

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
INTERIM BRIEF**



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**DAILY INTERIM LEGISLATIVE BRIEF FROM FEBRUARY 8, 2001**  
**SOURCE: ASSOCIATED INDUSTRIES OF FLORIDA**

The House Elder and Long-Term Care committee met today and continued its discussion on issues relating to Florida's long-term care systems. The principle basis for the discussion was the just released report of the Task Force on Availability and Affordability of Long Term Care. This report has been the subject of much discussion and debate throughout the House and Senate this week in numerous health care related committees.

Staff Director for the Task Force, Larry Polivka, testified before the committee echoing the remarks of Lt. Governor Frank Brogan from earlier this week, saying that any meaningful reform must embrace both quality of care and the issue of excessive litigation.

Representatives Jeff Atwater (R-North Palm Beach), Joe Negron (R-Stuart) and Jerry Paul (R-Port Charlotte) all asked good questions, and appeared to be sympathetic to the concerns of the business community and to the nursing home care providers that litigation against the providers has simply gotten out of control. Disappointingly, Rep. David Simmons (R-Altamonte Springs), an attorney, was openly hostile to the need for litigation reform.

Other members of the Task Force also testified. Ms. Victoria Fierro, a "consumer" appointee to the Task Force railed against the Task Force process and the report as well, criticizing the staff and claiming the process was "manipulated." It is important to note, however, that unfortunately, so-called "consumer representatives" on statutorily created task forces usually are beholden to big labor, the teachers unions or the trial bar.

Task Force member Philip Freiden, representing the Trial Bar, also criticized the process, calling the Task Force work, "flawed."

An AARP representative on the Task Force, Ms. Cheryl Chmielewski, a Florida Regional Nurse Consultant, had a entirely different take on the report and the Task Force, praising both. She also spoke eloquently of the demoralizing effect litigation has on the morale of a nursing home provider.

Chairman Carol Green (R-Ft. Myers) instructed the committee that they would discuss the insurance issues related to long term care reform at their next meeting.

The mixed testimony of the Task Force members is reflective of the deep divide that exists within the public policy debate for long term care reform. AIF and the long term care providers believe that in order to bring sanity back into the long term care insurance market and to protect the very efficacy of the long term care industry in Florida, substantive reform must include improvements in the quality of care and reasonable limits on litigation in Florida. AIF begrudges no one their right to seek redress in the courts. No doubt, some cases of nursing home abuse have been truly egregious. But the current law is an open door to reckless and limitless lawsuits against nursing homes, lawsuits that are driving up long term insurance rates to an unsustainable level and simply driving insurance carriers out of the state. Unless reasonable limitations and standards are crafted and placed into law, legislation simply addressing the quality of care in Florida will be a moot point, because there will be no nursing homes to provide that care.

**Please send your comments or suggestions to us at [aif@aif.com](mailto:aif@aif.com) or call the Governmental Affairs department at (850)224-7173.**

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