

By the Committee on Health Care and Senators Brown-Waite and Latvala

317-1994A-98

1 A bill to be entitled

2 An act relating to emergency management

3 planning; amending s. 20.43, F.S.; defining

4 responsibilities of the county health

5 departments in providing assistance to local

6 special needs units or shelters; authorizing

7 the Department of Health to adopt rules;

8 amending s. 252.355, F.S.; revising provisions

9 relating to registration of persons requiring

10 special needs assistance in emergencies;

11 amending ss. 400.497 and 400.610, F.S.;

12 providing minimum requirements for home health

13 agency and hospice comprehensive emergency

14 management plans; providing for plan review by

15 the local emergency management agency and other

16 specified entities; requiring the adoption of

17 rules establishing plan components and

18 standards for care and services to be provided

19 in emergency evacuation and sheltering;

20 providing for certain exemptions; amending s.

21 408.15, F.S.; authorizing the Agency for Health

22 Care Administration to establish certain

23 standards of care; creating a special needs

24 shelter interagency committee within the

25 Department of Community Affairs; providing

26 committee tasks; requiring reports; providing

27 an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

31

1 Section 1. Subsection (5) of section 20.43, Florida
2 Statutes, is amended to read:

3 20.43 Department of Health.--There is created a
4 Department of Health.

5 (5)(a) The department shall plan and administer its
6 public health programs through its county health departments
7 and may, for administrative purposes and efficient service
8 delivery, establish up to 15 service areas to carry out such
9 duties as may be prescribed by the secretary. The boundaries
10 of the service areas shall be the same as, or combinations of,
11 the districts of the health and human services boards
12 established in s. 20.19 and, to the extent practicable, shall
13 take into consideration the boundaries of the jobs and
14 education regional boards.

15 (b) The county health department shall coordinate with
16 local medical and health care providers, the American Red
17 Cross, and other interested parties in developing and
18 implementing the plan for the management, operation,
19 logistics, and staffing of special needs units or shelters.
20 The county health department shall, in conjunction with the
21 local emergency management agency, coordinate recruitment of
22 medical personnel to staff local special needs units or
23 shelters. During times of emergency or major disaster, the
24 county health department shall assist the local emergency
25 management agency in the operation of the special needs units
26 or shelters. The Department of Health may promulgate, adopt,
27 and enforce all rules necessary to implement this paragraph.

28 Section 2. Subsections (1) and (3) of section 252.355,
29 Florida Statutes, are amended to read:

30 252.355 Registry of ~~disabled~~ persons with special
31 needs; notice.--

1 (1) In order to meet the special needs of persons who
2 would need assistance during evacuations and sheltering
3 because of physical, mental, or sensory disabilities ~~or mental~~
4 ~~handicaps~~, each local emergency management agency in the state
5 shall maintain a registry of ~~disabled~~ persons with special
6 needs located within the jurisdiction of the local agency.
7 The registration shall identify those persons in need of
8 assistance and plan for resource allocation to meet those
9 identified needs. To assist the local emergency management
10 agency in identifying such persons, the Department of Children
11 and Family Services, Department of Health, and Department of
12 Elderly Affairs ~~Health and Rehabilitative Services~~ shall
13 provide registration information to all of their ~~its~~ special
14 needs clients and to all incoming clients as a part of the
15 intake process. The registry shall be updated annually. The
16 registration program shall give ~~disabled~~ persons with special
17 needs the option of preauthorizing emergency response
18 personnel to enter their homes during search and rescue
19 operations if necessary to assure their safety and welfare
20 following disasters.

21 (3) All records, data, information, correspondence,
22 and communications relating to the registration of ~~disabled~~
23 persons with special needs as provided in subsection (1) are
24 confidential and exempt from the provisions of s. 119.07(1),
25 except that such information shall be available to other
26 emergency response agencies, as determined by the local
27 emergency management director.

28 Section 3. Subsection (1) of section 400.497, Florida
29 Statutes, is amended, and subsection (11) is added to said
30 section, to read:

31

1 400.497 Rules establishing minimum standards.--The
2 Agency for Health Care Administration shall adopt, publish,
3 and enforce rules to implement this part, including, as
4 applicable, ss. 400.506 and 400.509, which must provide
5 reasonable and fair minimum standards relating to:

6 (1) Scope of home health services to be provided,
7 which shall include services to be provided during emergency
8 evacuation and sheltering.

9 (11)(a) The preparation and annual update of a
10 comprehensive emergency management plan. Home health agencies
11 must plan to continue to provide skilled nursing services
12 during times of emergency or major disaster. To accomplish
13 this, each home health agency must prepare a comprehensive
14 emergency management plan. The Agency for Health Care
15 Administration shall adopt rules establishing minimum criteria
16 for the plan after consultation with the Department of
17 Community Affairs. This requirement does not apply to:

18 1. A facility that is certified under chapter 651 and
19 has a licensed home health agency used exclusively by the
20 residents of the facility; or

21 2. A retirement community that consists of residential
22 units for independent living and either a licensed nursing
23 home or an assisted living facility, and has a licensed home
24 health agency used exclusively by the residents of the
25 retirement community;

26
27 provided the comprehensive emergency management plan for the
28 facility or retirement community provides for continuous care
29 of all residents with special needs during an emergency.

30 (b) At a minimum, the rules must provide for plan
31 components that address client education on personal disaster

1 preparedness; client awareness of the special needs
2 registration, evacuation, and shelter process; registration of
3 clients requiring public assistance; preparation of the agency
4 offices and staff; plans for coordinating with other agencies
5 to provide continuity of skilled nursing care to clients
6 during disaster impact; provisions for continuing skilled
7 nursing services for home health clients evacuated to special
8 needs units or shelters, to include providing home health care
9 staff to special needs units or shelters, to the extent
10 reasonably possible; transfer of medical records or
11 information on home health clients evacuated to special needs
12 units or shelters, if the location is known to the home health
13 agency; and postimpact delivery of services, to include
14 resumption of care and, to the extent possible, expansion of
15 services to accept new client referrals as a result of the
16 disaster.

17 (c) The plan is subject to review and approval by the
18 local emergency management agency. During its review, the
19 local emergency management agency shall ensure that the
20 following agencies, at a minimum, are given the opportunity to
21 review the plan:

- 22 1. Department of Elderly Affairs.
- 23 2. County health department.
- 24 3. Agency for Health Care Administration.
- 25 4. Local chapter of the American Red Cross or other
26 lead sheltering agency.
- 27 5. Department of Children and Family Services.

28
29 The local emergency management agency shall complete its
30 review within 60 days after receipt of the plan and shall
31

1 either approve the plan or advise the home health agency of
2 necessary revisions.

3 Section 4. Paragraph (b) of subsection (1) of section
4 400.610, Florida Statutes, is amended to read:

5 400.610 Administration and management of a hospice.--

6 (1) A hospice shall have a clearly defined organized
7 governing body, consisting of a minimum of seven persons who
8 are representative of the general population of the community
9 served. The governing body shall have autonomous authority and
10 responsibility for the operation of the hospice and shall meet
11 at least quarterly. The governing body shall:

12 (b) Prepare and annually update a comprehensive
13 emergency management plan which ensures that the hospice will
14 continue to provide an acceptable level of care during times
15 of emergency or major disaster. The department shall adopt
16 rules establishing minimum criteria for the plan after
17 consultation with the Department of Community Affairs.~~Prepare~~
18 ~~a disaster preparedness plan.~~

19 1. At a minimum, the rules must provide for plan
20 components that address client education on personal disaster
21 preparedness; client awareness of the special needs
22 registration, evacuation, and shelter process; registration of
23 clients requiring public assistance; preparation of the agency
24 offices and staff; plans for providing continuity of care to
25 clients during disaster impact; provisions for caring for
26 hospice clients evacuated to special needs units or shelters,
27 to include providing hospice staff to special needs units or
28 shelters; identification and tracking of clients, to include
29 the transfer of medical records; responding to family
30 inquiries; and postimpact delivery of services, to include
31 resumption of care, facilitating the clients' return to the

1 home environment, facilitating referral to residential care
2 facilities for clients unable to return home, and expansion of
3 services to accept new client referrals as a result of the
4 disaster.

5 2. The plan is subject to review and approval by the
6 local emergency management agency. During its review, the
7 local emergency management agency shall ensure that the
8 following agencies, at a minimum, are given the opportunity to
9 review the plan:

- 10 a. Department of Elderly Affairs.
11 b. County health department.
12 c. Agency for Health Care Administration.
13 d. Local chapter of the American Red Cross or other
14 lead sheltering agency.
15 e. Department of Children and Family Services.
16

17 The local emergency management agency shall complete its
18 review within 60 days after receipt of the plan and shall
19 either approve the plan or advise the hospice of necessary
20 revisions.

21 Section 5. Subsection (12) is added to section 408.15,
22 Florida Statutes, to read:

23 408.15 Powers of the agency.--In addition to the
24 powers granted to the agency elsewhere in this chapter, the
25 agency is authorized to:

26 (12) Establish, in coordination with the Department of
27 Health, uniform standards of care to be provided in special
28 needs units or shelters during times of emergency or major
29 disaster.

30 Section 6. (1) There is created within the Department
31 of Community Affairs a special needs shelter interagency

1 committee, to be chaired and staffed by the department. The
2 committee is directed to resolve those special needs
3 sheltering problems and issues not addressed in the state
4 comprehensive emergency management plan, and to serve as an
5 oversight committee to monitor the effectiveness of an
6 implemented special needs sheltering program. The specific
7 tasks for the committee are to:

8 (a) Establish clear roles and responsibilities of
9 state agencies and other organizations necessary to implement
10 the program on or before January 1, 1999.

11 (b) Identify those issues requiring additional
12 legislation and funding on or before January 1, 1999.

13 (c) Determine the need for local or county advisory
14 committees to work with the appropriate local agencies and
15 staff.

16 (d) Propose and negotiate any necessary interagency
17 agreements.

18 (e) Provide ongoing evaluation, recommendations, and
19 monitoring to the program administrator and submit a 6-month
20 report to the Legislature. Thereafter, reports shall be
21 submitted to the Legislature annually.

22 (2) The special needs shelter interagency committee
23 shall be composed of representatives of emergency management,
24 health, medical, and social services organizations. Membership
25 shall include at least one representative from the following
26 agencies and entities: Department of Community Affairs,
27 Department of Health, Department of Children and Family
28 Services, Agency for Health Care Administration, Department of
29 Elderly Affairs, Department of Education, Department of Labor
30 and Employment Security, Associated Home Health Industries of
31 Florida, Inc., Florida Nurses Association, Florida Health Care

1 Association, Florida Hospital Association, Florida Homes for
2 the Aging, Association of Community Hospitals and Health
3 Systems, Florida League of Health Systems, and the Salvation
4 Army.

5 (3) Headquarters for committee meetings shall be in
6 Tallahassee, with the Division of Emergency Management of the
7 Department of Community Affairs determining the exact meeting
8 locations. Members of the committee shall serve at the expense
9 of the agencies or organizations they represent.

10 Section 7. This act shall take effect October 1, 1998.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1036

15 Revises the responsibilities of county health departments with
16 regard to special needs units or shelters specific to: overall
17 coordination, coordination of staffing, and Department of
18 Health rulemaking.

19 Provides an exception to home health agency emergency
20 management planning requirements for continuing care
21 retirement communities licensed under ch. 651, F.S., and for
22 independent living retirement communities.

23 Revises emergency management plan requirements for home health
24 agencies specific to coordination with other agencies and the
25 provision of continuing services.

26 Revises emergency management plan requirements for hospices
27 specific to expansion of services to accept new client
28 referrals as a result of the disaster.

29 Amends s. 408.15, F.S., rather than 408.034, F.S., to require
30 the Agency for Health Care Administration to coordinate with
31 the Department of Health in establishing uniform standards of
care.

Creates within the Department of Community Affairs a special
needs shelter interagency committee, with specific tasks,
duties, and membership.