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FOR IMMEDIATE RELEASE
December 12, 2018

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Naples Daily News Omits Facts in Errant Reporting of Nursing Home Investigations

Statement from the Agency for Health Care Administration Secretary Justin Senior:

“The Naples Daily News again paints a demonstratively false picture of the regulation of the long-term care facilities in Florida. Our Agency remains focused on health outcomes, and the goal of any licensure and regulatory structure is to set high standards, and to drive the regulated facilities toward higher and higher quality. The federal government publishes data around quality provided in nursing homes on a state-by-state basis. This data shows that Florida’s nursing homes regularly outperform the national averages in key quality and outcome measures. In fact, Florida nursing home residents today are less likely to fall, less likely to wander, less likely to suffer infections, less likely to exhibit unhealed pressure ulcers, and less likely to be chemically restrained than at the beginning of this decade.”

“Furthermore, a Kaiser Family Foundation [report](#), published earlier this year found that Florida leads all of its peer states in total nurse hours per resident day (HPRD). According to Kaiser, experts recommend at least 4.55 HPRD in nursing facilities. Certified nursing facilities in Florida averaged 4.55 HPRD compared to the national average of 4.05, and only Alaska, Idaho, Oregon and Utah averaged more hours than Florida.”

“Additionally, a U.S. News & World Report showed that Florida is ranked 13th for nursing home quality, while our peer states are ranked: California – 14, New York – 22, Ohio – 34, Pennsylvania – 39, Illinois – 42, and Texas – 50. The ranking is based on the percentage of a state’s residents in nursing homes rated a 4 or 5 star by the federal government. This means Florida has a higher percentage of residents in better quality facilities than any large state.”

“These exceptional quality results are not the product of low standards and inaction by our Agency, but are instead a product of the high standards our Agency has set and strict enforcement of those standards. Any story that implies our Agency is ineffective is demonstratively false.”

Facts Omitted:

1. The Agency has investigated all of the deaths included in the Naples Daily News reporting, all 54.
2. As the Agency has repeatedly told the Naples Daily News, we confirmed that in those 18 cases where no violations were identified, the Agency did perform a thorough investigation.
3. The AHCA survey review can consider documents there were not part of the DCF review including physician notes, clinical assessments, incident reports, dietary and dietician

notes, and meal and fluid consumption reports. As the regulatory Agency, we conduct a more thorough review.

- Any state sanction affords the facility licensee due process to challenge the sanction and includes the opportunity for a hearing before an administrative law judge. Administrative hearings are legal proceedings **that require the Agency to meet a clear and convincing standard, involve a judicial review of evidence, witnesses, and legal arguments, and end with a legally binding decision.**
 - AHCA is not the only regulatory agency involved. If deficiencies are found with a facility, AHCA would take action, if deficiencies are found with an individual practitioner, DOH would take action, and if criminal activity is identified, law enforcement would take action.
4. If a facility moves quickly, as would be expected, to address risks, there may be cases where no violations exist at the time of an inspection. Once any violation is identified the Agency requires complete correction of each of these for a facility to remain licensed. If any violation is not completely corrected, our Agency will initiate any one of a number of licensure or regulatory actions. Again, AHCA would take action to hold a facility accountable. If criminal activity is identified or deficiencies with an individual practitioner, law enforcement or DOH would take action.

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The Agency for Health Care Administration is committed to better health care for all Floridians. The Agency administers Florida's Medicaid program, licenses and regulates more than 48,000 health care facilities and 47 health plans, and publishes health care data and statistics at www.FloridaHealthFinder.gov. Additional information about Agency initiatives is available via [Facebook \(AHCAFlorida\)](#), [Twitter \(@AHCA_FL\)](#) and [YouTube \(/AHCAFlorida\)](#).