

## **FHCA 2019 Annual Conference & Trade Show**

### **CE Session #31 – Mega Session - Fireside Chat: Legislative and Regulatory Update/Quality Award Ceremony**

Tuesday, August 6 – 3:30 to 5:15 p.m.  
Windermere YZ

#### **Seminar Description:**

Please join us for a combined session designed to both inform and honor attendees. The FHCA Governmental Affairs team will provide a recap of Florida's 2019 legislative session and the impact it will have on long term care around the state. The team will specifically review the fiscal year 2019-20 legislative budget and any effect it will have on care centers; nursing home staffing; certificate of need; assisted living facility legislation; and any legislative regulatory changes. In addition to the legislative update, we will recognize our distinguished care centers who have received national and state awards and celebrate their remarkable accomplishments as they take center stage.



## Wrap Up of the 2019 Legislative Session and Preparations for the 2020 Session

Emmett Reed, Executive Director  
Bob Aszталos, Chief Lobbyist  
Tom Parker, Director of Reimbursement

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## New Leadership



- ▶ Governor Ron DeSantis
- ▶ With Washington, not Tallahassee connections, he was not considered the Establishment candidate
- ▶ "Teddy Roosevelt" Republican
- ▶ Environmental Funding
- ▶ Education Funding
- ▶ Casey DeSantis

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## New Leadership



- ▶ Speaker Jose Oliva
- ▶ Strongly principled
- ▶ Top priority was injecting market forces into the health care system
- ▶ Reduce overall budget or per capita spending

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## New Leadership



- ▶ President Galvano
- ▶ Consensus builder and deal maker who wanted the session to go smoothly
- ▶ Gambling regulation
- ▶ Roads Infrastructure projects were huge priority



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## FY 2019-20 Budget

- Hurricane Michael- devastating cost to state due to impact on rural underdeveloped area
  - Large parts of impacted area without property insurance
  - Federal government stalled in providing assistance, so state had to step in
  - \$2 billion of about \$10 billion in discretionary spending went to Michael relief
- Loss of funds due to expiration of the gambling compact with the Seminole Tribe



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## FY 2019-20 Nursing Home Budget

- The \$138 million in onetime funding was not fully renewed
- Total new funds this year are \$23.5 million
  - \$15.5m from the lease bond trust fund and match to increase quality to 6.5%
  - \$8m in increased provider assessment matching funds to base
- New funds take effect October 1, 2019
- An average increase of \$1.47 per patient day over base spending allocations



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## FY 2019-20 Nursing Home Budget

- 2 rates set
  - July 1, 2019 to reflect removal of onetime funding (DC 100% and Quality 6%)
  - October 1, 2019 to include the \$23.5m and update quality, FRVS, property taxes and insurance, and provider assessment
- Hold Harmless rate still in full effect through September 30, 2021
- Provider Assessment Rates for October 1
  - \$24.88 Normal Volume/\$5.07 High Volume



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## Other Health Care Providers

- No other health care provider saw a rate increase
- Hospitals initially faced a rate reduction in the House and the elimination automatic rate enhancements in the Senate
- Florida Public Guardianship Program received \$2.4 million to serve those on the waitlist
- Home and Community-Based Services



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## Budget Goals for 2020 Legislative Session

- Obtain inflationary increase in the Medicaid nursing home rate for 2020
- Include an automatic inflationary increase in the base budget going forward, based on inflation projections by the Estimating Conference, for the legislature to consider.



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## Certificate of Need

- Priority of Speaker Jose Oliva – specifically injecting “market forces” into the health care system
- HB 21 repealed CON for all providers while SB 1712 only addressed hospitals.
- Ultimately, the version of HB 21 that passed will deregulate hospitals over a two-year period.
  - General hospitals and tertiary services had their CON eliminated on July 1, 2019.
  - Specialty hospital CON will end on July 1, 2021.



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## Certificate of Need Goals for the 2020 Legislative Session

- While the Speaker and the House were successful passing several priorities in 2019, expect additional reforms to the current system.
- Continue to defend the current CON process for nursing homes:
  - Nursing Home CON is less litigious and encourages HCB services
  - Nursing Home CON controls the Medicaid budget



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## Staffing Bill and Coalition for Silver Solutions

- The Coalition for Silver Solutions including AARP, LeadingAge and SEIU, was formed out of FHCA's staffing modernization bill.
- Some of the projects the Coalition is pursuing:
  - Flexible staffing in limited areas of the nursing home
  - Improving the HCB waitlist process
  - A steady funding source for long term care
  - Greater vertical integration of the system and cross funding of institutional and community-based care. All toward creating a more integrated and stable funded system.



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## Nursing Home Staffing and Silver Solutions Projects for 2020 Legislative Session

- Allow substitution of CNA staff for other, more appropriate staff, dictated by the type of patient being served or in other specific situations.
- Include incentives to recruit health care workers.



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## Therapeutic Substitution/Formularies

- SB 706 by Senator Aaron Bean (Jacksonville) and HB 865 by Rep. Will Robinson (Bradenton) was introduced but was not heard in either chamber.
- These bills would have allowed centers to create a formulary using an interdisciplinary approach.



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## Therapeutic Substitution/Formularies goals for 2020 Legislative Session

- Reintroduce the same bills from the 2019 session.
- Provides nursing home with flexibility in managing their resident's medication needs and allows quick turnaround with filling prescriptions on admission.



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## Long Term Strategies

- Continue working with the Coalition for Silver Solutions to develop a stable and flexible LTC system that addresses needs of elderly and disabled Floridians and their caregivers from home, through institutional care and into hospice.



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## FHCA Legislative Champion for the Elderly



**Senator Aaron Bean  
R-Jacksonville  
(District 4)**



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## FHCA Legislative Champion for the Elderly



**Senator Gayle Harrell  
R-Stuart  
(District 25)**



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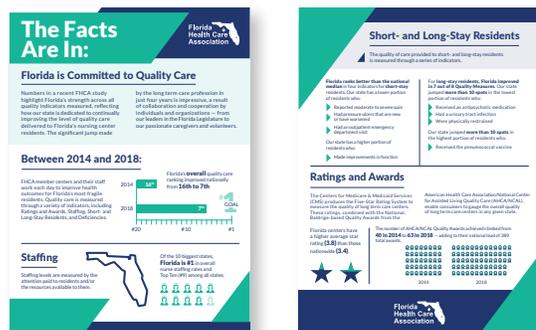
# 2019 Legislative Session



## RESULTS OVERVIEW:



## QUALITY CARE REPORT:



Using compiled national data on nursing home quality indicators from 2014 to 2018, Sachs Media Group and FHCA unveiled the association's Quality Care Report at the annual Media Roundtable on March 4, which used the quality care improvements highlighted in the report to back the reasoning behind this year's legislative goals.

## SOCIAL MEDIA PROMOTION:

114 Lawmakers and key staffers reached an AVG OF 38+ TIMES EACH



FHCA continued its fight for funding, Certificate of Need, and staffing throughout the Legislative Session by continually putting its message before lawmakers and influencers on social media.



## COALITION LAUNCH:

Mid-session, FHCA, AARP, and LeadingAge Florida launched the Coalition for Silver Solutions to join forces and commit to work together to develop short- and long-term strategies for meeting the long-term health care needs of Florida's aging population.



Coalition for  
SILVER SOLUTIONS



## EARNED MEDIA:

Throughout the 2019 Legislative Session, FHCA amplified its messaging through garnered placements in news outlets statewide:



FHCA.org



Florida  
Health Care  
Association