

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Carlton

316-1951-99

1 A bill to be entitled
2 An act relating to emergency management
3 planning; amending s. 252.355, F.S.; revising
4 provisions relating to registration of persons
5 requiring special needs assistance in
6 emergencies; creating s. 381.0303, F.S.;
7 providing for recruitment of health care
8 practitioners for special needs shelters;
9 providing for reimbursement; providing duties
10 of the Department of Health, the county health
11 departments, and the local emergency management
12 agencies; authorizing use of a health care
13 practitioner registry; authorizing
14 establishment of a special needs shelter
15 interagency committee; providing membership and
16 responsibilities; providing for rules; amending
17 s. 400.506, F.S.; requiring nurse registries to
18 assist at-risk clients with special needs
19 registration and to prepare a comprehensive
20 emergency management plan; specifying plan
21 requirements; providing for plan review and
22 approval; creating s. 400.492, F.S.; requiring
23 home health agencies to prepare a comprehensive
24 emergency management plan; specifying plan
25 requirements; amending ss. 400.497 and 400.610,
26 F.S.; providing minimum requirements for home
27 health agency and hospice comprehensive
28 emergency management plans; providing for
29 rules; providing for plan review and approval;
30 providing for plan review and approval for
31 hospices operating in more than one county;

1 providing for plan review and approval for home
2 health agencies operating in more than one
3 county; amending s. 400.506, F.S.; requiring
4 nurse registries to assist at-risk clients with
5 special needs registration and to prepare a
6 comprehensive emergency management plan;
7 specifying plan requirements; providing for
8 plan review and approval; creating s. 401.273,
9 F.S.; amending s. 400.605, F.S.; requiring the
10 Department of Elderly Affairs to include
11 components for comprehensive emergency
12 management plan in its rules establishing
13 minimum standards for a hospice; amending s.
14 400.6095, F.S.; requiring that certain
15 emergency care and service information be
16 included in hospice patients' medical records;
17 providing for establishment of a registry of
18 emergency medical technicians and paramedics
19 for disasters and emergencies; amending s.
20 408.15, F.S.; authorizing the Agency for Health
21 Care Administration to establish uniform
22 standards of care for special needs shelters;
23 creating s. 455.276, F.S.; providing for
24 establishment of a health practitioner registry
25 for disasters and emergencies; requiring
26 emergency and disaster planning provisions in
27 certain state agency provider contracts;
28 specifying minimum contract requirements;
29 providing appropriations; providing an
30 effective date.
31

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

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

5 252.355 Registry of ~~disabled~~ persons with special
6 needs; notice.--

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

27 (3) All records, data, information, correspondence,
28 and communications relating to the registration of ~~disabled~~
29 persons with special needs as provided in subsection (1) are
30 confidential and exempt from the provisions of s. 119.07(1),
31 except that such information shall be available to other

1 emergency response agencies, as determined by the local
2 emergency management director.

3 Section 2. Section 381.0303, Florida Statutes, is
4 created to read:

5 381.0303 Health practitioner recruitment for special
6 needs shelters.--

7 (1) PURPOSE.--The purpose of this section is to
8 designate the Department of Health, through its county health
9 departments, as the lead agency for coordination of the
10 recruitment of health care practitioners to staff special
11 needs shelters in times of emergency or disaster and to
12 provide resources to the department to carry out this
13 responsibility. However, nothing in this section prohibits a
14 county health department from entering into an agreement with
15 a local emergency management agency to assume the lead
16 responsibility for recruiting health care practitioners.

17 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
18 funds have been appropriated to support medical services
19 disaster coordinator positions in county health departments,
20 the department shall assume lead responsibility for the local
21 coordination of local medical and health care providers, the
22 American Red Cross, and other interested parties in developing
23 a plan for the staffing and medical management of special
24 needs shelters. The plan shall be in conformance with the
25 local comprehensive emergency management plan.

26 (a) County health departments shall, in conjunction
27 with the local emergency management agencies, have the lead
28 responsibility for coordination of the recruitment of health
29 care practitioners to staff local special needs shelters.
30 County health departments shall assign their employees to work
31

1 in special needs shelters when needed to protect the health of
2 patients.

3 (b) The appropriate county health department and local
4 emergency management agency shall jointly determine who has
5 responsibility for medical supervision in a special needs
6 shelter.

7 (c) Local emergency management agencies shall be
8 responsible for the designation and operation of special needs
9 shelters during times of emergency or disaster. County health
10 departments shall assist the local emergency management agency
11 with regard to the management of medical services in special
12 needs shelters.

13 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
14 Department of Health shall reimburse, subject to the
15 availability of funds for this purpose, health care
16 practitioners as defined in s. 455.501, provided the
17 practitioner is not providing care to a patient under an
18 existing contract, and emergency medical technicians and
19 paramedics licensed pursuant to chapter 401 for medical care
20 provided at the request of the department in special needs
21 shelters or at other locations during times of emergency or
22 major disaster. Reimbursement for health care practitioners,
23 except for physicians, shall be based on the average hourly
24 rate that such practitioners were paid according to the most
25 recent survey of Florida hospitals conducted by the Florida
26 Hospital Association. Reimbursement shall be requested on
27 forms prepared by the Department of Health. If a Presidential
28 Disaster Declaration has been made, and the Federal Government
29 makes funds available, the department shall use such funds for
30 reimbursement of eligible expenditures. In other situations,
31 or if federal funds do not fully compensate the department for

1 reimbursement made pursuant to this section, the department
2 shall submit to the Cabinet or Legislature, as appropriate, a
3 budget amendment to obtain reimbursement from the working
4 capital fund. Travel expense and per diem costs shall be
5 reimbursed pursuant to s. 112.061.

6 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department
7 may use the registries established in ss. 401.273 and 455.276
8 when health care practitioners are needed to staff special
9 needs shelters or to staff disaster medical assistance teams.

10 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
11 Department of Health may establish a special needs shelter
12 interagency committee, to be chaired and staffed by the
13 department. The committee shall resolve problems related to
14 special needs shelters not addressed in the state
15 comprehensive emergency medical plan and shall serve as an
16 oversight committee to monitor the planning and operation of
17 special needs shelters.

18 (a) The committee may:

19 1. On or before January 1, 2000, resolve questions
20 concerning the roles and responsibilities of state agencies
21 and other organizations that are necessary to implement the
22 program.

23 2. On or before January 1, 2000, identify any issues
24 requiring additional legislation and funding.

25 3. Develop and negotiate any necessary interagency
26 agreements.

27 4. Undertake other such activities as the department
28 deems necessary to facilitate the implementation of this
29 section.

30 5. Submit recommendations to the Legislature as
31 necessary.

1 (b) The special needs shelter interagency committee
2 shall be composed of representatives of emergency management,
3 health, medical, and social services organizations. Membership
4 shall include, but shall not be limited to, the Departments of
5 Community Affairs, Children and Family Services, Elderly
6 Affairs, Labor and Employment Security, and Education; the
7 Agency for Health Care Administration; the Florida Medical
8 Association; Associated Home Health Industries of Florida,
9 Inc.; the Florida Nurses Association; the Florida Health Care
10 Association; the Florida Hospital Association; the Florida
11 Statutory Teaching Hospital Council; the Florida Association
12 of Homes for the Aging; the Florida Emergency Preparedness
13 Association; the American Red Cross; Florida Hospices, Inc.;
14 the Association of Community Hospitals and Health Systems; the
15 Florida Association of Health Maintenance Organizations; the
16 Florida League of Health Systems; Private Care Association;
17 and the Salvation Army.

18 (c) Meetings of the committee shall be held in
19 Tallahassee and members of the committee shall serve at the
20 expense of the agencies or organizations they represent.

21 (6) RULES.--The department may adopt rules necessary
22 to implement this section.

23 Section 3. Section 400.492, Florida Statutes, is
24 created to read:

25 400.492 Provision of services during an
26 emergency.--Each home health agency shall prepare and maintain
27 a comprehensive emergency management plan that is consistent
28 with the standards adopted by national accreditation
29 organizations and consistent with the local special needs
30 plan. The plan shall be updated annually and shall provide for
31 continuing home health services during an emergency that

1 interrupts patient care or services in the patient's home. The
2 plan shall describe how the home health agency establishes and
3 maintains an effective response to emergencies and disasters,
4 including: notifying staff when emergency response measures
5 are initiated; providing for communication between staff
6 members, county health departments, and local emergency
7 management agencies, including a backup system; identifying
8 resources necessary to continue essential care or services or
9 referrals to other organizations subject to written agreement;
10 and prioritizing and contacting patients who need continued
11 care or services.

12 (1) Each patient record for patients who are listed in
13 the registry established pursuant to s. 252.355 shall include
14 a description of how care or services will be continued in the
15 event of an emergency or disaster. The home health agency
16 shall discuss the emergency provisions with the patient and
17 the patient's caregivers, including where and how the patient
18 is to evacuate, procedures for notifying the home health
19 agency in the event that the patient evacuates to a location
20 other than the shelter identified in the patient record, and a
21 list of medications and equipment which must either accompany
22 the patient or will be needed by the patient in the event of
23 an evacuation.

24 (2) Each home health agency shall maintain a current
25 prioritized list of patients who need continued services
26 during an emergency. The list shall indicate how services
27 shall be continued in the event of an emergency or disaster
28 for each patient and if the patient is to be transported to a
29 special needs shelter, and shall indicate if the patient is
30 receiving skilled nursing services and the patient's
31 medication and equipment needs. The list shall be furnished to

1 county health departments and to local emergency management
2 agencies, upon request.

3 (3) Home health agencies shall not be required to
4 continue to provide care to patients in emergency situations
5 that are beyond their control and that make it impossible to
6 provide services, such as when roads are impassable or when
7 patients do not go to the location specified in their patient
8 records.

9 (4) Notwithstanding the provisions of s. 400.464(2) or
10 any other provision of law to the contrary, a home health
11 agency may provide services in a special needs shelter located
12 in any county.

13 Section 4. Subsection (1) of section 400.497, Florida
14 Statutes, is amended, and subsection (11) is added to that
15 section, to read:

16 400.497 Rules establishing minimum standards.--The
17 Agency for Health Care Administration shall adopt, publish,
18 and enforce rules to implement this part, including, as
19 applicable, ss. 400.506 and 400.509, which must provide
20 reasonable and fair minimum standards relating to:

21 (1) Scope of home health services to be provided,
22 which shall include services to be provided during emergency
23 evacuation and sheltering.

24 (11) Preparation of a comprehensive emergency
25 management plan pursuant to s. 400.492.

26 (a) The Agency for Health Care Administration shall
27 adopt rules establishing minimum criteria for the plan and
28 plan updates, with the concurrence of the Department of Health
29 and in consultation with the Department of Community Affairs.

30 (b) The rules must address the requirements in s.
31 400.492. In addition, the rules shall provide for the

1 maintenance of patient-specific medication lists that can
2 accompany patients who are transported from their homes.

3 (c) The plan is subject to review and approval by the
4 county health department. During its review, the county health
5 department shall ensure that the following agencies, at a
6 minimum, are given the opportunity to review the plan:

7 1. The local emergency management agency.

8 2. The Agency for Health Care Administration.

9 3. The local chapter of the American Red Cross or
10 other lead sheltering agency.

11 4. The district office of the Department of Children
12 and Family Services.

13

14 The county health department shall complete its review within
15 60 days after receipt of the plan and shall either approve the
16 plan or advise the home health agency of necessary revisions.

17 (d) For any home health agency that operates in more
18 than one county, the Department of Health shall review the
19 plan, after consulting with all of the county health
20 departments, the agency, and all the local chapters of the
21 American Red Cross or other lead sheltering agencies in the
22 areas of operation for that particular hospice. The Department
23 of Health shall complete its review within 90 days after
24 receipt of the plan and shall either approve the plan or
25 advise the hospice of necessary revisions. The Department of
26 Health shall make every effort to avoid imposing differing
27 requirements based on differences between counties on the
28 hospice.

29 Section 5. Present subsections (15), (16), and (17) of
30 section 400.506, Florida Statutes, 1998 Supplement, are
31 renumbered as subsections (17), (18), and (19), respectively,

1 and new subsections (15) and (16) are added to that section to
2 read:

3 400.506 Licensure of nurse registries; requirements;
4 penalties.--

5 (15) Nurse registries shall assist at-risk clients
6 with special needs registration with the appropriate local
7 emergency management agency pursuant to s. 252.355.

8 (16) Each nurse registry shall prepare and maintain a
9 comprehensive emergency management plan that is consistent
10 with national standards adopted by accreditation organizations
11 and consistent with local special needs plans. The plan shall
12 be updated annually and provide for continuing nursing
13 services during an emergency that interrupts patient care or
14 services in the patient's home. Continuing services are to be
15 delivered by the nurse registry or by other health care
16 providers pursuant to a written agreement for such care. The
17 plan shall describe how the nurse registry establishes and
18 maintains an effective response to emergencies and disasters,
19 including: notifying staff members, county health departments,
20 and local emergency management agencies, including a backup
21 system; identifying resources necessary to continue essential
22 care or services or referrals to other organizations subject
23 to a written agreement; and prioritizing and contacting
24 patients who need continued care or services. The plan shall
25 include identifying special needs shelters and shall contain
26 provisions for ensuring continuing care to nurse registry
27 patients who go to special needs shelters.

28 (a) Each patient record for patients who are listed on
29 the registry established pursuant to s. 252.355 shall include
30 a description of how care or services will be continued in the
31 event of an emergency or disaster. The nurse registry shall

1 discuss the emergency provisions with the patient and the
2 patient's caregivers, including where and how the patient is
3 to evacuate, procedures for notifying the nurse registry in
4 the event that the patient evacuates to a location other than
5 the shelter identified in the patient record, and a list of
6 medications and equipment which must either accompany the
7 patient or will be needed by the patient in the event of an
8 evacuation.

9 (b) Each nurse registry shall maintain a current
10 prioritized list of patients who need continued services
11 during an emergency. The list shall indicate how services
12 shall be continued in the event of an emergency or disaster
13 for each patient and if the patient is to be transported to a
14 special needs shelter, and shall indicate if the patient is
15 receiving skilled nursing services and the patient's
16 medication and equipment needs. The list shall be furnished to
17 county health departments and to local emergency management
18 agencies, upon request.

19 (c) Nurse registries shall not be required to continue
20 to provide care to patients in emergency situations that are
21 beyond their control and that make it impossible to provide
22 services, such as when roads are impassable or when patients
23 do not go to the location specified in their patient records.

24 (d) The comprehensive emergency management plan
25 required by this subsection is subject to review and approval
26 by the county health department. During its review, the county
27 health department shall ensure that, at a minimum, the local
28 emergency management agency, the Agency for Health Care
29 Administration, the local chapter of the American Red Cross or
30 other lead sheltering agency, and the district office of the
31 Department of Children and Family Services, are given the

1 opportunity to review the plan. The county health department
2 shall complete its review within 60 days after receipt of the
3 plan and shall either approve the plan or advise the home
4 health agency of necessary revisions.

5 (e) The Agency for Health Care Administration shall
6 adopt rules establishing minimum criteria for the
7 comprehensive emergency management plan and plan updates
8 required by this subsection, with the concurrency of the
9 Department of Health and in consultation with the Department
10 of Community Affairs. The rules must provide for the
11 maintenance of patient-specific medication lists that can
12 accompany patients who are transported from their homes.

13 Section 6. Paragraph (g) is added to subsection (1) of
14 section 400.605, Florida Statutes, to read:

15 400.605 Administration; forms; fees; rules;
16 inspections; fines.--

17 (1) The department, in consultation with the agency,
18 shall by rule establish minimum standards and licensure
19 procedures for a hospice. The rules must include:

20 (g) Components of a comprehensive emergency plan,
21 developed in consultation with the Department of Health and
22 the Department of Community Affairs.

23 Section 7. Paragraph (f) is added to subsection (5) of
24 section 400.6095, Florida Statutes, to read:

25 400.6095 Patient admission; assessment; plan of care;
26 discharge; death.--

27 (5) Each hospice, in collaboration with the patient
28 and the patient's primary or attending physician, shall
29 prepare and maintain a plan of care for each patient, and the
30 care provided to a patient must be in accordance with the plan

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1 of care. The plan of care shall be made a part of the
2 patient's medical record and shall include, at a minimum:

3 (f) A description of how needed care and services will
4 be provided in the event of an emergency.

5 Section 8. Paragraph (b) of subsection (1) of section
6 400.610, Florida Statutes, is amended, paragraphs (c), (d),
7 and (e) of that subsection are redesignated as paragraphs (d),
8 (e), and (f), respectively, and a new paragraph (c) is added
9 to that subsection, to read:

10 400.610 Administration and management of a hospice.--

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

17 (b) Prepare and maintain a comprehensive emergency
18 management plan that provides for continuing hospice services
19 in the event of an emergency that is consistent with local
20 special needs plans. The plan shall include provisions for
21 ensuring continuing care to hospice patients who go to special
22 needs shelters. The plan is subject to review and approval by
23 the county health department except as provided in paragraph
24 (c). During its review, the county health department shall
25 ensure that the department, the agency, and the local chapter
26 of the American Red Cross or other lead sheltering agency have
27 an opportunity to review and comment on the plan. The county
28 health department shall complete its review within 60 days
29 after receipt of the plan and shall either approve the plan or
30 advise the hospice of necessary revisions.~~Prepare a disaster~~
31 ~~preparedness plan.~~

1 (c) For any hospice that operates in more than one
2 county, the Department of Health shall review the plan, after
3 consulting with all of the county health departments, the
4 agency, and all the local chapters of the American Red Cross
5 or other lead sheltering agencies in the areas of operation
6 for that particular hospice. The Department of Health shall
7 complete its review within 90 days after receipt of the plan
8 and shall either approve the plan or advise the hospice of
9 necessary revisions. The Department of Health shall make every
10 effort to avoid imposing differing requirements based on
11 differences between counties on the hospice.

12 ~~(d)~~ Adopt an annual budget.

13 ~~(e)~~ ~~(d)~~ Appoint a director who shall be responsible for
14 the day-to-day management and operation of the hospice and who
15 shall serve as the liaison between the governing body and the
16 hospice staff.

17 ~~(f)~~ ~~(e)~~ Undertake such additional activities as
18 necessary to ensure that the hospice is complying with the
19 requirements for hospice services as set forth in this part.

20 Section 9. Section 401.273, Florida Statutes, is
21 created to read:

22 401.273 Emergency medical technician and paramedic
23 registry for disasters and emergencies.--The department shall
24 include on its forms for the certification or recertification
25 of emergency medical technicians and paramedics who could
26 assist the department in the event of a disaster a question
27 asking if the practitioner would be available to provide
28 health care services in special needs shelters or to help
29 staff disaster medical assistance teams during times of
30 emergency or major disaster. The names of the emergency
31 medical technicians and paramedics who answer affirmatively

1 shall be maintained by the department as a registry for
2 disasters and emergencies.

3 Section 10. Subsection (12) is added to section
4 408.15, Florida Statutes, 1998 Supplement, to read:

5 408.15 Powers of the agency.--In addition to the
6 powers granted to the agency elsewhere in this chapter, the
7 agency is authorized to:

8 (12) Establish, in coordination with the Department of
9 Health, uniform standards of care to be provided in special
10 needs units or shelters during times of emergency or major
11 disaster.

12 Section 11. Section 455.276, Florida Statutes, is
13 created to read:

14 455.276 Health care practitioner registry for
15 disasters and emergencies.--The Department of Health shall
16 include on its forms for the licensure or certification of
17 physicians, physician assistants, certified nursing
18 assistants, licensed practical nurses, registered nurses,
19 nurse practitioners, respiratory therapists, and other health
20 care practitioners who could assist the department in the
21 event of a disaster a question asking if the practitioner
22 would be available to provide health care services in special
23 needs shelters or to help staff disaster medical assistance
24 teams during times of emergency or major disaster. The names
25 of practitioners who answer affirmatively shall be maintained
26 by the department as a health care practitioner registry for
27 disasters and emergencies.

28 Section 12. State agencies that contract with
29 providers for the care of persons with disabilities or
30 limitations that make such persons dependent upon the care of
31 others shall include emergency and disaster planning

1 provisions in such contracts at the time the contracts are
2 initiated or upon renewal. These provisions shall include, but
3 shall not be limited to:

4 (1) The designation of an emergency coordinating
5 officer.

6 (2) A procedure to contact all at-risk provider
7 clients, on a priority basis, prior to and immediately
8 following an emergency or disaster.

9 (3) A procedure to help at-risk clients register with
10 the special needs registry of the local emergency management
11 agency.

12 (4) A procedure to dispatch the emergency coordinating
13 officer or other staff members to special needs shelters to
14 assist clients with special needs, if necessary.

15 (5) A procedure for providing the essential services
16 the organization currently provides to special needs clients
17 in preparation for, and during and following, a disaster.

18 Section 13. There is appropriated from the General
19 Revenue Fund, to fund the implementation of this act:

20 (1) To the Department of Health the sum of \$3,798,932
21 and 2 full-time-equivalent positions.

22 (2) To the Department of Children and Family Services
23 the sum of \$58,898 and 1 full-time-equivalent position.

24 (3) To the Department of Elderly Affairs the sum of
25 \$58,898 and 1 full-time-equivalent position.

26 (4) To the Agency for Health Care Administration the
27 sum of \$58,898 and 1 full-time-equivalent position.

28 (5) To the Department of Community Affairs the sum of
29 \$58,898 and 1 full-time-equivalent position.

30 Section 14. This act shall take effect October 1,
31 1999.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2348
4 The CS differs from the bill as filed in that it:
5 Requires the county health departments to assign their
6 employees to work in special needs shelters when needed to
7 protect the health of patients;
8 Provides specificity for budget amendment requests and
9 provides that travel, expense, and per diem costs be
10 reimbursed pursuant to s. 112.061, F.S.;
11 Requires that Private Care Association be included in the
12 Special Needs Shelter Interagency Committee;
13 Corrects a misreference;
14 Inserts provisions that were inadvertently omitted from the
15 bill pertaining to the review of nurse registries'
16 comprehensive emergency management plans by local emergency
17 management agencies;
18 Requires the Department of Elderly Affairs to establish
19 minimum standards, by rule, for components of a comprehensive
20 emergency management plan for hospices;
21 Requires a description of how care and services will be
22 provided in the event of an emergency to be included on a
23 hospice patient's medical record; and
24 Establishes comprehensive emergency management plan review
25 procedures for hospices and home health agencies that operate
26 in more than one county.
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