



Michael Phillips  
State Ombudsman

**MEETING MINUTES  
LEGISLATIVE COMMITTEE  
5/25/2021  
CONFERENCE CALL**

<b>OMBUDSMAN PROGRAM REPRESENTATIVES</b>			
Phil Weddle	Present <input checked="" type="checkbox"/>	Lynn Hearn, Legal Advocate	Present <input checked="" type="checkbox"/>
Sharon Lauter	Present <input checked="" type="checkbox"/>	Michael Phillips, State Ombudsman	Present <input checked="" type="checkbox"/>
Irene Dion	Present <input checked="" type="checkbox"/>	Lori Berndt, North Region Omb. Manager	Present <input checked="" type="checkbox"/>
Marie Brand, State Chair	Present <input checked="" type="checkbox"/>	Joe Considine, Admin. Assistant	Present <input checked="" type="checkbox"/>
<b>GUEST(S)</b>			
NONE			

**OPEN SESSION**

- Called to order at 10:00 AM                      Quorum Established:     Yes     No
- Open Session Statement                              Minutes Approved:         Yes     No (First Meeting)

**UPDATES/REPORTS**

- As this is the first meeting of the Legislative committee, a chairperson needed to be elected. Phil Weddle offered to serve as chair. Phil was elected unanimously.
- The committee members introduced themselves and provided brief background information.
  - Phil – from Brevard County – background in contract management – now retired. In LTCOP program since 2014.
  - Sharon – RN since 1972 – in long-term care for 10 years, 22 years w/AHCA
  - Irene – MD (not in Fla.) – mostly research regarding patient care – in LTCOP program for 4 years
- The members discussed developing a mission statement. Phil suggested the committee’s mission be to recommend legislative changes to improve the quality of life of residents. Other committee members concurred.
- Lynn Hearn provided an update from the previous legislative session:
  - As this was Mike and Lynn’s first session as lobbyists, they learned a lot.
  - Early on, two bills were brought forth that were of concern for the program. Both bills were supported by the leaders of the House or Senate, so there was little hope of having the program’s interests integrated into the bills.
  - One bill granted broad immunity to facilities for actions taken during the COVID-19 pandemic. This bill got worse as the session progressed. We had several meetings with sponsors, but our efforts (as well as the efforts of many others) to improve or block the bill were unsuccessful. This was one of the Governor’s priority issues. This bill passed. It will



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make it difficult for families/residents to recover for neglect during the pandemic. The bill is time-limited to claims accruing within one year after the bill became law.

- o The second bill allows nursing homes to incorporate Personal Care Attendants (PCA) into their staffing requirements. The PCA program was initially meant to provide emergency assistance with staffing shortages during the pandemic. The PCA's were supposed to be there for four months while they study and then take the CNA exam. AHCA did not intend for the PCAs to be permanent, however, Florida Health Care Association pushed the bill to make the program permanent and a majority of the legislature approved of it. The groups opposed to the bill (LTCOP, AARP SEIU and a handful of others) succeeded in amending the language to increase the hours of training for PCAs from 8 to 16, and prohibiting PCAs from going from facility to facility while never becoming a CNA. The bill passed as amended. AHCA will next be conducting rulemaking to implement this bill. LTCOP plans to monitor and participate in the rulemaking process.
- o Other bills of interest included an attempt to increase the training requirement for nursing home staff regarding dementia (failed), and an Elder Dispute Resolution process (passed).
- o Lessons learned:
  - Start EARLY. This time it was not possible, but it is our goal going forward.
  - Partnerships with allies are VERY important. We started making some alliances and plan to build upon those.
  - Personal stories are EXTREMELY effective in legislative testimony.
  - More LTCOP data is needed. In addition to personal stories, program data is needed to support and illustrate our positions.
- o The 2022 legislative session will be January 11<sup>th</sup> - March 11<sup>th</sup>.
- o Committees will start to meet in September to begin developing the next round of bills.
- The committee members discussed the issues they want to focus on for the next session. It was decided:
  1. Personal Needs Allowance for ALF residents
  2. Alignment of Florida LTOCP's resolution codes (9) with the Federal resolution codes (3)
  3. Separate Transfer/Discharge notices into two separate documents
  4. ALF staffing issuesThese issues were voted upon by Phil and Sharon; Irene had to drop from the call.
- A discussion was had about state council members serving on both the Advocacy and Legislative committees, as there is some overlap in the issues. Subject to confirmation that this is legally permissible, Phil said he would support such participation.
- Next meeting date (tentative): June 22, 2021 at 10:00 a.m.

## **PUBLIC COMMENTS**



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- None

## **ADJOURNMENT**

- Open Session adjourned at 11:15 AM.