



**FROM JANUARY 10, 2002
INTERIM COMMITTEE MEETINGS**

Today was a light day in terms of issues of keen interest to the business community. This is not uncommon during interim committee weeks where committees in some cases do not even meet, or if they do, it is for the purpose of hearing reports and analysis produced since the last session.

NURSING HOME CARE

SB-276 by Senator Victor Crist (R-Tampa) was passed by the Senate Health, Again and Long-Term Care Committee today by a vote of 11 – 0. The bill revises the membership and terms of office for the Governor’s Panel on Excellence in Long-Term Care. The panel was created to provide oversight and citizen input and recommendations for future legislation related to the provision of nursing home care in Florida.

As you may recall, the issue of Elder Care Reform was a large one during last year’s regular session. A two-pronged reform bill did pass last year, incorporating both reforms in the actual provision of care including adequate funding and litigation reform. The litigation reform provisions were developed and adopted to prevent Florida’s nursing home care providers from being sued into oblivion by an egregiously aggressive cadre of trial attorneys that were taking advantage of what was then a body of Florida law that provided little of the legal protections afforded other health care providers. Unsurprisingly, the pitched battle featured the business community - led by AIF - and the trial attorneys over the litigation portions of the bill. Fortunately legislation was adopted to provide significant legal relief for long term care providers.

This battle has bled over to some degree into the consideration of SB 276. Basically this bill and the companion House bill, HB 255 by Representative John Carassas (R-Largo) were crafted to eliminate participation on the panel by citizens that are in some way connected to a nursing home care provider. Conversely, the bill did nothing to eliminate the participation of those citizens on the panel who have a connection to law firm (trial attorney) interests.

On January 8, the House Elder and Long-Term Care Committee amended HB 255 to insure that if those citizens who have a relationship with a long-term care provider cannot participate on the panel, then neither can those associated with law firm interests. What’s good for the goose is good for the gander. The bill passed 10 – 0.

Similar action was not taken on SB 276 today. Senator Crist has courteously offered to work with the long- term care providers in crafting a “conflict of interest” provision that embraces the concerns of both parties.

SB 276 is next destined for consideration by the Senate Governmental Oversight and Productivity Committee.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). 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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