

LeadingAge Florida was established in 1963 as a Florida not-for-profit corporation. We are the only statewide association representing the full continuum of care for seniors. We represent more than 400 communities statewide, serving the needs of more than 80,000 seniors. We promote practices that support, enable and empower Floridians to live fully as they age in our state.

This brief summary is provided to assist you when you are meeting with state legislators, candidates and other policy makers. The following are preliminary issues identified by LeadingAge Florida that are expected to be addressed during the 2015 Florida Legislative Session:

1. Support requiring hospitals to notify their patients of being placed in observation status.

Hospital Observation Stays are creating a major problem for Medicare recipients because they are unaware of the additional out-of-pocket costs they will incur while in the hospital and during a post-hospital recuperative stay in a skilled nursing facility as a result of the classification. The hospital has no obligation to inform a Medicare beneficiary that they are on observation status, which is billed as an outpatient service under Medicare Part B, and not classified as a hospital admission and, as a result, Medicare will not cover the full cost of certain services. To date four states (Connecticut, Maryland, New York, and Pennsylvania) have passed disclosure legislation. A bill has been filed in Congress to require disclosure, but lawmakers have been slow to address this issue which is why states are now taking the lead.

2. Support amending the Medicaid nursing home reimbursement plan to provide for appropriate inflation indexing of property costs.

Florida's legislative budgeting process no longer provides automatic price level increases for nursing homes. Salaries and benefits were stagnant during the recession years. With improvements in Florida's economy cost of labor and goods are also increasing to reduce the impact of the past recession. Nursing homes, like all other business enterprise, must function in the marketplace for employees and goods and therefore must offer competitive wages and benefits and purchase goods at increased prices. Florida is projecting a budget surplus; it seems prudent to invest in a price level increase for nursing homes that will help to ensure that residents receive the care they deserve.

3. Oppose efforts to repeal or restrict the types of adult day services that Nursing Homes and ALFs may provide through the licensure exemption in section 429.905, F.S.

The exemption found in Part III of Chapter 429, FS, (adult care centers licensure law) allows Nursing Homes and ALFs (as well as hospices and hospitals) to provide adult day services without obtaining a separate license. Filed during the 2014 Legislative Session, SB 1082 would have eliminated the exemption which passed into law over 20 years ago. The bill was heard in one committee in the Senate and was never heard in a House committee. According to AHCA, no problems have arisen as a result of the licensure exemption. However, there have been some questions by surveyors about sufficient square footage in ALFs that offer adult day services. In those instances, AHCA has the authority to take action.

4. Support simplified Gold Seal financial requirements for nursing homes that are part of CCRCs.

The Gold Seal Award for nursing homes was established to recognize Florida's highest quality nursing homes. The Gold Seal application requires nursing homes to prove financial strength based audits and financial ratio thresholds. Nursing homes that are part of an unaccredited CCRC must also meet this requirement. If a nursing home is part of a CCRC accredited by a nationally recognized accreditation body then that nursing home is deemed to meet the financial standards. Currently, if the CCRC is not accredited, it must provide the Governor's Panel on Excellence in

Long-term Care with a separate audit for the nursing home, which is an unnecessary expense since the full audit for the community is a much better indicator of financial strength. The Office of Insurance Regulations already requires an annual report that includes an independent audit from every CCRC for review by regulatory staff. Nursing homes that are part of a corporate CCRC entity licensed to operate in Florida should be deemed to meet the Gold Seal financial requirement if the whole CCRC meets the financial standards established by AHCA.

5. Support the use of Florida housing trust funds exclusively for housing related issues.

In the past several years, the Federal Government has severely reduced the funding for Affordable Housing. Here in Florida, due to the economy and budget concerns over the past several years, the Affordable Housing Trust Fund is nearly depleted because its monies were previously used to offset budget deficits. The monies need to be protected from further efforts to fund other unrelated priority needs and used for the intended purpose of developing and preserving (renovate and repair) affordable housing for low to moderate income Floridians including seniors on fixed incomes. Furthermore, funding needs to be restored for the State Housing Initiatives Partnership (SHIP) and the State Apartment Incentive Loan (SAIL) program. Florida Constitutional Amendment #1 will have a funding impact to Affordable Housing. Current distributions of funds must be protected.

6. Support legislation that may be filed on behalf of a FLiCRA/LeadingAge Task Force to clarify entrance fee refund requirements for Continuing Care Retirement Communities, strengthen the role and responsibility of resident councils, and address other regulatory issues.

The Florida Life Care Residents Association (FLiCRA), composed of residents of continuing care retirement communities, and LeadingAge Florida, composed of providers of continuing care, created a task force in September 2013 to review chapter 651, F.S., as it relates to continuing care entrance fee refund requirements and practices, the scope of responsibilities of resident councils, consumer disclosure provisions, and Office of Insurance Regulation intervention/enforcement authority and practices related to overseeing the financial stability of these communities. The Task Force, after a year of deliberation and more than a dozen meetings, developed a proposed bill for the 2015 Legislative Session that staff of the two associations is vetting with the Office of Insurance Regulation. We hope to have the support of lawmakers if a bill is filed on behalf of the Task Force.

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