



**FLORIDA
OMBUDSMAN PROGRAM**
ADVOCATING FOR QUALITY LONG-TERM CARE

Michael Phillips
State Ombudsman

MEETING MINUTES
Legislative Workgroup
2/3/2022
via Teams video and audio

WORKGROUP MEMBERS			
Sharon Lauter, Chair	Present <input checked="" type="checkbox"/>	Marshall Kapp	Present <input checked="" type="checkbox"/>
Louis Grossman, Co-Chair	Present <input checked="" type="checkbox"/>	Raymond "Sully" Sullivan	Present <input checked="" type="checkbox"/>
Irene Dion	Present <input checked="" type="checkbox"/>	Donna Nagel	Present <input checked="" type="checkbox"/>
OTHER OMBUDSMAN PROGRAM REPRESENTATIVES			
Lynn Hearn	Legal Advocate (Staff Liaison)		
Michael Phillips	State Ombudsman		
Lori Berndt	North Region Ombudsman Manager		
Marie Brand	State Council Chair		

WELCOME/ROLL CALL/APPROVAL OF MINUTES

- Called to order at 2:34 PM Quorum Established: ☒ Yes ☐ No
Minutes Approved: ☒ Yes ☐ No (1/4/22)

MEETING TOPICS

1. **Update regarding Florida & Federal Legislative Topics** (Lynn Hearn)

Bills likely to pass:

SB 836/HB 1403 – Medication Technicians
SB 988/SB 1724/HB 987 – Patient Visitation (in some form)
SB 1324/HB 539 – NH Financial Reporting
SB 700/HB 413 – Delegation of Medication Administration
SB 718/HB 469 – Patient Care in Healthcare Facilities
SB 1032/HB 845 – Guardianship Jurisdiction

Bills unlikely to pass:

SB 1596/HB 1237 – Nursing Home Accountability
SB 1734/HB 1361 – Resident Care in Nursing Home Facilities
SB 646/HB 6035 – Quality of Long-Term Care Facility Improvement Fund

Bills too close to call:

SB 804/HB 1239 – Modernization of Nursing Home Facility Staffing
SB 414/HB 209 – Family Caregiver CNA Program
SB 1572/HB1507 – Dementia-related Staff Training



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Discussion: The workgroup discussed the visitation bills (SB 988/SB 1724/HB 987) and reiterated their concern that they conflict with federal law and CMS guidelines. It does appear that this is a priority of Governor DeSantis and that some version of the bill will pass. LTCOP is monitoring these bills very carefully, and may still weigh in with the sponsor and/or targeted committee members. The language in the federal Essential Caregivers Act (H.R. 3733) is preferable to all of the Florida bills, but the congressional bill does not appear to be moving.

Proposed Rule 59A-4.1081 re Personal Care Attendants – AHCA’s proposed PCA rule was circulated among workgroup members, as well as a markup showing changes from the draft rule. The consensus was the proposed rule was a significant improvement over the initial draft; particularly the specification of 16 hours of required education plus 8 hours of simulation. It is also a positive change to require the daily posting of PCAs on duty. However, a concern remains regarding ACHA’s failure to collect information regarding all PCAs who work in the facilities to enable it to monitor whether a PCA has worked in more than one facility in violation of the law. Lynn will prepare comments along these lines for presentation at the February 25th rule hearing.

The workgroup also discussed the survey request that AHCA sent to facilities requesting information about their use of PCAs. Lynn will make a public records request to AHCA regarding the results of this survey.

2. Old Business – Irene mentioned that her district had the training on the Florida Health Justice Project Advocate’s Guide to Florida Long-Term Care Medicaid Waiver, which this workgroup had recommended several months ago. She stated her District Manager put a lot of work into the training and she found it very helpful.
3. New Business – None
4. Public Comment – None.
5. Next Meeting Date – Monday, March 14, 2022 at 2:30 E.T. Lynn will send a meeting invite.
6. ADJOURNMENT
 - Motion to adjourn was made, seconded and approved.
 - Workgroup adjourned at 3:26 PM.