



PULSE

A PUBLICATION FOR FLORIDA'S LONG TERM CARE COMMUNITY

Jennifer Ziolkowski recognized with Walter M. Johnson, Jr. Circle of Excellence Award



On July 18, Jennifer Ziolkowski, Senior Vice President of Opis Senior Services Group, was presented with the 2018 Walter M. Johnson, Jr. Circle of Excellence Award, FHCA's highest honor bestowed on a member. She was recognized in front of more than 600 of her long term care professional peers during FHCA's 2018 Annual Conference in Hollywood.

Ziolkowski has high-level of understanding of all aspects of business operations and an appreciation for the intricacies of Medicaid reimbursement. She played a key role in the development of the new Medicaid Prospective Payment System (PPS), offering important input that helped Florida's Legislature develop a payment system that will finally recognize and reward nursing centers for delivering quality care.

Opis Senior Services executive earns FHCA highest honor of distinction

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Get to Know FHCA President Alex Terentev

Adapted from his July 18 installation remarks

I have known few greater honors than the opportunity to serve as the President of the Florida Health Care Association. I am sure there are some people asking who Alex Terentev is, where he came from, who he works for, how did he become FHCA President and what is he going to do in this position.

My journey started in the USSR...I went to medical school and my biggest accomplishment there was finding and somehow convincing Stella, my wife, to go out with me. A few months later, still teenagers, we got married, because sometimes in life, you know when the time is right.

Six years later when the Soviet Union collapsed and the future seemed uncertain, we decided to move to the United States in search of a better life for ourselves and our young son, Paul, and on April 5, 1995, a young couple with a three-year-old son, two suitcases and \$120 in cash, barely speaking English, landed in Michigan. I began working in a small hospital as a phlebotomist, and this is where our American dream started. I was making \$10 an hour and felt filthy rich.

Meanwhile, my wife Stella who did not have a work permit, was sitting at home. She found another way to contribute to our family. On April 5, 1996, our daughter Deanna was born. So here we are with two kids, living a happy life when all of a sudden, our world almost ended. I learned that my work visa was not going to be extended but giving up our American dream and going back was not an option. We realized our only opportunity to stay here legally was to become students and apply for student visas. After years of working odd jobs like cutting grass and babysitting to pay for school, we both graduated from Lake Superior State University.

My American dream changed. I didn't want to be a phlebotomist anymore. I spoke to my friend Jim Wagner, who ran the only nursing home in our small Michigan town. He suggested I pursue a career as a nursing home administrator and gave me some advice. Jim said, "Alex, you are here on a student visa and you have a very funny accent. Your only way to find a job is to apply all over the country, from border to border, from coast to coast, and somebody out there is going to be dumb enough to give you a chance."

That is how we ended up in a Charles City, Iowa. I would challenge you to find it on a map. I found myself surrounded by corn fields running a 64-bed facility. You know you are in the middle of nowhere when the closest Walmart is 40 miles away. After three years of country living, my family voted to leave Iowa and head for the beach. As luck would have it, in 2003, I found a job with my current company, Gulf Coast Health Care, and we moved to Pensacola, Florida.

Years went by; as a family we moved from Pensacola to the Orlando area. I am still with the same company and the same wife, who went back to school and became a nurse practitioner. The children grew up, left home and went to school. My American dream changed again. I wanted to be the president of FHCA.

Now why am I sharing all these stories? No matter how low or difficult your situation is, hard work will always get you where you want to be. I grew up in a country that pushed us down, and many of us still managed to get up. Paying for school was difficult, especially as immigrants, but we worked through the tears and frustration because we knew what we were working for - the American dream.

I would also encourage you to network with everybody. Go out there and meet people from our industry; do not confine yourself to the walls of your own facility. The people I have met by chance ended up changing my life for the better. A random meeting in Europe with an American professor, Bill Castor, gave me an opportunity for a life in the United States. A random meeting with Jim Wagner helped me to become a nursing home administrator, and an email to Gulf Coast Health Care helped me land a job in Florida.

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By **Alex Terentev**
FHCA President

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J. Emmett Reed, CAE, **Executive Director**

The mission of FHCA is to advance the quality of services, image, professional development and financial stability of its members.

FHCA PULSE August/Sept. 2018

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by J. Emmett Reed, CAE
FHCA/Our Florida Promise
Executive Director

I guess Dad knew all along

I was reading the most recent edition of Florida Trend Magazine the other day about the "Best" companies to work for in Florida. I always enjoy reading anything with "best" in it because it seems more often than not I learn something from those stories. For instance, I travel the state frequently, so of course I want to know "Best" new restaurants and other local businesses.

When I read through the listing of "Best" companies, a few things stood out to me. First, two companies that made the grade were either owned or employed by good friends of mine. AgAmerica, one of the largest agriculture lending companies in America, is owned by my former college roommate who also happens to be married to one of my wife's best friends.

The second company, Bouchard Insurance, is also near and dear to my heart. Bouchard is a FHCA Service Corp member and our top executive level sponsor. They specialize in the senior living industry and offer an array of excellent, exclusive benefits for FHCA members needing all lines of insurance, including general and professional liability, property, workers' comp and group health.

If you're ever around my former college roommate or with the representatives from Bouchard, their personalities will reveal why they are considered the "Best." It shows in how they treat other people.

What makes these companies the "Best?" The criteria for this honor is heavily weighted into what employees think of their company. And while money and financial benefits come into play, there were many other factors that were highlighted. Some companies provided bicycles for their employees to take a quick ride to exercise or blow off steam. Flexible work schedules, team competitions, wellness benefits, ice cream giveaways, themed lunches, game rooms...there were some cool ideas.

Which brings me to my dad. If you've been reading my articles for the past nine-plus years, you might recall me writing about being raised in my family's citrus business. Reed Brothers Citrus was a small citrus nursery that, over the years, did a big business.

My dad bought the business when I was 11. It was so small in the beginning that he could only afford one other full-time worker besides himself, so my mother and I pitched in any way we could. I started out watering plants, and as the business grew, so did my responsibilities.

I worked seasonally throughout my middle and high school years, and I was responsible for hiring any friends willing to help as business grew. By high school, I had a core group of four friends who would work any time I asked them. I believe if we needed more help, it would have easily come.

But why?

Allow me to give just one example of what a day looked like at Reed Bros for me and my crew. Our citrus nursery provided several different types of products, one known as a citrus liner or root stock. A citrus liner is a small citrus tree, about 12 to 18 inches high. The liner tree, when grown to maturity, produces inedible fruit; however, some smart farmer figured out that the liner tree itself was hardier in cold weather and more disease resistant than a navel orange tree, for example. They figured out you could actually "bud" or "graft" whatever type of edible fruit bearing tree you wanted onto the liner. That explains why in some back yards you might find a tree producing lemons on one side and limes on the other. Pretty cool, huh?

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The importance of prompt refunds in the assisted living setting

By Karen Goldsmith

Be aware assisted living operators. The consequences of failure to make prompt refunds to residents or their estate are significant; providers will be fined three times the amount of the refund. Half of this fine will be given to the resident or his/her estate and the other half goes to the Health Care Trust Fund. If the refund is late, the person will not only receive the actual refund, but also one and one-half times that amount as a penalty to you.

The contract

The law requires that you put your refund policy in your contract. This should include the period of time the resident will be given to challenge charges against the refund (at least 14 days) and the period of time you have to send that refund (45 days). You are specifically permitted by law to charge the resident for damages to his/her unit above and beyond normal wear and tear. Spell that out in your contract.

The charges against the refund

The resident is entitled to the unused portion of monthly payment until the date of vacating the premises and removing all personal belongings; the termination date. Sometimes getting the resident to remove the property is problematic. If the unit is rentable without the property remaining in it, you can remove the property and place it in storage. You can charge the expenses related to the moving and rental space, not to exceed 20% of the regular rental rate for the unit. However, you must give 14-days-notice to allow ample time for the resident to remove the property.

You may retain other charges to the refund so long as they are permitted by law and clearly spelled out in the contract. One thing you cannot do is require more than 30-days-notice of termination.

The timing

Timing is the critical part. You MUST make the refund within 45 calendar days of transfer, discharge or death. Death brings with it special problems, such as identifying the person to whom the refund is going. You cannot impose requirements on the resident that give you additional time for refunding the money. In some states, for example, the law allows the clock to start running on the refund after death when the center receives the death certificate. This is not so in Florida. You must determine, in that 45-day window, that the resident has truly died and to whom to make the refund. Speak with your company attorney if you are having difficulty determining where the refund should go. This is typically when facilities are fined. Even a single day past the 45-day limit can result in the fine discussed above. Be diligent; the penalty can be substantial when the refund is significant.

For more details, review 429.24, Florida Statutes.♦



Karen Goldsmith of Goldsmith & Grout, PA serves as FHCA's Regulatory Counsel. Her office is located at 2011, Winter Park, FL 32970. She is available to members by phone at (407) 312-4930 or e-mail at klgoldsmith@ggflawfirm.com.

COVER STORY, cont. from page 1

Jennifer Ziolkowski recognized with Walter M. Johnson, Jr. Circle of Excellence Award

Ziolkowski was the 2017-18 Co-Chair of FHCA's Reimbursement Committee and served on the Association's PPS Task Force as well as the Agency for Health Care Administration's PPS working group. She also plays an important role at the national level, serving on the American Health Care Association's Reimbursement Committee. She is an active member of the FHC PAC Board and

the Legislative Committee and is an effective advocate for nursing center residents.

The Walter M. Johnson, Jr. Circle of Excellence Award is given annually to a member of FHCA who has made significant contributions in the past year and has worked for the growth and development of the Association through the years.

Turning complaints into compliments

Good grievance programs will enhance quality

By Deborah Franklin

The way complaints are received and addressed demonstrates an important measure of the center's commitment to quality care and resident satisfaction. A structured complaint and grievance policy is one of the foundations of a resident-centered approach to care.

What is the difference between a complaint and a grievance? A complaint is a minor issue that can be resolved within 24 hours by staff who are present at the time. A grievance is a more serious concern that involves patient care. Complaints should also be processed through your grievance program, as the center can more accurately identify systemic trends and help defend lawsuits that could arise from seemingly minor events.

Research shows that dissatisfied customers and their family members tell, on average, 15 other people about a negative experience. Without a good grievance process, residents and their family members may feel their only outlets for venting their concerns are friends, relatives, doctors, the Agency for Health Care Administration (AHCA) complaint line and the Ombudsman. In 2017, AHCA investigated 4,653 complaints in skilled nursing centers. Most Immediate Jeopardies (IJs) are issued at complaint surveys. An effective grievance program can prevent the situation from escalating to a complaint investigation.

Florida Statue 400.1183 requires skilled nursing centers to have a grievance program. Federal regulation 483.10 also requires a grievance program. The resident has the right to voice grievances to the center or other agency or entity that hears grievances without fear of discrimination or reprisal. Such grievances include those with respect to care and treatment which has been furnished or not furnished, the behavior of staff and of other residents, and other concerns regarding their long term care center stay. The resident has the right to and the center must make prompt efforts to resolve grievances the resident may have. The center must make information available to the resident about how to file a grievance or complaint. The center must establish a grievance policy to ensure the prompt resolution of all grievances regarding residents' rights.

It is important to follow the regulations, but resolving grievances and using complaints will also improve quality, as this results in better customer satisfaction, systems analysis and systems improvement. Complaints offer the center a chance to enrich its services and show responsiveness to resident concerns. The complaint allows the center to review their procedures through the eyes of the resident and to determine if changes can be made that would benefit residents and staff. Every complaint does not require a change in policy, but a full

review may reveal new ways to deliver services that delight your residents and family members.

The benefits and goals of an effective grievance program are improving resident and family communication, improving quality of care, identifying trends and issues, facilitating prompt resolution of concerns and tracking grievances from start to successful resolution. The end goal of an effective grievance procedure seeks to promote transparency regarding the circumstances surrounding the incident, provide validation of the patient's grievances, resolve the problem through corrective action and improve resident satisfaction and quality of care. An added benefit of having an effective grievance program is that it can be a vital tool for limiting issues in litigation, as the center is developing, gathering and securing evidence when it is fresh.

Turning complaints into compliments can be achieved with a strong commitment by management and staff to continuously improve the quality of service delivered to residents and families. It takes training, patience and a mature attitude toward accepting criticisms. Customer satisfaction can be maximized with an effective complaint process. When staff consistently address resident and family concerns, the center can attain the highest levels of customer service. ♦



Deborah Franklin is FHCA Senior Director of Quality Affairs. She can be reached at dfranklin@fhca.org.

FHCA on LinkedIn



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Follow FHCA on LinkedIn and find informative content from our Pulse blog contributors and other developing long term care news items.

Florida Health Care Association Announces 2018-19 Officers

Alex Terentev of Gulf Coast Health Care elected FHCA President



Florida Health Care Association recently elected its 2018-19 officers during its Annual Conference Membership Meeting in July. Alex Terentev, Director of Operations of Gulf Coast Health Care, was elected President of FHCA. After the installation conducted by FHCA Past President Nina Willingham, Terentev shared an inspirational story about his life as an immigrant and how the relationships he developed and connections he made over time helped him and his family achieve the American dream. Terentev also shared his vision for the Association in the year ahead, including a focus on legislative advocacy, improving the image and understanding about the complex care being delivered in nursing centers and the ongoing pursuit of quality care by FHCA members. FHCA's 2018-19 officers include the following individuals:

- **President:** Alex Terentev, Gulf Coast Health Care (front left)
- **Senior Vice President:** Marco Carrasco, West Gables Health Care Center (front right)
- **Secretary:** Kathy Gallin, Signature HealthCARE (front left)
- **Treasurer:** Anita Faulmann, Consulate Health Care (front right)
- **Independent Owner Vice President:** Michael McQuilkin, Oak Manor Healthcare and Rehabilitation Center (back right center)
- **Not-for-Profit Vice President:** Jeffrey Freimark, Miami Jewish Health (not pictured)

- **Immediate Past President:** John Simmons, West Jacksonville Health & Rehabilitation Center (back left)
- **Member At Large:** Mel Beal, Airamid Health Services (back left center)
- **Multifacility Vice President:** Vernon Zeger, Adventist Care Centers
- **Assisted Living Facility Vice President:** Steven Rule, Park Summit
- **Associate Member Vice President:** Yale Metz, Healthcare Services Group
- **Region I Vice President:** Gary Krulewitz, Renaissance Health and Rehabilitation
- **Region II Vice President:** Michelle Carroll, Flagler Health and Rehabilitation Center
- **Region III Vice President:** Stephen Lomonico, Countryside Rehab and Healthcare Center
- **Region IV Vice President:** Jeffrey Markulik, Edgewood Nursing Center

Along with the elected officers, FHCA's Board of Directors includes the presidents of each of the Association's 16 districts. ♦

Business News

By Lorne Simmons, Moore Stephens Lovelace

Medicaid Prospective Payment FAQs

First, I'd like to thank everyone who attended my FHCA Annual Conference session on updates and strategies for the new Medicaid Prospective Payment System (PPS). Hopefully attendees gained valuable information that will help make the transition to PPS easier to navigate and less stressful. Since returning from Conference, we have received many questions regarding some of the information Tom Parker and I presented related to transition and first year of PPS reimbursement. Here are a few of the more prominent questions and answers, or at least the most up-to-date responses, until the Agency for Health Care Administration releases the Long Term Care Plan in the coming weeks.

Q: I understand the additional funds provided by the 2018 Florida Budget will not cover the entire rate period through September 30, 2019. Is that correct?

A: That is correct. The additional funding of approximately \$140 million dollars appropriated by the 2018 Legislature for PPS transition was a one-time appropriation and will expire June 30, 2019. Unless the 2019 Legislative Session appropriates (and the new Governor approves) the same amount or more during the next session, Medicaid rates for those providers that are not on a hold-harmless rate will potentially see their rate decline by several dollars a day effective July 1, 2019. Therefore, it is vital that everyone take advantage of the Lobby Wednesdays sponsored by FHCA next year during Session to make your voices heard and retain the funding necessary to provide quality care for your residents.

Q: Am I going to receive a rate sheet from AHCA that I can use to prove my rate effective October 1?

A: Yes, the Agency for Health Care Administration (The Agency) is planning to issue rate sheets with sufficient detail that can be provided to banks, lenders, underwriters, etc. as proof of the rate in effect until June 30, 2019.

Q: Is my hold-harmless rate set for the next three years or is it subject to change?

A: The hold-harmless rate is subject to change for any retro-active adjustments such as final audit adjustments on open audits, audit appeal determinations, interim rate settlements, etc. that would impact the cost report used to set the rate effective September 1, 2016. The change to the hold harmless rate will be made on the next rate setting effective date following the determination. For example, if your December 31, 2015, cost report was used to set the September 1, 2016, rate and a final audit report is issued December 1, 2018, that is not appealed, your hold harmless rate will be recalculated based on the audit findings and compared to your new PPS calculated rate to determine your rate for October 1, 2019.

Q: How is the hold-harmless rate calculated for the rebasing that will occur in 2021?

A: The Agency will use your latest audited cost report on file in 2021 to calculate a new cost-based rate for your facility subject to targets and ceilings as determined by The Agency. Your hold-harmless rate for the October 1, 2021, rate setting will be 95% of the new cost-based rate.

Q: Is it possible that the cost report I just submitted with a fiscal year end of December 31, 2017, will be audited for PPS purposes?

A: It is possible that your most recently submitted cost report will be audited for PPS purposes. The Agency has not specifically set a "cut-off" for dates of acceptance for cost reports that will be audited for PPS.

Q: Can I get a breakdown of my quality scoring points across the various measures?

A: The Agency is planning on releasing a quality scoring sheet across each measure in the coming weeks that will allow a provider to see how they score on each measure.

As we move closer to the transition date of October 1, we will continue to monitor the status of the new Long Term Care Plan the Agency will release in August and post questions and answers through the FHCA blog. For more detailed information and guidance on how you can manage your individual resources and maximize your potential under PPS, consult your friendly reimbursement specialist.♦



Lorne Simmons and Sandy Swindling are with Moore Stephens Lovelace, P.A., FHCA's CPA Consultant. Learn more about MSL at www.msclcpa.com.

Senate President Joe Negron Recognized, Presents Award Named in His Honor to Nursing Home Resident

Ms. Evelyn Pines received the first Joe Negron Resident of the Year Award at FHCA's Annual Conference (pictured center with FHCA Immediate Past President John Simmons at left, Senate President Joe Negron at right)



After almost two decades of public service dedicated to improving the lives of Florida's most frail elders, Senate President Joe Negron was honored with the Florida Health Care Association renaming its annual Resident of the Year award for him.

Negron, now in the final months of a legislative career that began in 2000, was a strong advocate for Florida's nursing homes and the residents they serve throughout his tenure as Senate president. More than any other legislator, he made it possible for nursing homes to receive the funding levels they need to ensure quality care, and he was a key player as the Legislature enacted new, realistic requirements for nursing homes to protect their residents during hurricanes and other emergencies.

FHCA selects one nursing home resident each year for the top honor. From now on, the award will officially be called the Joe Negron Resident of the Year Award.

The inaugural presentation of this award was made at the FHCA Annual Conference in Hollywood on July 17, where more than 800 of Florida's long term care professionals gathered as Senate President Negron presented the award to Evelyn Pines of Regents Park of Winter Park.

Pines has been a resident at Regents Park of Winter Park for 10 years and has come to be known as the facility's unofficial "mayor." She works hard to understand resident issues, gathers and offers suggestions to enhance operations, and often speaks for those who don't have a voice.

"Ms. Pines reminds me daily of why I work in long term care," Administrator Daniel Clever said. "Her passion for her fellow residents and unwavering desire to improve her life and the lives of others drives me to do the same for my residents."

As Resident Council President, Pines regularly implements fresh ideas to make the center an even more enjoyable place to live. She helped the activities department rejuvenate a previously unused patio space into an outdoor oasis for resident activities and is the leader of the dominos club, which is often the source of uncontrolled laughter emanating from the dining room.

"The impact I make on the lives of my residents pales in comparison to the impact that Ms. Pines makes on the lives that surround her. It is a pleasure having her as a resident and an honor to know her as a person," said Clever. ♦

Long term care professionals and volunteers recognized for outstanding service

During FHCA's 2018 Annual Conference in Hollywood, the Association recognized several individuals and organizations as part of the 2018 Long Term Care Achievement Awards. These recipients demonstrated leadership within the profession and a strong commitment to resident quality care and quality of life.



ARTHUR H. HARRIS GOVERNMENT SERVICES AWARD

Elaine Bloom, Plaza Health Network

The Honorable Elaine Bloom (right) has testified on behalf of FHCA and the long term care profession numerous times before the state Legislature. During her 18 years in the Florida House of Representatives, she played an instrumental role in authoring legislation that created the Department of Elder Affairs and the Agency for Health Care Administration. "We're proud to recognize Elaine for her dedication to our profession and the people we serve," said Emmett Reed, executive director of FHCA. "When she left office, her passion for advocating for the elderly did not stop as she continues to be a voice for providers and residents both locally and in Tallahassee."

NURSING HOME ADMINISTRATOR OF THE YEAR

Bob Murphy, Whispering Oaks of Tampa

Bob Murphy (left center), a long term care administrator for more than 25 years, is an inspirational leader of his center's residents and staff. His involvement and commitment have been unwavering throughout his seven years at Whispering Oaks, and the center is thriving under his guidance. An active community member and participant on FHCA committees, Murphy is constantly going above and beyond to enhance his skills as an administrator. His proactive attitude and attention to detail are the keys to the success of his center and the well-being of its residents.

"Both residents and staff boast about Robert's caring, compassion, and listening skills," said Mel Beal, CEO of Airamid Health Services, who nominated Murphy for the honor. "His leadership and tireless dedication has led to superior outcomes for residents, positive experiences for staff, and outstanding marks for the center that are recognized by the community, CMS, AHCA, and our national association."



ASSISTED LIVING FACILITY ADMINISTRATOR OF THE YEAR

Suzette Garcia, Windsor Place at Orlando Lutheran Towers

Garcia (center) has worked at Windsor Place for almost 10 years, serving as Administrator since 2013. She is known throughout the center as a team player, respected leader, admired peer, and compassionate resident advocate. Garcia is committed to lifelong learning, culture change, innovations in workforce administration, low turnover and employee career climb opportunities to better her center. She also supports future leaders in long term care, working with local schools and interns to promote their development in the profession.

"Suzy's philosophy of 'lead by example' has resulted in the positive direction of staff tenure, reliability, turnover rate, and overall employee satisfaction," said Kerry Gerrity, the center's Chief Operating Officer. "She is an effective leader who encourages transparent and honest communication to ensure the culture of the organization is that of kindness, compassion, and sensitivity."





WILLIS J. GREGSON ASSOCIATE MEMBER OF THE YEAR

Adam Furman, Medline Industries

Furman (right center) is VP Manager of the Southeast Region at Medline Industries. An active member of the Association for more than a decade, Furman recognizes the important role business partnerships play in supporting continuous quality improvement in long term care. This keen understanding has led his organization to take a more significant role with the Association over time, helping FHCA enhance its quality cabinet, quality award programming, and Lobby Wednesday activities. "The level of Adam's support and generosity is extraordinary," said Tim Gregson of FHCA, son of the late Willis J. Gregson. "He is always a phone call away, and we know we can continue to count on him for advocacy in the long term care environment."

MEDIA & COMMUNITY INVOLVEMENT AWARD

Avante at Inverness

Avante at Inverness constantly showcases its tremendous quality care for its residents through a very active social media presence and strong relationships with local media. Whether the center's annual family reunion or a surprise visit by drag racing legend Don Garlits to celebrate veterans during the Independence Day holiday, the local community remains involved in the celebrations through newspaper coverage and engaging content on Avante at Inverness' popular Facebook page. Georgette Bass (left), the center's Director of Activities for more than 12 years, actively manages the Facebook page and coordinates many of the activities the residents enjoy on a weekly basis.

"Vendors who come to our center always say it's the most happening facility they've ever experienced," said Bobbie Jo Eckert, Human Resource Manager of Avante at Inverness. "If our center is having a special guest or activity, you can guarantee we're letting the community know how they can take part."



ADULT VOLUNTEER OF THE YEAR

Donald Findly, The Springs at Lake Pointe Woods of Sarasota

Findly's outgoing personality makes him an instant friend to both residents and staff of The Springs at Lake Pointe Woods. Now in his eighth year of volunteering at the center, he constantly looks to enhance his leadership skills through his willingness to accept challenges. Whether by talking with residents one on one or engaging them in a new group activity, Findly always makes sure he's involved in giving residents the care they deserve.

"I have been in health care for nearly 40 years and have never seen such a committed, dedicated, and caring individual as Don," center Administrator Brian Parsons said. "He always goes the extra mile for the residents, because he knows he is truly making a difference in their lives, which in turn enriches his life."



YOUNG ADULT VOLUNTEER OF THE YEAR

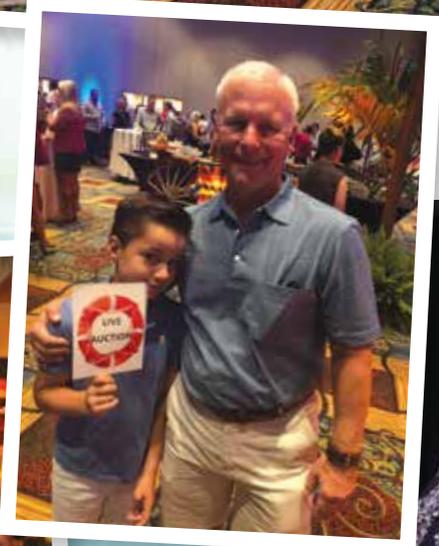
Railey Conner, Crestview Rehabilitation Center

From its modest start as a service project to collect gifts and personal hygiene items for residents, Conner's volunteer work with Crestview Rehab Center now spans more than seven years. Her genuine interest in the residents' hobbies and life stories has led her to develop lasting relationships with many of them. A junior at Baker High School, 17-year-old Conner is an excellent student who is also dual enrolled with the local community college, all while managing to be a star player on her school's volleyball team.

"Railey started a very selfless and thoughtful journey when she was only 11 years old by bringing love to many of our elderly population in Crestview," Administrator Renita C. Enfinger said. "In doing her part to provide sincere appreciation and love to our residents, she does it all with a caring approach which is our mission here at Crestview Rehabilitation Center." ♦



2018 Conference



Highlights



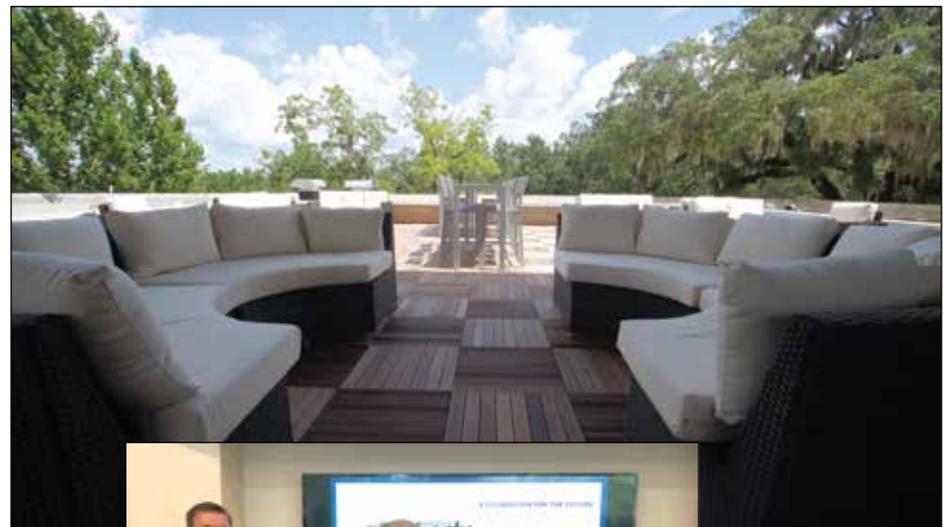
FHCA Education and Training Center Now Open

In July, Florida Health Care Association held an Open House Celebration, unveiling a major expansion to its headquarters with meeting space for the Association and outside groups. Several members of FHCA's Executive Committee attended the FHCA Education and Training Center Open House Celebration, along with nearly 100 guests from the Tallahassee community.

The new Education and Training Center is a \$3-million expansion that includes multi-purpose meeting space that can seat up to 300 people for educational seminars, along with an outdoor entertainment area that can host up to 200 people for mixers.

Executive Committee members in attendance included FHCA President Alex Terentev, Immediate Past President John Simmons, Secretary President Kathy Gallin and Past President Joe Mitchell. These volunteer leaders helped cut the ribbon and share a toast to the future of what this building will hold for FHCA.

FHCA also recognized its contributors, including our Platinum Legacy Donors - Bouchard Insurance, McKesson and Moore Stephens Lovelace - along with its Silver Legacy Donors, Roof Raisers and Friends of FHCA. Learn more about the FHCA Education and Training Center at edcenter.fhca.org.



FHCA members honored for demonstrating excellence in long term care



During its Annual Conference Quality Award Ceremony, FHCA recognized members for their extraordinary commitment to delivering quality care to Florida's frail elders. FHCA paid tribute to 39 member centers earning a 2018 AHCA/NCAL Bronze National Quality Award and 23 centers achieving the Silver National Quality Award.



The AHCA/NCAL National Quality Award Program is centered on the core values and criteria of the Baldrige Performance Excellence Program. The program has three levels: Bronze, Silver and Gold. Centers begin the quality improvement process at the Bronze level, developing an organizational profile with fundamental performance elements such as vision and mission statements and an assessment of customers' expectations. At the Silver level, centers continue to learn and develop effective approaches that help improve performance and health care outcomes. The Gold level is the highest distinction, in which centers must show superior performance in areas of the criteria including leadership, strategic planning, and customer and staff satisfaction.

FHCA members earning the 2018 National Quality Award will be formally recognized at the AHCA/NCAL Annual Convention in San Diego, Ca., in October. To read more about FHCA's 2018 Quality Award recipients, visit http://www.fhca.org/quality_improvement/qualityawards.

Gold Seal Recognitions

Also honored during the Opening Ceremony were FHCA member centers which hold the Governor's Gold Seal Award for Excellence in Long Term Care. The Governor's Gold Seal Award recognizes Florida nursing centers that demonstrate excellence in long term care over a sustained period while promoting the stability of the profession and facilitating the physical, social, and emotional well-being of nursing center residents. To learn more about the Governor's Gold Seal Award, visit http://www.fhca.org/quality_improvement/gold_seal_award.◆



Does discrimination based on sexual orientation violate Title VII?

By Mike Miller

Miller Tack & Madson, FHCA Labor Relations Consultant

Recently, the Eleventh Circuit Court of Appeals, by a vote of 9-2, refused to rehear a decision by a three judge panel which had found that discrimination based upon sexual orientation is not a violation of Title VII of the Civil Rights Act. Relying on "binding precedent," the Eleventh Circuit panel had held that "[d]iscrimination for homosexuality is not prohibited by Title VII." The panel went on to state that absent an intervening decision of the U.S. Supreme Court or a decision issued by the full Eleventh Circuit, i.e., an "en banc" decision, the panel must adhere to its precedent.

In an interesting opinion, the two dissenting judges expressed their view that the precedential value of the case relied on by the Eleventh Circuit panel was the "equivalent of an Edsel with a missing engine, when it comes to an issue that affects so many people."

While the law is well settled that discrimination based on failure to conform to a gender stereotypes is sex-based discrimination in violation of Title VII (e.g., discrimination against a transgender individual based on his or her failure to act how a man or woman is supposed to act), according to the Eleventh Circuit, a gender non-conformity claim is not the same as a claim based on sexual orientation. The dissent chastised the majority for refusing to grant a rehearing en banc to "explain why gender nonconformity claims are cognizable except for when a person fails to conform to the 'ultimate' gender stereotype by being attracted to the 'wrong' gender."

In two recent decisions in other circuits, the Second and Seventh Circuit Courts of Appeals, contrary to the Eleventh Circuit, held that sexual orientation discrimination constitutes discrimination because of sex in violation of Title VII. While a growing number of courts find that Title VII protections extend to discrimination based on sexual orientation, at least for now, the Eleventh Circuit's position is that they do not. Obviously, this issue will be decided by the U.S. Supreme Court.

U.S. Department of Labor resumes issuing opinion letters

The U.S. Department of Labor Wage and Hour Division (WHD) recently issued three opinion letters including: what counts as work time under the FLSA when employees travel for work; whether 15-minute rest breaks required every hour by an employee's serious health condition must be paid or may be uncompensated; and whether certain lump-sum payments from employers to employees are considered "earnings" for garnishment purposes under Title III of the Consumer Credit Protection Act.

After more than 70 years, the WHD stopped issuing opinion letters in 2010. However, in June 2017, the WHD announced that it would be resuming its longstanding practice of doing so. "An opinion letter is an official document authored by WHD on how a particular law applies in specific circumstances presented by the person or entity requesting the letter. Opinion letters represent official statements of agency policy." WHD opinion letters can be found at www.dol.gov/whd/opinion/guidance.htm.♦



Mike Miller is with Miller Tack & Madson, FHCA's Labor Relations Consultant. Learn more about MTM at www.peolawyers.net.

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To Improve Your Quality and Safety

By Staci Goldstein, MS
Quality Improvement Consultant

Improving your Quality and Safety is a number one priority of most providers I speak to. During such a conversation, Nursing Home Administrators and Directors of Nursing often ask "Why seek Joint Commission accreditation?" While the new Florida Medicaid PPS program is one reason for seeking accreditation, the main reason is to enhance your quality and safety program. Most people remember their accreditation experiences from the hospital setting and attempt to bring these same lessons learned into the skilled nursing setting. They recall months of rewriting policies and procedures and feel that it will be an overwhelming task. This daunting task feels even more so for providers given staff turnover, state and federal guidelines, and the numerous other obligations that make staff fearful of taking on "one more thing."

The truth is that the experience of preparing for The Joint Commission (TJC) survey is not a separate task from your ongoing regulatory compliance activities. TJC is a blueprint template for enhancing your existing quality and safety efforts. TJC standards are guidelines that organizations can use to build excellence into their quality and safety programs as well as enhancing their commitment to excellence in their corporate culture. The philosophy of the standards is that of a continuous improvement process that improves care and services for residents, staff, family, and visitors. One administrator expressed the benefit of the shared safety assessment tools used in preparing for survey, helping him identify life safety rounds that previously had significant gaps. Another client discovered that during data collection related to infection prevention, that their organization had been collecting data in a manner that was incorrect and therefore showing their infection rate as higher than it truly was. Accreditation readiness clients tell us that by working with RB Health Partners' consultants they can save hundreds of manpower hours by knowing which standards to concentrate on, having hands-on guidance, and using ready-made templates.

We have seen clients' outcome results show an improvement in their quality of care indicators for safety, infection rates, satisfaction rates and marked efficiency and overall improvements recognized during their Joint Commission accreditation readiness efforts. The additional requirements of the TJC standards builds on the existing infrastructure of the Federal Rules of Participation (RoP) and state requirements. This synergistic effect enhances the foundation of quality and safety at the organizational level.

Staci Goldstein and her accreditation readiness colleague Eddie Broom, MSW, Quality Improvement Consultant both work at RB Health Partners, Inc. a national consultancy firm based in Tampa Bay, FL. Our team of professionals provide Clinical, Risk, Medicare, & Operational services in addition to Joint Commission Accreditation readiness services.

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Eddie Broom



Staci Goldstein

ALF Rule brings big changes

By Kim Broom

The new Assisted Living Facility (ALF) rule took effect May 10, 2018. Several significant changes will impact ALF providers, including training and assistance with Self-Administration of Medications. These areas were highlighted by the Agency for Health Care Administration (AHCA) as main areas of change during the assisted living track at FHCA's Annual Conference in July.

Core Training

One of the first changes outlined that new employees who are not Core trained must receive a two-hour preservice orientation prior to interacting with residents. This training must cover resident rights, the facility's license type and services offered by the facility. There must be a signed document stating this preservice orientation has been completed, and this statement must be maintained in the employee's file.

Assistance with Self-Administration of Medication and Other Care Needs

Another significant change relates to Assistance with Self-Administration of Medication. AHCA reviewed these steps that providers must follow to assist a resident with medication:

- Bringing the medication in previously dispensed, properly labeled container to the resident
- In the presence of the resident, reading the label ALOUD
- Opening the container
- Removing the prescribed amount of medication
- Closing the container
- Placing oral dosage in the resident's hand or another container
- Applying topical medication
- Returning medication container to proper storage/documenting on MOR

There are several new skills that can be taught to a resident assistant which will assist a resident with medications. A new duty requiring additional training is assisting a resident with an Insulin pen by dialing the prescribed amount to be injected and handing the pen to the resident for self-injection. This can only be done with an insulin syringe that is prefilled with the proper dosage by a pharmacist or the manufacturer. Staff may assist by using a glucometer to perform blood glucose testing as prescribed by the physician.

Staff can also assist a resident with a nebulizer, which is commonly used for medical reasons. Staff can also assist residents with oxygen nasal cannulas and continuous positive airway

pressure (CPAP) devices. The only exclusion defined is titration of the oxygen levels.

Anti-embolic stockings and hosiery can now be applied and removed by staff. Proper cleaning of these items should be noted.

Trained staff may also assist with placement and removal of colostomy bags, excluding the removal of the flange or manipulation of the stoma site. Be aware there are many manufacturers of these items, and each residents' products may need to be reviewed so staff are assisting properly.

Trained staff may measure vital signs to include blood pressure, heart rate, temperature and respiratory rate. There is nothing that defines specific equipment used, so it would be up to the facility to ensure staff are using quality equipment to facilitate vital signs. Regulations do not outline whether blood pressure is taken with a manual cuff or a digital cuff; however, it should be carefully noted that facility practices should be done with best practices in mind. The unlicensed, trained staff who take these vital signs still do not interpret the vital signs, as that is not part of their scope of practice. Put in practices which won't cause this to be compromised.

The trained, unlicensed staff who currently have the four hours of required training must receive an additional two hours of training focused on the new skills prior to assisting with these duties. Any new staff trained will need the total of six hours of training from this point forward. As before, all staff who have been trained will require the two-hour updates annually.

Admission Clarifications

Clarification for admission and continued residency were also mentioned. AHCA clarified that a resident who is in a Standard ALF, LNS or LMH license may not have tube feedings, management of post-surgical drainage tubes and wound vacuum devices. Treatment of surgical incisions or wounds is only allowable when the underlying condition has been stabilized and a plan of care has been developed. This plan must be maintained in the resident's record. Details are outlined in the Chapter 58A-5 F.A.C.

With the expanded skills and requirements, there are opportunities and challenges. Moving from the assisted living facility they know as home into a more skilled setting could be as traumatic as the medical issues themselves. The services your ALF can now offer to your current and future residents can help better meet their needs. Making sure these skills are performed properly and training is complete will allow people to stay in their ALF home longer, possibly for life. ♦



Kim Broom is FHCA's Director of Clinical & Regulatory Services. She can be reached at kbroom@fhca.org.

Gov. Scott Recognizes Florida Veteran Fred Taylor with the Governor's Medal of Merit



During an August 14 Florida Cabinet meeting, Governor Rick Scott recognized Florida veteran and nursing home administrator Fred Taylor with the Governor's Medal of Merit.

Governor Scott said, "It's a privilege to present Fred Taylor with the Medal of Merit in recognition of his exceptional service to our country. We should take every opportunity to thank our veterans and I am proud to honor Fred with this small token of gratitude for his service and sacrifice, and for the work he continues to do to in his community."

Fred Taylor, administrator at Zephyrhills Health and Rehabilitation, is an Army Veteran who served during the Vietnam War. During his service, he was awarded three purple hearts for injuries sustained in the war. He served as the National Commander of the Military Order of the Purple Heart and the Combat Infantryman's Association. His many awards include the James Dean Foundation's Humanitarian Award and a Distinguished Alumni Award from both his high school and college. In 2013, Fred was recognized for volunteering 10,000 hours of service to veterans.

Taylor is an active FHCA member, a graduate of FHCA's Florida Leaders program and has resided in Florida since 2002. He continues to serve Florida veterans and their families. ♦



I guess Dad knew all along

To grow these trees, you must start with the rootstock seeds. We would pick the fruit from the grove, haul the fruit back to our business and run the fruit through a crusher that would separate the seeds from the pulp. After that, the seeds would be washed and placed in a tub to be heated and chemically treated. Finally, the seeds would be dried and ready to plant.

There was no fancy machine to plant the seeds for us. My "faithful four" and I, along with two full-time employees, would set out to hand plant every single tree, in a greenhouse, in the heat of summer.

Each greenhouse had 1,080 trays that each held 128 seeds. Do the math - that's 138,000 seeds planted by hand. On a good day, we would plant two greenhouses, or just over a quarter-million trees in a day!

Once the prickly trees grew, we had to pick them by hand, but that's a story for another day.

I often wondered why my "faithful four" always returned for such monotonous and hot work. Then I recalled what our days looked like.

Yes, there were hours of sweating, standing and "dropping" seeds, as we called it. But we had the music playing in the background, and lots of good conversation. During break and lunch, we were always provided with delicious food and drink, and we would always end

up playing basketball on a miniature hoop put up by the company supervisor.

Finally, at the end of the week, we always knocked off a little early, and dad had a volleyball net set up where my group would play with other workers who were doing different jobs around the property. As we played, my dad would grill steaks and mom would put out incredible side dishes, along with a delicious dessert.

Sure, I remember the hard work that went into being the son of a citrus nurseryman. It's those other memories, however, the extra mile my parents went to make everyone feel valued and special, which are the ones I remember the most.

There is no doubt Reed Brothers Citrus was one of the "Best," not only to work for, but also for providing the best products. I am sure their "Best" was because they had hard-working, happy employees.

I strive to help make FHCA the best through similar methods.

What are you doing to help create an atmosphere in which people don't mind working hard because you are willing to do something extra, albeit small, to make them feel valued?

Once you figure out how to do that, you will be on your way to being the best too!♦

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PULSE

FHCA's Long Term Care News Blog

FHCA Pulse is Digital • fhcapulse.com

The FHCA Pulse is now online, giving readers a faster and more interactive way to follow Association updates and long term care developments. This is the final issue of the printed Pulse newsletter, and we want to thank our loyal readers for supporting this publication for more than 60 years. FHCA members will still have access to important updates via the Pulse blog, the weekly Focus on Florida e-newsletter and timely Member Alerts. Readers can find content from this issue and other informative articles at fhcapulse.com.

Get to Know FHCA President Alex Terentev

continued from 3

I work for a great company. Our current and former presidents believed in me and supported all my FHCA involvement. I am forever thankful to Jamey Richardson and Craig Robinson.

Now, that you know who I am, let me tell you about where I want to take all of you.

As your president, I want to focus on three areas that I believe are vital for our industry.

Legislative activities, lobbying and political involvement

For the past eight years, we have had a strong relationship with Florida's Governor, the House and Senate, whose decisions affect our operations. This November, we'll see a new Governor and new legislators elected to office, so it's critical that we spend these next few months educating them about the work we do. A new payment system tied to quality is on the horizon. We need all of you to continue staying involved in FHCA's legislative activities — coming to Lobby Wednesdays, hosting lawmakers in your facilities, meeting with them in the districts and supporting the FHC PAC is critically important. We have a great team in Tallahassee, but they can't do it alone. I challenge each of you to find your voice and be part of the political process.

Improving the image of the nursing home industry

We are operating true rehab facilities, treating complicated clinical patients and sending them back home. We are not "homes for old people playing bingo" any more. Educating lawmakers about the care we provide is one step toward changing the image of our profession. We also need to be willing to share our positive stories, with our residents, our staff, our families and everyone in our lives. Social media has transformed the way people get their news today - like it or not we must engage on Facebook and Twitter to tell as many followers as we can that we are no longer the nursing homes of yesterday.

We have a workforce crisis. Today, we have more vacant positions available than unemployed people. While there is no silver bullet for how to fix the shortage of nurses and CNAs, we can certainly help our cause by telling stories about how important and rewarding it can be to work in our centers, to care for our residents and to be part of a passionate team of caregivers.

Continue to improve quality of care, outcomes and relationships with AHCA, CMS and other agencies

FHCA's Long Term Care Survey Task Force has been an important part of strengthening the relationships we have with the Agency for Health Care Administration. FHCA is working hard to keep those lines of communication open with all the agencies that are providing oversight. At the end of the day, we all want the same thing — the best possible care for our residents. I plan to continue what [FHCA Immediate Past President] John Simmons started with this Task Force, and we will expand opportunities for members to participate and share ideas.

Being involved in FHCA for so many years, I have seen the transformation of this organization from what used to be an association without strength or a voice at the Capitol. Today, I see a very powerful and strong group of leaders. Today, we have the highest level of participation from owners, CEOs, presidents, corporate staff and clinical leaders. We celebrated 10 years of the Florida Leaders program [at Conference], and in January, we'll begin another leadership training program for our nurse leaders. All of this is something to be proud of. There are opportunities for involvement at the district or committee level; there are meetings and educational events in which you can participate. This is what makes us strong. The FHCA leadership team with Emmett Reed leading the pack is the best in the country. But they need our help. I hope each of you will find a way to be involved and support our efforts.

It's going to be a great year, and I'm excited for what we will accomplish together. Thank you for this opportunity to serve as your President.♦

Want to stay up-to-date on FHCA news, events and activities?

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UPCOMING EVENTS



Some meetings noted herein may also carry CE credits.
Additional information and registration
can be found at www.fhca.org.

CONTINUING EDUCATION/TRAINING

SEPTEMBER

September 12, 2018

Agency for Health Care Administration Joint Trainings for Skilled Nursing Facilities

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September 13, 2018

Agency for Health Care Administration Joint Trainings for Assisted Living Facilities

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September 20, 2018

Agency for Health Care Administration Joint Trainings for Skilled Nursing Facilities

FHCA Education and Training Center · Tallahassee, FL

September 21, 2018

Agency for Health Care Administration Joint Trainings for Assisted Living Facilities

FHCA Education and Training Center · Tallahassee, FL

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October 16-18, 2018

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