Elder and Long Term Care Committee

Wednesday, October 19, 2005
10:30 AM – 12:00 PM
Reed Hall (102 HOB)

Meeting Packet

Allan Bense
Speaker

Hugh Gibson, III
Chair

House of Representatives

Elder and Long Term Care Committee

AGENDA

October 19, 2005
10:30 AM – 12:00 PM
Reed Hall (102 HOB)

I. Opening Remarks by the Chair

II. Department of Elder Affairs update – Continuation from September 14th meeting

Adult Protective Services update – Department of Children and Families and Department of Elder Affairs

Agency for Health Care Administrtion – update on Nursing Home and Assisted Living Facility: Adverse Incidents & Notices of Intent

III. Closing Remarks by the Chair

IV. Adjournment

DOEA
Continuation

Jeb Bush, Governor

DEPARTMENT OF
ELDER AFFAIRS
STATE OF FLORIDA

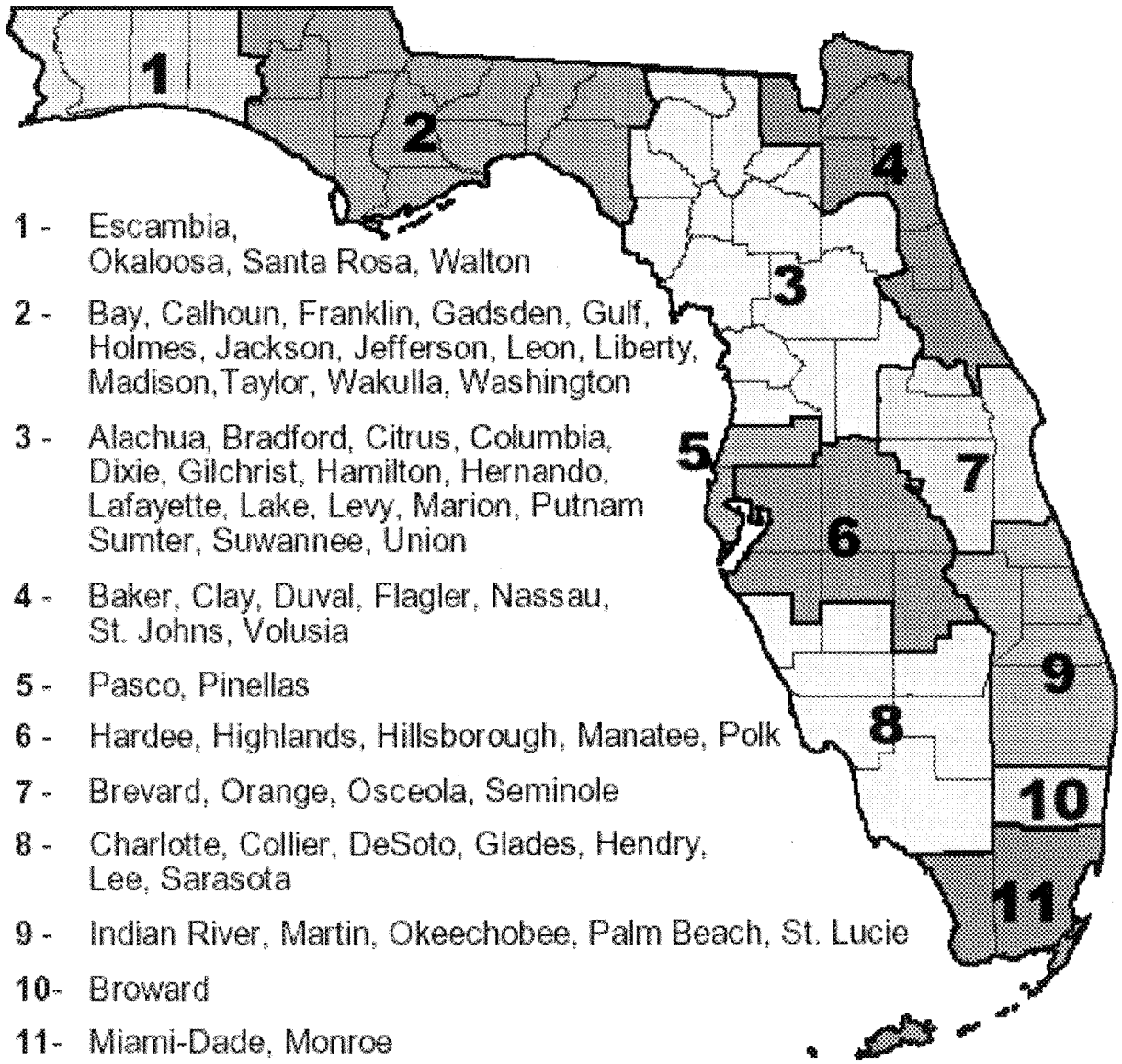
Carole Green, Secretary

The Department of Elder Affairs and Florida's AAAs

House Elder and Long-Term Care Committee

October 19, 2005

Department of Elderly Affairs: 11 Service Areas



1 - Escambia, Okaloosa, Santa Rosa, Walton

2 - Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison,Taylor, Wakulla, Washington

3 - Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam Sumter, Suwannee, Union

4 - Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia

5 - Pasco, Pinellas

6 - Hardee, Highlands, Hillsborough, Manatee, Polk

7 - Brevard, Orange, Osceola, Seminole

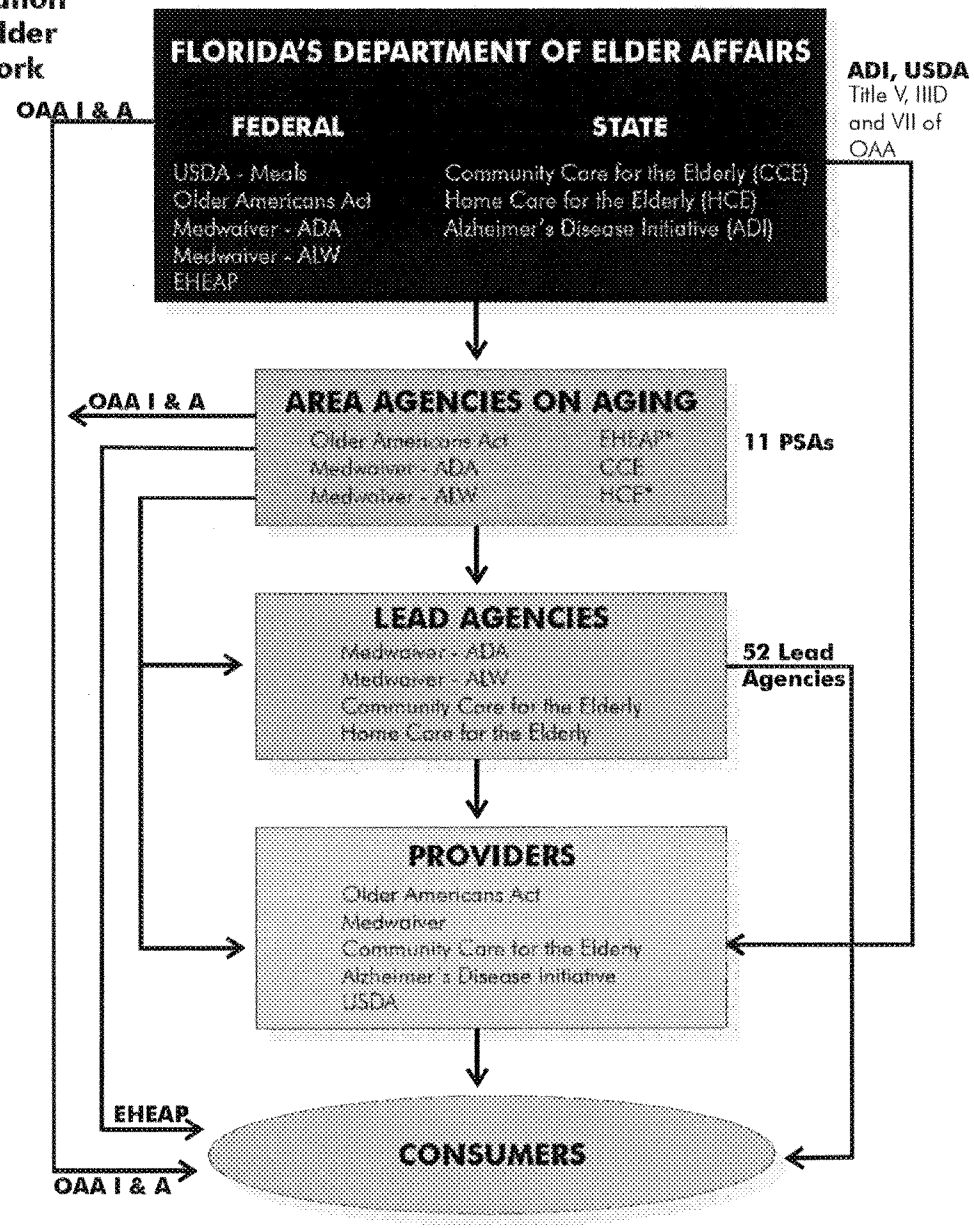
8 - Charlotte, Collier, DeSoto, Glades, Hendry, Lee, Sarasota

9 - Indian River, Martin, Okeechobee, Palm Beach, St. Lucie

10- Broward

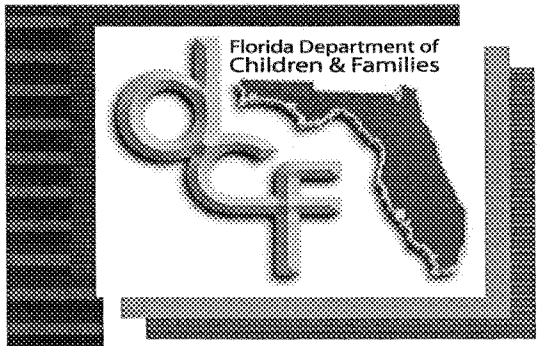
11- Miami-Dade, Monroe

The Organization of Florida's Elder Service Network



* Direct cash subsidy checks issued by AAA.

Adult Protective Services update



Adult Protective Services Overview

House Elder and Long-Term Care Committee
October 19, 2005

Lucy D. Hadi
Secretary

Jeb Bush
Governor

Presentation Points

- Protecting Vulnerable Adults
- Reporting Abuse, Neglect, and Exploitation
- Protective Investigation Process
- Adult Protection Teams
- APS Referral Tracking Tool (ARTT)
- Project PANE

Protecting Vulnerable Adults

- Chapter 415 F.S. – DCF to investigate reports alleging abuse, neglect or exploitation of vulnerable adults

- Purpose of Investigation
  - Determine if alleged victim has been abused, neglected or exploited
  - Determine if assistance is necessary to protect the person's health and safety

Reporting, Abuse, Neglect and Exploitation

- **Mandatory Reporting**
  - Required by law (415.1034, F.S.)
  - Any person who has reasonable cause to believe that a vulnerable adult is being abused, neglected or exploited
- **Florida Abuse Hotline (1-800-96-ABUSE)**
  - 24-hour, toll-free statewide hotline
  - Accepted 41,028 reports alleging adult abuse in FY2004-05
- **HomeSafenet**
  - Completed migration of Adult Protective Services in August 2004.

Protective Investigation Process

- Commence investigation within 24 hours of receiving report
- Determine any indicators of abuse, neglect or exploitation
- Assess safety and risk of further harm
- Determine need for services
- Complete investigation within 60 days

Adult Protection Teams

- Multidisciplinary teams
  - District
  - Statewide

- Provide expertise and advice to the investigative process

APS Referral Tracking Tool (ARTT)

- Department of Elder Affairs, in collaboration with DCF, designed and developed the APS Referral Tracking Tool (ARTT). Statewide use began August 2004 .
- The ARTT provides a capacity for tracking all referrals of elder Floridians in need of services who are victims of abuse, neglect, or exploitation.
- The ARTT ensures APS referrals make it to their destination by automatically sending emails to the designated people in the Aging Network notifying them that a new referral has been made.

APS Referral Tracking Tool (ARTT)

- Updated Memorandum of Agreement between DCF and DOEA executed on August 23, 2005. Local agreements to be executed by November 15, 2005.
- Number of APS referrals made since the advent of the ARTT:
  - 1,201 High Risk,
  - 849 Intermediate Risk, and
  - 239 Low Risk APS referrals.

Florida's Patient Abuse, Neglect and Exploitation Project (PANE)

- The Office of the Attorney General, Medicaid Fraud Unit, in partnership with the Department of Children and Families, Adult Protective Services program, began the Patient Abuse, Neglect and Exploitation Project (PANE) in Miami-Dade in January 2004.
- The PANE Project has expanded to Pinellas, Hillsborough, Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor and Wakulla Counties. Plans are to expand the project statewide this year.
- On-call Medicaid Fraud Control Unit state police officers respond to all facility-related PANE complaints received by the Florida Abuse Hotline that require an immediate response.

Florida's Patient Abuse, Neglect and Exploitation Project (PANE) Continued

- Decisions are made on a report-by-report review for a joint response on 24-hour response reports.
- Medicaid Fraud Control Unit staff with appropriate security can access the HomeSafenet system data for law enforcement purposes.
- Adult Protective Services and Medicaid Fraud Control Unit work together to protect the vulnerable adult(s) and investigate any criminal activity.
- The PANE Project has become a national model for cooperation between Adult Protective Services agencies and Medicaid Fraud Control Unit state police to detect and combat abuse, neglect and exploitation of vulnerable adults in residential healthcare facilities.

Florida Department of Children & Families

Definitions
(Reference Information)

Definitions

- **Abuse** – any willful act or threatened act by a caregiver that causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions. (s 415.102(1))

- **Neglect** – the failure or omission on the part of the caregiver to provide the care, supervision, and services necessary to maintain the physical and mental health of the vulnerable adult . . . that a prudent person would consider essential for the well-being of a vulnerable adult. Neglect also means the failure of a caregiver to make a reasonable effort to protect a vulnerable adult from abuse, neglect or exploitation by others. Neglect is repeated conduct or a single incident of carelessness which produces or could reasonably be expected to result in serious physical or psychological injury or a substantial risk of death. (s 415.102(15))

Definitions

- **Exploitation –**
  - A person who stands in a position of trust and confidence with a vulnerable adult knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult. Or -
  - A person who knows or should know that the vulnerable adult lacks the capacity to consent, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

Definitions

- **Vulnerable Adult** – A person 18 years of age or older, whose ability to perform the normal activities of daily living, or to provide for his or her own care or protection is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging. (s 415.102(26))

- **Vulnerable Adult in Need of Services** – a vulnerable adult who has been determined by a protective investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator and is in need of protective services or other services to prevent further harm. (s 415.102(27))

Definitions

- **Capacity to consent –** a vulnerable adult has sufficient understanding to make and communicate responsible decisions regarding the vulnerable adult's person or property, including whether or not to accept protective services offered by the department. (s 415.102(4))

AHCA
Presentation

House Committee on Elder Affairs and Long Term Care

Presentation by the Agency for Health Care Administration

October 19, 2005

Molly McKinstry
Chief of Long Term Care Services
Division of Health Quality Assurance

Annual Report
Nursing Home and Assisted Living Facility: Adverse Incidents & Notices of Intent

- Released July 2005 – Report by Fiscal Year
- 4th Annual Report of Adverse Incidents and Liability Claim Information
  - Nursing Homes and Assisted Living Facilities
  - Adverse Incident Detail
  - Practitioner Involvement
  - Notices of Intent to Litigate

Semi-Annual Report On Nursing Homes
Chapter Law 2002-400

Published Every Six Months

Final Report July 2005

Litigation Information Reported to AHCA

- Notices of Intent to Litigate – Greater Detail
- Complaints Filed with Clerks of the County Courts

Quality Data Regarding Nursing Homes

- Regulatory Deficiencies Cited
- Watch List Trends
- Federal Quality Initiatives

Adverse Incidents

Events Over Which Facility Staff or Personnel Could Exercise Control and Resulted in:

- Death
- Brain or Spinal Damage
- Permanent Disfigurement
- Fracture or Dislocation of Bones or Joints
- A Limitation of Neurological, Physical, or Sensory Function
- Requiring Medical Attention to Which the Resident Has Not Given His or Her Informed Consent Including Failure to Honor Advance Directives
- A Transfer of the Resident, Within or Outside the Facility, to a Unit Providing a More Acute Level of Care

Adverse Incidents

Any Event (Regardless of Facility Control) That Resulted in:

- Abuse, Neglect, or Exploitation
- Resident Elopement
- A Report to Law Enforcement

Must be Reported Effective May 2001

Litigation Information

- Notice of Intent to Litigate (NOI) – Plaintiff's Intent to File Civil Suit
  - Settlement Agreement
  - Case Not Pursued
  - Medication
  - Law Suit – Complaint Filed with Clerk of the County Court

Reporting Requirements

Type of Report	Submitted to Agency
Adverse Incident 1-Day	1 Business Day
Adverse Incident 15-Day	Within 15 Calendar Days
Notice of Intent	Monthly
Complaints filed with the Clerks of the County Courts	Monthly (Nursing Homes Only)

Report Highlights

Most Recent Year (July 1, 2004 to June 30, 2005)

- 4,528 Reported Adverse Incidents with:
  - 51 Nursing Home On-site Visits
  - 44 Assisted Living Facility On-site Visits
  - 115 Practitioner Cases Opened by DOH
    - **39 License Revocations or Suspensions**
- 39% of Nursing Homes Report At Least One Notice of Intent to Litigate

Report Highlights
Between July 1, 2001 – June 30, 2005

- **Since July 2001:**
  - **177 Assisted Living Facilities NOIs Reported**
  - **3,288 Nursing Homes NOIs Reported**
- **Decline in Nursing Home NOIs Reported:**
  - **24% Fewer Nursing Homes NOIs in 04/05 than 03/04**
- **Declines Between 01/02 and 04/05 in Number of Nursing Homes Reporting Multiple NOIs:**
  - **38% Fewer Report Two to Four in One Year**
  - **87% Fewer Report Five to Nine in One Year**

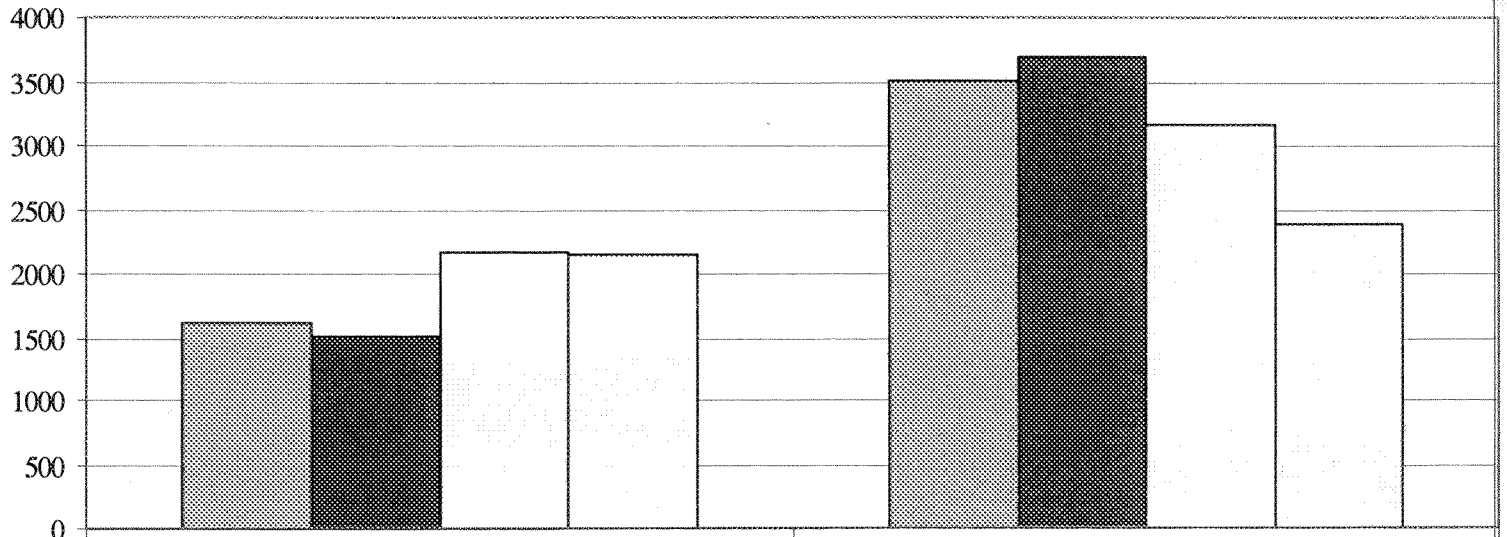
Report Highlights
Between July 1, 2001 – June 30, 2005

- 768 Nursing Home Civil Complaints Reported Since June 2002
- 149 Received in 04/05 - 50% Less Than 03/04

Regulatory Update

- 71% Decline in the Most Serious Nursing Home Deficiencies Cited
- Continued Decline in Nursing Homes Listed in the Quarterly Nursing Home Watch List

Adverse Incidents Reported

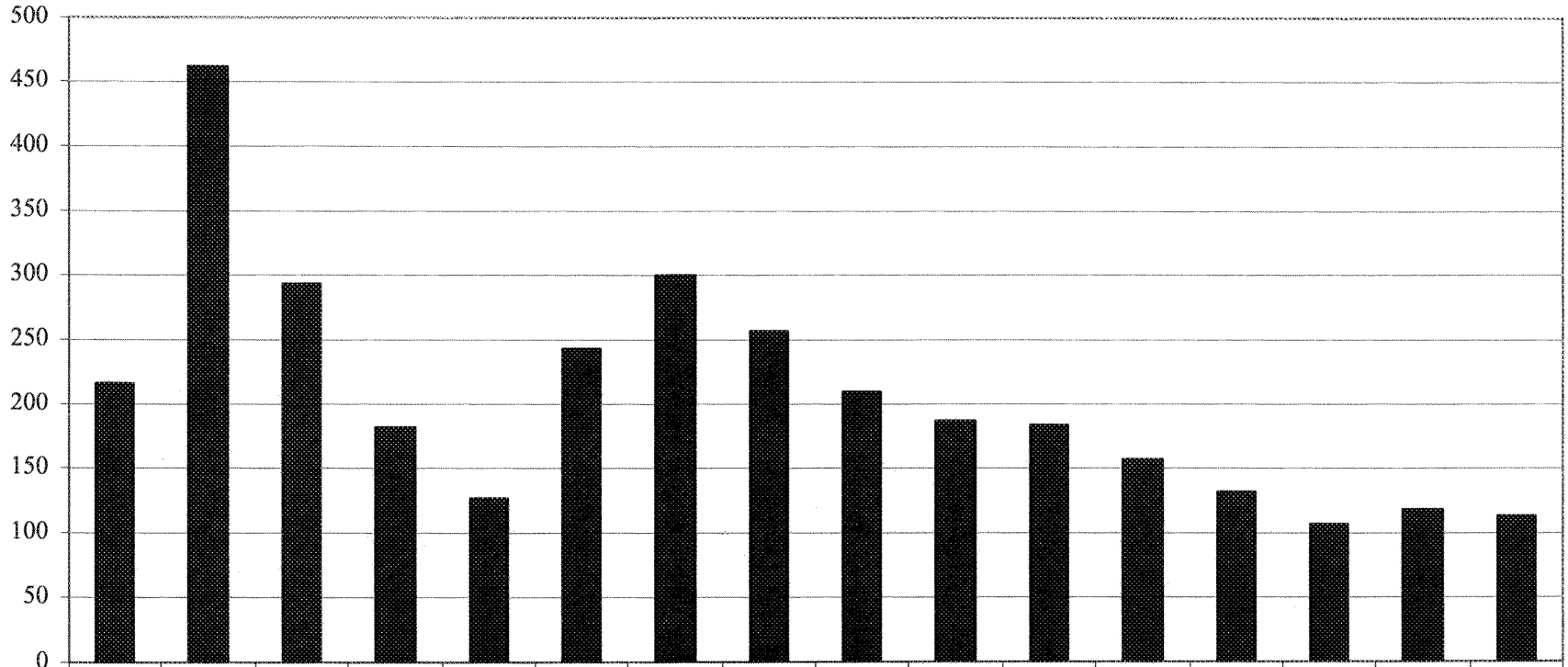


	Assisted Living Facilities	Nursing Homes
FY 01 - 02	1613	3505
FY 02 - 03	1513	3690
FY 03 - 04	2169	3161
FY 04 - 05	2139	2389

Adverse Incident Details

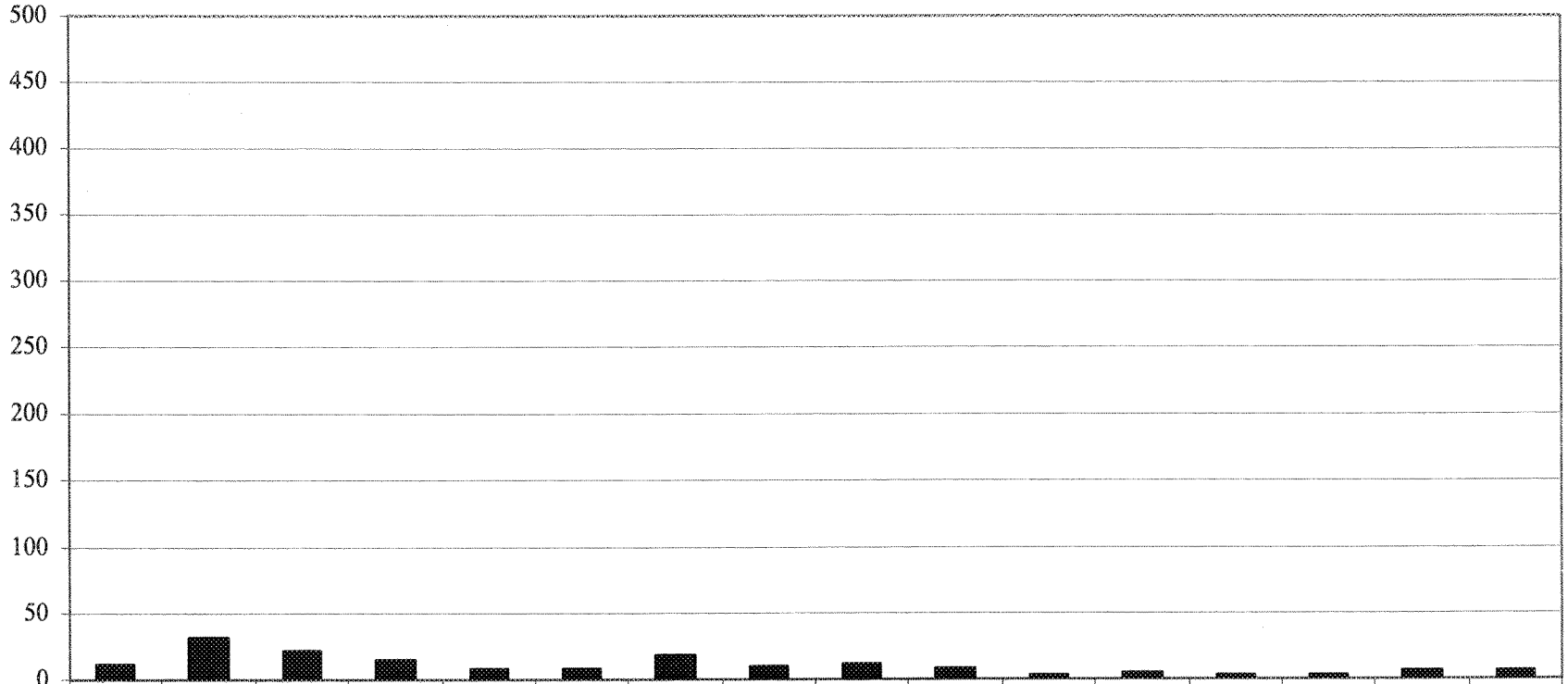
- Adverse Incidents Reported by County
- Outcomes by County
- Inspections Due to Adverse Incidents by County
  - 51 Nursing Homes; 4 with Serious Deficiencies (4% of Inspections)
  - 44 ALFs; 4 with Serious Deficiencies (9% of Inspections)
- Practitioner Cases
  - 12,298 Reports Reviewed by Department of Health
  - 115 Practitioner Cases Opened
  - 39 License Revocations or Suspensions

Nursing Homes
Notices of Intent to Litigate



	FY 01-02				FY 02-03				FY 03-04				FY 04-05			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
# NOI	217	461	293	182	126	244	300	257	210	187	183	157	131	107	119	114

Assisted Living Facilities
Notices of Intent to Litigate



	FY 01-02				FY 02-03				FY 03-04				FY 04-05			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
# NOI	11	32	22	15	8	9	19	10	12	9	3	5	4	4	7	7

Characteristics of Reported Litigation

July 1, 2004 through June 30, 2005

	For-Profit	Non-Profit	Total	Multi-Facility Owner
Licensed Nursing Home	480	189	669	501
Lic NH Submitting NOI	203	59	262	201
NOIs Submitted	360	111	471	389
Total Nursing Home Beds	59,395	22,635	82,030	60,671
NOIs per 1,000 Beds	6.1	4.9	5.7	6.4
Total Complaints	124	25	149	74
Complaints per 1,000 Beds	2.1	1.1	1.8	1.2

Nursing Homes with Multiple NOIs

# NOI Reported	FY 01-02	FY 02-03	FY 03-04	FY 04-05
1	146	145	160	143
2 - 4	180	171	156	110
5 - 9	69	48	23	9
10 or more	8	3	3	0
Total # Facilities Reporting	403	367	343	262

Regional Analysis of NOIs

July 1, 2004 through June 30, 2005

1 (Pensacola Area)	26	7	9	9	0	1.29	2.85
2 (Tallahassee Area)	32	13	21	20	1	1.62	5.60
3 (Gainesville Area)	62	28	55	41	14	1.96	7.26
4 (Jacksonville Area)	83	27	53	46	7	1.96	5.45
5 (St. Petersburg Area)	88	34	71	102	22	2.09	7.06
6 (Tampa Area)	98	43	85	60	25	1.98	7.16
7 (Orlando Area)	71	33	50	39	11	1.52	5.50
8 (Ft. Myers Area)	38	11	14	12	9	1.27	3.20
9 (West Palm Beach Area)	79	30	43	41	2	1.43	4.66
10 (Lantana Area)	36	14	31	21	10	2.21	6.84
11 (Miami Area)	56	22	39	22	17	1.77	4.50
Totals	669	262	471	360	111	21.8	5.74

NOI by Incident Date or Admission

	Period of Incident or Resident Admission Date Associated with NOI								
NOI Received by AHCA	Prior to June 1998	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total
FY 01-02	135	134	325	459	100				1153
FY 02-03	63	48	109	233	369	105			927
FY 03-04	14	19	34	61	238	286	84		736
FY 04-05	8	5	5	25	32	144	185	64	468

Complaints by Incident Date or Admission

	Period of Incident or Resident Admission Date Associated with Complaint								
Complaint Received by AHCA	Prior to June 1998	FY 98-99	FY 99-00	FY 00-01	FY 01-02	FY 02-03	FY 03-04	FY 04-05	Total
FY 02-03	24	25	69	100	90	10			318
FY 03-04	14	16	28	66	112	58	8		302
FY 04-05	5	3	4	8	25	65	35	4	149

Complaints reported since June 2002

Notices of Intent to Litigate

Total 3,288 Nursing Home NOIs Since July 1, 2001

Total 471 Fiscal Year 04/05 (04/05)

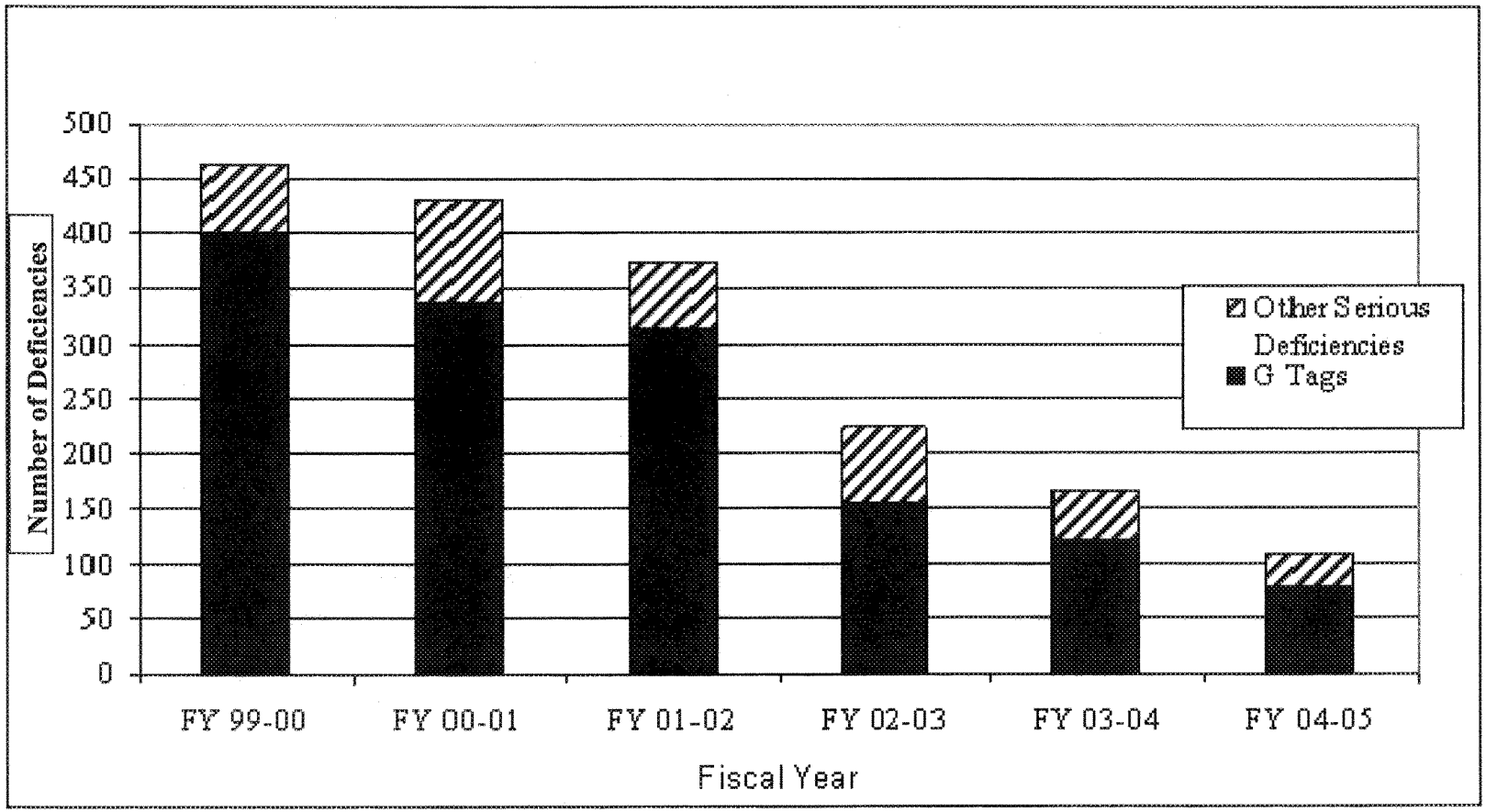
NOI Allegations 04/05:

- 345 Elder Abuse
- 109 Pressure Ulcers
- 100 Death
- 95 Fracture
- 89 Falls
- 82 Other

Regulatory Information

- Total Nursing Home Deficiencies Vary Over Time – Difficult to Identify Trends
- Most Serious Nursing Home Deficiencies: 71% Decline Between FY 01/02 and FY 04/05
- Number Of Nursing Homes on The Watch List: 66% Decline Between 01/02 and 04/05
- Unable to Attribute Decreases to a Single Factor

Most Serious Nursing Home Deficiencies



Number of Nursing Homes on the Watch List

Calendar Quarter	Number of Facilities
April 1, 2001 – June 30, 2004	78
July 1, 2001 – September 30, 2001	90
October 1, 2001 – December 31, 2001	86
January 1, 2002 – March 30, 2002	81
April 1, 2002 – June 30, 2002	84
July 1, 2002 – September 30, 2002	66
October 1, 2002 – December 31, 2002	49
January 1, 2003 – March 30, 2003	51
April 1, 2003 – June 30, 2003	46
July 1, 2003 – September 30, 2003	40
October 1, 2003 – December 31, 2003	39
January 1, 2004 – March 30, 2004	35
April 1, 2004 – June 30, 2004	34
July 1, 2004 – September 30, 2004	40
October 1, 2004 – December 31, 2004	29
January 1, 2005 – March 31, 2005	33

Resources

Nursing Home and Assisted Living Facility:
Adverse Incidents & Notices of Intent

www.ahca.myflorida.com - Publications