



# The Resident CONNECTION

2nd Quarter 2022

## President's Message



Imagine my amazement after living more than two years masked, distanced and clean to discover that I am positive for Covid-19. This, all while living in a Continuing Care Retirement Community (CCRC) where the

administration was careful to follow all directives from the CDC. We were supplied with two doses of the vaccine, plus two doses of the booster. Our residents were conscientious, for the most part, in protecting themselves and others from infection. So now, my husband and I must isolate ourselves for five days until we are no longer contagious.

Now I will have time to reflect even more on the situation for people who do not have our advantages. Residing in a CCRC/Life Care Community in the state of Florida puts us under the protection of the Florida Office of Insurance Regulation (OIR), as well as Florida Statutes 400 and 651, which include Continuing Care Regulation in Florida.

Florida Life Care Residents Association (FLiCRA) has worked successfully with the state legislature to provide, among other protections, a Sales Tax Exemption on our meals which saves \$150 per resident per year. We have twice defeated an attempt to tax nursing home beds in CCRCs. We have secured "Homestead Exemption" benefits for residents of for-profit and leased not-for-profit CCRCs. Among all our other successes in protecting all residents of CCRCs is the development in Florida Statutes 651.083 of a "Bill of Rights" for residents of CCRCs.

Our ongoing efforts are directed now toward increasing the number of communities where residents are elected as voting members of the board of directors. Resident applicants are being recognized for the special gifts of experience and perspective they can bring to a governing board for the advantage of all.

If you have access to the internet, please visit our website FLiCRA.com to learn more about the organization and membership.

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# 2022 FLiCRA Board Of Directors

## President

Diane Dalsimer  
John Knox Village, Pompano Beach  
thedalsimers@gmail.com

## Vice President/Region 2 Director

Ramsey Geyer  
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ramseygeyer@gmail.com

## Treasurer

Hugh Strachan  
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hughstrachan@comcast.net

## Secretary/Region 1 Director

Charlotte Cummings  
Westminster Oaks, Tallahassee  
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## 5th Member of Executive Committee/ Region 4 Director

Patricia Burdsall  
Indian River Estates, West, Vero Beach  
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## Director-at-Large

Chesterfield Janes  
Regency Oaks, Clearwater  
chet.janes@yahoo.com

## Director-at-Large

Michael R. League  
The Estates at Carpenters, Lakeland  
grankay@verizon.net

## Region 3 Director

Richard Greatwood  
Mayflower Retirement Community,  
Winter Park  
rgreatwood@cfl.rr.com

## Region 5 Director

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John Knox Village, Pompano Beach  
davebayer@aol.com

## Region 6 Director

Douglas Stather  
Vi at Bentley Village, Naples  
dougvi725@comcast.net

## Region 7 Director

Raymond Neff  
Plymouth Harbor, Sarasota  
ray.neff@aihcn.net

## Region 8 Director

David L. Rader  
Lamar Miller Chapter Oak Hammock,  
Gainesville  
rader1102@outlook.com

## Executive Director

Bennett E. Napier, CAE  
bennett@executiveoffice.org

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You will understand why it is important that every CCRC form a FLiCRA chapter and gather membership from its community to add voices and strength to FLiCRA's mission – to promote and protect the rights of residents who live in CCRCs.

For information about initiating a new FLiCRA chapter, please feel free to contact me, Diane Dalsimer, [thedalsimers@gmail.com](mailto:thedalsimers@gmail.com), or our Executive Director Bennett Napier, [bennett@executiveoffice.org](mailto:bennett@executiveoffice.org).

Diane Dalsimer, FLiCRA President

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## State Complaint and Information/Data Resources for Florida CCRC Residents

There are a number of state government resources available for continuing care retirement community residents to gain information about their CCRC operations, file a complaint (if they are not able to resolve things at the local level working collaboratively with management) and/or report acts of fraud against a senior citizen. The resources below are not an exhaustive list, however, the information provided covers some of the most frequently requested resources from FLiCRA members.

### Public Records Requests:

Send all written public records requests for the Office of Insurance Regulation (OIR) to [PublicRecords@flor.com](mailto:PublicRecords@flor.com) to expedite the processing and any calls to the Public Records Office line at 850-413-4223.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone at 850-413-4223 or in writing.

### CCRC Complaints:

To file a complaint relative to a potential violation of Florida Statutes 651 (Continuing Care Law), contact the Florida Division of Consumer Services-DFS (1-877-693-5236). This page has a link with info on consumer complaints form through DFS: <https://myportal.dfs.ny.gov/web/guest-applications/consumer-complaint?hn=1&forward=new>.

### Long-Term Care Ombudsman:

Focused on assisted living and skilled nursing parts of a CCRC campus) The long-term care ombudsmen page has a link to file a complaint: <https://ombudsman.elderaffairs.org>.

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## Federal Bills Would Reform Tax Code to Make Long-Term Care Insurance More Affordable, Accessible

Legislation in the U.S. House of Representatives would reform the tax code in an effort to make long-term care insurance more affordable and accessible for older adults. It has the backing of Argentum and the American Seniors Housing Association.

The Long-Term Care Affordability Act, House Resolution 7107, was introduced this spring by Rep. Ann Wagner (R-MO), chair of the House Suburban Caucus. The bill is the House companion to tax code legislation introduced in the Senate, Senate Bill 2415 by Sen. Pat Toomey (R-PA).

“Retirement can be expensive enough for seniors, and we should be using every tool we have to make their lives easier and more affordable,” Wagner said. “This legislation would do just that by providing for favorable treatment of long-term care through retirement accounts, allowing greater access to the necessary care they deserve.”

The act would permit people to withdraw funds from their 401(k) accounts, 403(b) accounts, and individual retirement accounts to pay for long-term care insurance.

Up to \$2,500 of a withdrawal used to pay for long-term care insurance would be excluded from income tax annually. Additionally, such withdrawals would be excluded from the 10% early withdrawal penalty tax.

“Argentum is proud to support the Long-Term Care Affordability Act, legislation to help more Americans better financially prepare for their long-term care needs,” Argentum President & CEO James Balda told McKnight’s Senior Living.

“Unfortunately, far too few Americans have adequate savings for retirement, let alone for their health and personal care,” Balda said. “We applaud Sen. Toomey and Congresswoman Wagner for their leadership in helping more Americans better access the tools to meet their future care needs.”

House Resolution 7101 has been referred to the Committee on Ways and Means, in addition to the Committee on Education and Labor. Senate Bill 2415 has been referred to the Senate Finance Committee. No action has taken place on either resolution or bill as of the printing of this newsletter.

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## 2022 Continuing Care/Life Plan Maintenance Fee Increases Hit Record High

The March 24, 2022 Zeigler News compared annual median increases in continuing care/life plan community monthly fees for 2018-2022 based on nationwide data.

“For 2022, the median percentage increase in monthly fees, 4.00%, is up from previous years. In previous years, the median increase had been a consistent 3.00%.”

The median increase may vary by region of the country or state depending on regulations. For example, Florida providers are now facing a new financial challenge – a provision passed during the 2022 Legislative Session requiring Medicaid-

certified nursing homes to pay staff a minimum hourly rate of \$15. Although Medicaid will reimburse providers for a portion of those costs, the percentage of Medicaid residents in a CCRC is typically low.

For the few CCRCs that do not have a Medicaid certified nursing home, they very likely will need to do the same to remain competitive as employers. Perhaps most problematic - CCRCs cannot increase the hourly wage for nursing home staff without doing the same for dozens of other employees who work elsewhere on campus.

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# FLiCRA Call for State Board of Directors Nominations

## DIRECTOR-AT-LARGE SEAT ON THE FLiCRA STATE BOARD OF DIRECTORS AND REGIONAL DIRECTOR SEATS FOR REGIONS 3, 4, 7 and 8

The next slate of the state FLiCRA Board of Directors will be elected in the fall at the 2022 annual conference.

The date and location for the delegates annual conference is November 3, 2022, to be held at John Knox Village, Pompano Beach.

The association is seeking interested members to submit their names for consideration of the one open director-at-large seat this election cycle and two regional director seats.

**Director-at-Large Seat** – There is one director-at-large seat that will open on the board. For the open seat, Diane Dalsimer is completing her second three-year term and she is not eligible for re-election. Any interested candidate (statewide) can submit their name for consideration. The newly elected director would take office at the conclusion of the 2022 annual conference.

The FLiCRA board of directors consists of a minimum of twelve members, at least four of which are directors-at-large. Previous service as a local chapter board member is not required but may be helpful in fulfilling the duties of a state board member.

### **Qualities and Duties of FLiCRA State Board Members**

The members of the FLiCRA State Board of Directors are the stewards of the association and are responsible for reflecting the views and interests of all of our members. The board also provides leadership, a shared vision and sense of mission for the association and is responsible for the fiscal health of the association.

A board member must be a current member of the association.

Effective boards of directors approach their role focusing on policy making, not day-to-day operations of the organization.

### **FLiCRA Board Service Time Requirements**

Each term on the board is a three-year term, and a board member can serve up to two consecutive three-year terms in a director position. Officers are elected by the board and those are one-year terms.

Service on the FLiCRA board requires attendance at a minimum of three meetings a year (February - ½ day meeting usually in person, May - Teleconference or in person, November - ½ day in conjunction with the annual conference).

FLiCRA board members are reimbursed for travel under the following policy: Board members may be reimbursed for mileage, lodging and meal expenses for attending FLiCRA meetings.

### **The regional director shall work with the president and the executive director as follows:**

- Develop an annual chapter leaders training program for local chapter officers and directors.
- Communicate information to other chapter officers.
- Gather information from local chapters in order to pass it on to state FLiCRA leaders.
- Identify appropriate sites within the region for state/regional board of directors meetings.
- Identify and recruit residents of non-member facilities in the region.
- Develop contacts with administrators of non-member facilities.

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- Coordinate FLiCRA members from the region to testify at county legislative delegation meetings

**In addition:**

- Identify potential prospects for future state directors.
- Become the main link between the local chapters and the state organization.
- Collect news about all chapter events.
- Encourage all chapter officers to share ideas and news of FLiCRA activities.

**The Executive Director and/or his staff will:**

- Assist in securing speakers for regional meetings.
- Secure and finalize contract agreements with regional facilities for meetings and/or sleeping arrangements.

While directors-at-large are elected by the statewide membership, regional directors are elected by the chapter presidents within their given region.

**Region 3** – Seat is currently held by Richard Greatwood, Mayflower Retirement Community, Winter Park. Mr. Greatwood is eligible for a 2nd term.

**Region 3 includes the following counties:**

Orange, Volusia, Seminole

**Region 4** – Seat is currently held by Pat Burdsall, Indian River Estates, West, Vero Beach. Mrs. Burdsall was originally appointed to fill a vacancy in the spring of 2020; she is eligible for a 2nd term.

**Region 4 includes the following counties:**

Brevard, Indian River, Martin, North Palm Beach (Lantana north)

**Region 7** – Seat is currently being held by Ray Neff, Plymouth Harbor, Sarasota. Mr. Neff is eligible for a 2nd term.

**Region 7 includes the following counties:**

Hillsborough, Pinellas, Polk, Manatee

**Region 8** – Seat is currently being held by David Rader, Lamar Miller Chapter at Oak Hammock, Gainesville. This seat will be open in November 2022.

**Region 8 includes the following counties:** Lake, Sumter, Alachua

To assist in developing a slate of candidates, all members who are willing to serve for nomination to the state FLiCRA board of directors should submit their names, address, phone numbers, email address and a brief career bio by July 22, 2022.

**Mail:**

Nominations Committee Chair  
c/o FLiCRA  
325 John Knox Road, L103  
Tallahassee, FL 32303

**Email:**

[bennett@executiveoffice.org](mailto:bennett@executiveoffice.org)

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**General Senior Citizen Abuse:**

The Florida Attorney General's Hotline helps victims of any type of fraud or unfair trade practices; Toll-free 1-866-966-7226.

**ADA Grievences (Florida State resources):**

[https://www.dms.myflorida.com/business\\_operations/real\\_estate\\_development\\_and\\_management/bureau\\_of\\_operations\\_and\\_maintenance/americans\\_with\\_disabilities\\_act\\_ada](https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/bureau_of_operations_and_maintenance/americans_with_disabilities_act_ada)

[https://www.dms.myflorida.com/content/download/105230/595322/Department\\_of\\_Management\\_Services\\_Grievance\\_Procedure\\_under\\_The\\_Americans\\_with\\_Disabilities\\_Act\\_08-2019rev.pdf](https://www.dms.myflorida.com/content/download/105230/595322/Department_of_Management_Services_Grievance_Procedure_under_The_Americans_with_Disabilities_Act_08-2019rev.pdf)



# Minimum Staffing Standards Based on New Florida Law in Nursing Homes (May 2022) - Additional Clarification Now Available

The Florida Agency for Health Care Administration (AHCA) has provided additional clarification on the recent legislative changes to the minimum staffing standards in nursing homes that was signed into law on April 6, 2022.

The Agency stressed the importance of ensuring that staffing is in accordance with the facility assessment and the resident's care plan. ACHA indicated that meeting the minimum requirements in the law is not sufficient to ensure adequate staffing and there is not a one size fits all approach. The other consistent message is to ensure all direct patient care is documented in the resident's medical record.

The FAQs below should be used in determining disciplines and professions that meet the "direct care staff" definition, with the exception of Food & Nutrition Services. The Agency indicated that Food and Nutrition Services is broader than the payroll based journal category. This may include other employees performing direct patient care as long as it is documented in the resident's record. Direct care hours do not include time spent on administrative activities, so assessments should not be included.

## Questions and Answers (Frequently Asked Questions (FAQS))

**Q. Will nursing homes who do not change their staffing model need to change anything to be in compliance with the new Florida law? These nursing homes will meet the 3.6 hours of direct care per resident per day using only RNs, LPNs, and CNAs.**

A. No. If nursing homes want to continue meeting the state minimum staffing the former way, with nursing staff only, that is acceptable. Nursing homes are not required to count other disciplines for the 3.6 hours of direct care if they can meet it with their nursing staff alone.

**Q. Will nursing homes need to amend the residents' daily charts to include the services provided by the new direct patient care disciplines (therapists, social workers, mental health, etc.)? If so, what supporting documentation will be required?**

A. Yes, the law doesn't specify any format for supporting documentation. However, the nursing homes should follow the guidance for documentation according to federal Centers for Medicare and Medicaid (CMS) Medicare and Medicaid policies, the CMS Electronic Staffing Data Submission Payroll-Based Journal Long-Term Care Facility Policy Manual, Version 2.5, October 2018, and standards of practice for health information documentation.

**Q. Are nursing homes required to report the hours of the new patient care disciplines (direct care) on the staff calculation form if they will meet the minimum staffing requirements using only RNs, LPNs, and CNAs?**

A. No. However, nursing homes should document something to the effect on the form that they are not reporting other disciplines for the 3.6 hours of direct care other than nursing. Additionally, the nursing home administrator should tell the ACHA survey team about this as well.

See more information on the staffing ratios required on Page 7 of this *Resident Connection*.

**WANT MORE  
FLiCRA?**

**Go to FLiCRA.com and  
sign up to receive FLiCRA  
Alerts and Updates straight  
to your email inbox!**

# Chart from the Florida Legislature Outlining the New Florida Law on Nursing Home Staffing

There has been quite a bit of misinformation and misunderstanding of recent changes in the Florida law relative to nursing home staffing. The below chart outlines the actual staffing changes; a separate article published on Page 6 in this *Resident Connection* also provides further detail.

It's important to note that nursing home staffing was not the only element addressed in House Bill 1239, the law signed by the Governor. The new law also includes new nursing home financial reporting requirements as well as changes to cases of litigation relative to admissible evidence on compliance (a measure that was sought by the Florida Trial Bar).

Given the compromise elements of this legislation, for the first time in recent history, the Florida Justice Association (representing Trial Lawyers) and the Florida Health Care Association (representing 85% of Florida's licensed nursing homes) who generally are opposed to each other on most issues, both supported this legislation.

*As depicted in the table below, the law reduces the number of hours of required CNA direct care from 2.5 hours to 2 hours per resident per day. The bill retains previous law requiring 1 hour of licensed nurse direct care per resident per day. In total, at least 3 hours of direct care per resident per day must be provided by CNAs and licensed nurses.*

Requirement	Current Law	Effect of the Bill
<b>Minimum Average of Total Direct Care Hours</b>	<ul style="list-style-type: none"> <li>• 3.6 daily care hours</li> <li>• Based on weekly average of hours provided by CNAs and licensed nurses.</li> </ul>	<ul style="list-style-type: none"> <li>• 3.6 daily care hours</li> <li>• Based on weekly average of hours provided by CNAs and licensed nurses, and the following categories of direct care services: pharmacy; dietary; therapeutic; dental; podiatry; and mental health.</li> </ul>
<b>Direct Care by CNAs</b>	Minimum of 2.5 hours provided by CNAs per resident per day.	Minimum of 2.0 hours provided by CNAs per resident per day.
<b>Direct Care by Nurses</b>	Minimum of 1.0 hours provided by nurses per resident per day.	No change
<b>Direct Care by Other Staff</b>	N/A	Maximum 0.6 hours provided by non-CNAs/non-nurses per resident per day. (3.6 hrs. total minimum - 2.0 hrs. minimum CNA - 1.0 hr. minimum nurse = 0.6 hr.)

## Acronyms:

CNA: Certified Nursing Assistant

LPN: Licensed Practical Nurse

RN: Registered Nurse



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## Senior Housing Trends 2021 Report

Published by Love and Company. Highlights of this free 56-page report online includes the following analysis:

While data still show a decline of income with age, the percentage of households ages 75+ with incomes of 75K+ is growing, reaching 27% in 2021. And while income decreases with age, it appears that households in all age groups are almost equally likely to have net assets of \$1 million to \$2.5 million, and \$2.5 million+, until the age of 80+. This is probably one reason that consumers have greater concern about monthly fees than entrance fees in Life Plan Communities. Demographic data show that - should Life Plan Communities position themselves to meet the ever-evolving needs of the baby boomers - there will be continued market opportunities to sustain and grow traditional entrance-fee communities.

To obtain the report download it at:

<https://loveandcompany.com/wp-content/uploads/2021/08/Senior-Housing-Trends-2021.pdf>

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## SAVE THE DATE

**2022 FLiCRA  
Annual Conference  
& Delegates Meeting**

**November 2 - 3  
John Knox Village  
Pompano Beach**