

## Senate Bill No. 1284

An act relating to nursing home consumer information; amending s. 400.191, F.S.; authorizing the Agency for Health Care Administration to provide electronic access to inspection reports from nursing homes in lieu of sending copies of the reports; requiring the agency to provide certain information to consumers; decreasing the number of months for which reported information must be provided to consumers; deleting references to the Online Survey Certification and Reporting system; requiring the agency to publish a Nursing Home Guide Watch List in the Nursing Home Guide; requiring that the watch list include certain days when a facility had a conditional license; requiring the agency to post a copy of the Nursing Home Guide on its website; requiring each nursing home facility to submit certain information to the agency electronically; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 400.191, Florida Statutes, is amended to read:

400.191 Availability, distribution, and posting of reports and records.—

(1) The agency shall provide information to the public about all of the licensed nursing home facilities operating in the state. The agency shall, within 60 days after an annual inspection visit or within 30 days after any interim visit to a facility, send copies of the inspection reports to the local long-term care ombudsman council, the agency's local office, and a public library or the county seat for the county in which the facility is located. The agency may provide electronic access to inspection reports as a substitute for sending copies.

(2) The agency shall publish the Nursing Home Guide annually ~~provide additional information~~ in consumer-friendly printed form and quarterly in electronic form ~~formats~~ to assist consumers and their families in comparing and evaluating nursing home facilities.

(a) The agency shall provide an Internet site which shall include at least the following information either directly or indirectly through a link to another established site or sites of the agency's choosing:

1. A section entitled "Have you considered programs that provide alternatives to nursing home care?" which shall be the first section of the Nursing Home Guide and which shall prominently display information about available alternatives to nursing homes and how to obtain additional information regarding these alternatives. The Nursing Home Guide shall explain that this state offers alternative programs that permit qualified elderly persons to stay in their homes instead of being placed in nursing homes and shall encourage interested persons to call the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to inquire

if they qualify. The Nursing Home Guide shall list available home and community-based programs which shall clearly state the services that are provided and indicate whether nursing home services are included if needed.

2.1. A list by name and address of all nursing home facilities in this state, including any prior name by which a facility was known during the previous 24-month period.

3.2. Whether such nursing home facilities are proprietary or nonproprietary.

4.3. The current owner of the facility's license and the year that that entity became the owner of the license.

5.4. The name of the owner or owners of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

6.5. The total number of beds in each facility and the most recently available occupancy levels.

7.6. The number of private and semiprivate rooms in each facility.

8.7. The religious affiliation, if any, of each facility.

9.8. The languages spoken by the administrator and staff of each facility.

10.9. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers' compensation coverage.

11.10. Recreational and other programs available at each facility.

12.11. Special care units or programs offered at each facility.

13.12. Whether the facility is a part of a retirement community that offers other services pursuant to part III, part IV, or part V.

14.13. Survey and deficiency information ~~contained on the Online Survey Certification and Reporting (OSCAR) system of the federal Health Care Financing Administration,~~ including all federal and state recertification, licensure annual survey, revisit, and complaint survey information, for each facility for the past ~~30~~ 45 months. For noncertified nursing homes, state survey and deficiency information, including licensure annual survey, revisit, and complaint survey information for the past ~~30~~ 45 months shall be provided.

15.14. A summary of the ~~deficiency Online Survey Certification and Reporting (OSCAR)~~ data for each facility over the past ~~30~~ 45 months. ~~The~~ Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility on recertification, licensure of annual, revisit, and complaint surveys; the severity and scope of the citations; and the number of ~~annual~~ recertification surveys the facility has had during the past ~~30~~ 45 months. The score, rating,

or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(b) The agency shall provide the following information in printed form:

1. A section entitled “Have you considered programs that provide alternatives to nursing home care?” which shall be the first section of the Nursing Home Guide and which shall prominently display information about available alternatives to nursing homes and how to obtain additional information regarding these alternatives. The Nursing Home Guide shall explain that this state offers alternative programs that permit qualified elderly persons to stay in their homes instead of being placed in nursing homes and shall encourage interested persons to call the Comprehensive Assessment Review and Evaluation for Long-Term Care Services (CARES) Program to inquire if they qualify. The Nursing Home Guide shall list available home and community-based programs which shall clearly state the services that are provided and indicate whether nursing home services are included if needed.

2.1. A list by name and address of all nursing home facilities in this state.

3.2. Whether the such nursing home facilities are proprietary or nonproprietary.

4.3. The current owner or owners of the facility’s license and the year that entity became the owner of the license.

5.4. The total number of beds, and of private and semiprivate rooms, in each facility.

6.5. The religious affiliation, if any, of each facility.

7.6. The name of the owner of each facility and whether the facility is affiliated with a company or other organization owning or managing more than one nursing facility in this state.

8.7. The languages spoken by the administrator and staff of each facility.

9.8. Whether or not each facility accepts Medicare or Medicaid recipients or insurance, health maintenance organization, Veterans Administration, CHAMPUS program, or workers’ compensation coverage.

10.9. Recreational programs, special care units, and other programs available at each facility.

11.10. The Internet address for the site where more detailed information can be seen.

12.11. A statement advising consumers that each facility will have its own policies and procedures related to protecting resident property.

13.12. A summary of the deficiency Online Survey Certification and Reporting (OSCAR) data for each facility over the past 30 45 months. The Such summary may include a score, rating, or comparison ranking with respect to other facilities based on the number of citations received by the facility

on recertification, licensure annual, revisit, and complaint surveys; the severity and scope of the citations; the number of citations; and the number of annual recertification surveys the facility has had during the past 30 45 months. The score, rating, or comparison ranking may be presented in either numeric or symbolic form for the intended consumer audience.

(e) ~~For purposes of this subsection, references to the Online Survey Certification and Reporting (OSCAR) system shall refer to any future system that the Health Care Financing Administration develops to replace the current OSCAR system.~~

(c)(d) The agency may provide the following additional information on an Internet site or in printed form as the information becomes available:

1. The licensure status history of each facility.
2. The rating history of each facility.
3. The regulatory history of each facility, which may include federal sanctions, state sanctions, federal fines, state fines, and other actions.
4. Whether the facility currently possesses the Gold Seal designation awarded pursuant to s. 400.235.
5. Internet links to the Internet sites of the facilities or their affiliates.

(3) Each nursing home facility licensee shall maintain as public information, available upon request, records of all cost and inspection reports pertaining to that facility that have been filed with, or issued by, any governmental agency. Copies of the such reports shall be retained in the such records for not less than 5 years following from the date the reports are filed or issued.

(a) The agency shall quarterly publish in the Nursing Home Guide a "Nursing Home Guide Watch List" to assist consumers in evaluating the quality of nursing home care in Florida. The watch list must identify each facility that met the criteria for a conditional licensure status ~~on any day within the quarter covered by the list~~ and each facility that ~~is~~ was operating under bankruptcy protection ~~on any day within the quarter~~. The watch list must include, but is not limited to, the facility's name, address, and ownership; the county in which the facility operates; the license expiration date; the number of licensed beds; a description of the deficiency causing the facility to be placed on the list; any corrective action taken; and the cumulative number of days and percentage of days ~~times the facility had a conditional license in the past 30 months has been on a watch list~~. The watch list must include a brief description regarding how to choose a nursing home, the categories of licensure, the agency's inspection process, an explanation of terms used in the watch list, and the addresses and phone numbers of the agency's ~~managed care and health quality assurance field area~~ offices.

(b) Upon publication of each Nursing Home Guide ~~quarterly watch list~~, the agency must ~~post transmit~~ a copy on its website by the 15th calendar day of the second month following the end of the calendar quarter. ~~Each~~

nursing home licensee must retrieve the most recent version of the Nursing Home Guide from of the watch list to each nursing home facility by mail and must make the watch list available on the agency's Internet website.

(4) Any records of a nursing home facility determined by the agency to be necessary and essential to establish lawful compliance with any rules or standards must shall be made available to the agency on the premises of the facility and submitted to the agency. Each facility must submit this information to the agency by electronic transmission when available.

(5) Every nursing home facility licensee shall:

(a) Post, in a sufficient number of prominent positions in the nursing home so as to be accessible to all residents and to the general public:

1. A concise summary of the last inspection report pertaining to the nursing home and issued by the agency, with references to the page numbers of the full reports, noting any deficiencies found by the agency and the actions taken by the licensee to rectify the such deficiencies and indicating in the such summaries where the full reports may be inspected in the nursing home.

2. A copy of all of the pages that list the facility in the most recent version of the Florida Nursing Home Guide Watch List.

(b) Upon request, provide to any person who has completed a written application with an intent to be admitted to, or to any resident of, a such nursing home, or to any relative, spouse, or guardian of the such person, a copy of the last inspection report pertaining to the nursing home and issued by the agency, provided the person requesting the report agrees to pay a reasonable charge to cover copying costs.

(6) The agency may adopt rules as necessary to administer this section.

Section 2. This act shall take effect October 1, 2006.

Approved by the Governor May 30, 2006.

Filed in Office Secretary of State May 30, 2006.