



**DATE:**       **October 3, 2011**

**RE:**         **Second ALF Workgroup Meeting Nets Few Recommendations**

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The second meeting for the Governor's Assisted Living Workgroup, held last week on the University of South Florida's campus in Tampa, fell short of producing any substantive recommendations that the entire panel would back. While representatives of various agencies gave presentations with their recommendations to improve ALF oversight, ALF operators were quick to point out problems with those recommendations.

In one example, Kathryn Hyer, an associate professor and director at USF's School of Aging Studies, strongly recommended that ALF operators be required to have a bachelor's degree in a health care-related field. Several members on the ALF panel stated that monies received for the care of ALF residents would never cover the cost of hiring an administrator with such education. Currently, Medicaid only reimburses assisted living facilities up to \$32.20 per day for services provided to waiver residents.

Molly McKinstry, Deputy Secretary for Health Quality Assurance at the Agency for Health Care Administration (AHCA), presented an overview of the state and local government's role and responsibilities in regulating ALFs. Ms. McKinstry noted that Florida has experienced a 30-percent increase in the number of ALFs over the last several years, with more than half of all facilities having six or fewer beds. AHCA's recommendations for improving ALF oversight included a revision of the complaint survey process to reflect a model used by Wisconsin, and to incorporate the following:

- An enhanced focus on the residents;
- Concentration on resident and family interviews, observations and record review;
- Improved consistency of surveys;
- Abbreviated surveys for high-performing ALFs (i.e., no history of complaints, consistent ownership, consistently good surveys).

The meeting ended with workgroup's chairman, Larry Polivka, requesting panel members to read over the Florida Senate Committee on Health Regulation's report on ALF oversight and warned members to be ready to discuss them at the last meeting, to be held in Miami in early November.

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The Senate Committee report identified problems with AHCA's survey and inspection process in that AHCA is not generating enough revenue from fees and fines to adequately fund the necessary number of ALF inspections needed in light of the increases in facilities. The report recommended more abbreviated inspections for facilities in compliance with the law, while requiring more frequent and extensive inspections of those ALFs that have recurring deficiencies.

The Senate report also recommended increased training and qualifications of Core Training Providers, which train ALF administrators. The report raises the possibility of returning the responsibility of core training back to the Florida Department of Elder Affairs (DOEA), which was the agency with primary responsibility before the role was privatized in 2003 by the Florida Legislature. Other related suggestions included expanding the core training curriculum, increasing administrator qualifications to require a 2-4 year degree with coursework in gerontology or health care, increasing staff training and examinations, increasing staffing ratios at ALFs, and requiring special elopement training for staff members.

To ensure that AHCA consistently enforces penalties on poor-performing ALFs, the Senate report recommends legislation that removes the agency's discretion to reduce administrative fines, moratoriums and other penalties when certain deficiencies or violations are discovered. Additionally, it was noted that consumers would benefit from an easy-to-use rating system (similar to Nursing Home Compare) that could be coordinated by the Ombudsman's Office to help families make informed decisions about choosing an ALF.

Finally, the Senate report recommends streamlining agency oversight over those areas where more than one state agency performs a function in the regulatory process of ALFs.

While a site for the next meeting in Miami has not yet been announced, the panel is considering a two-day meeting on November 7-8, 2011.

If you have any questions regarding the workgroup or issues relating to ALF operation, regulation or agency action taken against your ALF, please feel free to contact one of the attorneys at Smith & Associates.