

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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FOR MARCH 27, 2001

Nursing Home Care Reform

The House Elder and Long-Term Care Committee approved the introduction of PCB 01-01 on nursing homes and assisted living facilities with the understanding that it is still a work in progress. *Chair Carole Green (R-Fort Myers)* said the measure is still an evolving even after the committee completed review and approval of more than 60 amendments over three meetings. It is obvious that a lot of work remains to be done before the homes are protected either from soaring insurance costs or the complete loss of insurance coverage. The bill now will be introduced and referred by *Speaker Tom Feeney* to committees for further review.

Reps. David Simmons (R-Altamonte Springs) and *Joe Negron (R-Stuart)*, both attorneys, presented a series of amendments that Simmons said were the result of meetings with representatives of the trial bar and nursing homes, although nursing home representatives expressed a need for further compromise. The bill still falls short of providing the protection nursing homes need from frivolous lawsuits. The committee also approved amendments requested by *Vicki Fierro*, a member of the Long-Term Care Task Force, adding numerous requirements on staffing and record keeping.

Two amendments on insurance—one to create a joint underwriters association and one to require companies writing liability insurance in Florida to also provide nursing home coverage—were withdrawn and sent to the House Insurance Committee for consideration as separate bills.

In the Senate Judiciary Committee, action on proposals to reduce nursing home litigation is awaiting further negotiations. In a three-hour meeting Tuesday on CS/SB 1202, the committee spent two and half-hours on quality of care amendments, primarily regulation by the Agency for Health Care Administration and paper work. In addition, *Sen. Walter "Skip" Campbell (D-Tamarac)* offered again his proposal to establish a JUA, but he withdrew the amendment to rework it. Insurance Commissioner Tom Gallagher also offered a JUA plan to be considered later.

AIF wholeheartedly supports the efforts of both the House and Senate to craft legislation that will ensure that quality of care to seniors will improve. We are also gratified to see that the legislature is embracing the need for true litigation reform, as well. A small but effective segment of attorneys have been successful in exploiting current law, which makes it very easy to sue nursing homes. Current law is inconsistent, by any measure, with the standard legal protections afforded other health care providers. These excessive lawsuits are draining the nursing home industry and long term care insurance providers are leaving the state. Unless this corrected, Florida is facing the human tragedy of nursing homes closing in Florida. In addition, Florida's employers will be facing a legislature seeking to increase taxes to rebuild a budget broken by the nursing home crisis. This must be fixed this year, for the benefit of our seniors and for the fiscal health of our state government and economy.

Pill Bill Swallowed

Although Florida has more cost-increasing mandates on health insurance providers than any other state in the union, the House Committee on Health Promotion voted 9-3 to add another. The panel approved HB 381 by *Rep. Nan Rich (D-Sunrise)* to require coverage for birth control pills.

However well intentioned, AIF opposed any further mandates on health insurance providers. There are 51 mandates under current law in Florida. In other words, there are 51 things that must be included in every health policy offered by a health insurance provider. Some are excellent policy and arguably reduce costs to the carriers and to the employers buying the coverage. But many are burdensome and drive up costs to the employers attempting to purchase basic health care coverage for their employees. Until a system is established to objectively evaluate current mandates and proposed mandates, AIF is opposed to any additional health insurance coverage mandates being imposed.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF) and Jere Moore, AIF Reporter. Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

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