passed all of its committees of reference and will be placed on the House calendar. CS/SB 1052 has one more committee stop before Senate floor action.

Week 7 Update: HB 269 was voted out of the Special order calendar on 04-15-15 and rolled over to its third reading. SB 1224 is now in the Rules Committee.

For a copy of the bills listed in this bulletin, please call Legislative Information at (800) 342-1827 or use the Florida “Online Sunshine” website on the Internet at <http://www.leg.state.fl.us>. Hard copies of bills are available through House Documents (850) 488-7097 or Senate Documents (850) 487-5915.

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