

By Representative Ogles

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; creating
17 s. 400.492, F.S.; requiring home health
18 agencies to prepare a comprehensive emergency
19 management plan; specifying plan requirements;
20 amending ss. 400.497 and 400.610, F.S.;
21 providing minimum requirements for home health
22 agency and hospice comprehensive emergency
23 management plans; providing for rules;
24 providing for plan review and approval;
25 amending s. 400.506, F.S.; requiring nurse
26 registries to assist at-risk clients with
27 special needs registration and to prepare a
28 comprehensive emergency management plan;
29 specifying plan requirements; creating s.
30 401.273, F.S.; providing for establishment of a
31 registry of emergency medical technicians and

1 paramedics for disasters and emergencies;
2 amending s. 408.15, F.S.; authorizing the
3 Agency for Health Care Administration to
4 establish uniform standards of care for special
5 needs shelters; creating s. 455.276, F.S.;
6 providing for establishment of a health
7 practitioner registry for disasters and
8 emergencies; requiring emergency and disaster
9 planning provisions in certain state agency
10 provider contracts; specifying minimum contract
11 requirements; providing appropriations;
12 providing an effective date.

13

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

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

18 252.355 Registry of ~~disabled~~ persons with special
19 needs; notice.--

20 (1) In order to meet the special needs of persons who
21 would need assistance during evacuations and sheltering
22 because of physical, mental, or sensory disabilities ~~or mental~~
23 ~~handicaps~~, each local emergency management agency in the state
24 shall maintain a registry of ~~disabled~~ persons with special
25 needs located within the jurisdiction of the local agency.
26 The registration shall identify those persons in need of
27 assistance and plan for resource allocation to meet those
28 identified needs. To assist the local emergency management
29 agency in identifying such persons, the Department of Children
30 and Family Services, Department of Health, Department of Labor
31 and Employment Security, and Department of Elderly Affairs

1 ~~Health and Rehabilitative Services~~ shall provide registration
2 information to all of their ~~its~~ special needs clients and to
3 all incoming clients as a part of the intake process. The
4 registry shall be updated annually. The registration program
5 shall give ~~disabled~~ persons with special needs the option of
6 preauthorizing emergency response personnel to enter their
7 homes during search and rescue operations if necessary to
8 assure their safety and welfare following disasters.

9 (3) All records, data, information, correspondence,
10 and communications relating to the registration of ~~disabled~~
11 persons with special needs as provided in subsection (1) are
12 confidential and exempt from the provisions of s. 119.07(1),
13 except that such information shall be available to other
14 emergency response agencies, as determined by the local
15 emergency management director.

16 Section 2. Section 381.0303, Florida Statutes, is
17 created to read:

18 381.0303 Health practitioner recruitment for special
19 needs shelters.--

20 (1) PURPOSE.--The purpose of this section is to
21 designate the Department of Health, through its county health
22 departments, as the lead agency for coordination of the
23 recruitment of health care practitioners to staff special
24 needs shelters in times of emergency or disaster and to
25 provide resources to the department to carry out this
26 responsibility. However, nothing in this section prohibits a
27 county health department from entering into an agreement with
28 a local emergency management agency to assume the lead
29 responsibility for recruiting health care practitioners.

30 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
31 funds have been appropriated to support medical services

1 disaster coordinator positions in county health departments,
2 the department shall assume lead responsibility for the local
3 coordination of local medical and health care providers, the
4 American Red Cross, and other interested parties in developing
5 a plan for the staffing and medical management of special
6 needs shelters. The plan shall be in conformance with the
7 local comprehensive emergency management plan.

8 (a) County health departments shall, in conjunction
9 with the local emergency management agencies, have the lead
10 responsibility for coordination of the recruitment of health
11 care practitioners to staff local special needs shelters.
12 County health departments shall have the option of assigning
13 their employees to work in special needs shelters.

14 (b) The appropriate county health department and local
15 emergency management agency shall jointly determine who has
16 responsibility for medical supervision in a special needs
17 shelter.

18 (c) Local emergency management agencies shall be
19 responsible for the designation and operation of special needs
20 shelters during times of emergency or disaster. County health
21 departments shall assist the local emergency management agency
22 with regard to the management of medical services in special
23 needs shelters.

24 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
25 Department of Health shall reimburse, subject to the
26 availability of funds for this purpose, health care
27 practitioners as defined in s. 455.501, provided the
28 practitioner is not providing care to a patient under an
29 existing contract, and emergency medical technicians and
30 paramedics licensed pursuant to chapter 401 for medical care
31 provided at the request of the department in special needs

1 shelters or at other locations during times of emergency or
2 major disaster. Reimbursement for health care practitioners,
3 except for physicians, shall be based on the average hourly
4 rate that such practitioners were paid according to the most
5 recent survey of Florida hospitals conducted by the Florida
6 Hospital Association. Reimbursement shall be requested on
7 forms prepared by the Department of Health. If a Presidential
8 Disaster Declaration has been made, and the Federal Government
9 makes funds available, the department shall use such funds for
10 reimbursement of eligible expenditures. In other situations,
11 or if federal funds do not fully compensate the department for
12 reimbursement made pursuant to this section, the department
13 shall submit to the Cabinet or Legislature, as appropriate, a
14 budget amendment requesting reimbursement.

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

19 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
20 Department of Health may establish a special needs shelter
21 interagency committee, to be chaired and staffed by the
22 department. The committee shall resolve problems related to
23 special needs shelters not addressed in the state
24 comprehensive emergency medical plan and shall serve as an
25 oversight committee to monitor the planning and operation of
26 special needs shelters.

27 (a) The committee may:

28 1. On or before January 1, 2000, resolve questions
29 concerning the roles and responsibilities of state agencies
30 and other organizations that are necessary to implement the
31 program.

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

3 3. Develop and negotiate any necessary interagency
4 agreements.

5 4. Undertake other such activities as the department
6 deems necessary to facilitate the implementation of this
7 section.

8 5. Submit recommendations to the Legislature as
9 necessary.

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

26 (c) Meetings of the committee shall be held in
27 Tallahassee and members of the committee shall serve at the
28 expense of the agencies or organizations they represent.

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

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1 Section 3. Section 400.492, Florida Statutes, is
2 created to read:

3 400.492 Provision of services during an
4 emergency.--Each home health agency shall prepare and maintain
5 a comprehensive emergency management plan that is consistent
6 with the standards adopted by national accreditation
7 organizations and consistent with the local special needs
8 plan. The plan shall be updated annually and shall provide for
9 continuing home health services during an emergency that
10 interrupts patient care or services in the patient's home. The
11 plan shall describe how the home health agency establishes and
12 maintains an effective response to emergencies and disasters,
13 including: notifying staff when emergency response measures
14 are initiated; providing for communication between staff
15 members, county health departments, and local emergency
16 management agencies, including a backup system; identifying
17 resources necessary to continue essential care or services or
18 referrals to other organizations subject to written agreement;
19 and prioritizing and contacting patients who need continued
20 care or services.

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

3 (2) Each home health agency shall maintain a current
4 prioritized list of patients who need continued services
5 during an emergency. The list shall indicate how services
6 shall be continued in the event of an emergency or disaster
7 for each patient and if the patient is to be transported to a
8 special needs shelter, and shall indicate if the patient is
9 receiving skilled nursing services and the patient's
10 medication and equipment needs. The list shall be furnished to
11 county health departments and to local emergency management
12 agencies, upon request.

13 (3) Home health agencies shall not be required to
14 continue to provide care to patients in emergency situations
15 that are beyond their control and that make it impossible to
16 provide services, such as when roads are impassable or when
17 patients do not go to the location specified in their patient
18 records.

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

23 Section 4. Subsection (1) of section 400.497, Florida
24 Statutes, is amended, and subsection (11) is added to said
25 section, to read:

26 400.497 Rules establishing minimum standards.--The
27 Agency for Health Care Administration shall adopt, publish,
28 and enforce rules to implement this part, including, as
29 applicable, ss. 400.506 and 400.509, which must provide
30 reasonable and fair minimum standards relating to:

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

4 (11) Preparation of a comprehensive emergency
5 management plan pursuant to s. 400.492.

6 (a) The Agency for Health Care Administration shall
7 adopt rules establishing minimum criteria for the plan and
8 plan updates, with the concurrence of the Department of Health
9 and in consultation with the Department of Community Affairs.

10 (b) The rules must address the requirements in s.
11 400.487(7). In addition, the rules shall provide for the
12 maintenance of patient-specific medication lists that can
13 accompany patients who are transported from their homes.

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

18 1. The local emergency management agency.

19 2. The Agency for Health Care Administration.

20 3. The local chapter of the American Red Cross or
21 other lead sheltering agency.

22 4. The district office of the Department of Children
23 and Family Services.

24
25 The county health department shall complete its review within
26 60 days after receipt of the plan and shall either approve the
27 plan or advise the home health agency of necessary revisions.

28 Section 5. Subsections (15), (16), and (17) of section
29 400.506, Florida Statutes, 1998 Supplement, are renumbered as
30 subsections (17), (18), and (19), respectively, and new
31 subsections (15) and (16) are added to said section to read:

1 400.506 Licensure of nurse registries; requirements;
2 penalties.--

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

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

26 (a) Each patient record for patients who are listed on
27 the registry established pursuant to s. 252.355 shall include
28 a description of how care or services will be continued in the
29 event of an emergency or disaster. The nurse registry shall
30 discuss the emergency provisions with the patient and the
31 patient's caregivers, including where and how the patient is

1 to evacuate, procedures for notifying the nurse registry in
2 the event that the patient evacuates to a location other than
3 the shelter identified in the patient record, and a list of
4 medications and equipment which must either accompany the
5 patient or will be needed by the patient in the event of an
6 evacuation.

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

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

22 Section 6. Paragraph (b) of subsection (1) of section
23 400.610, Florida Statutes, is amended to read:

24 400.610 Administration and management of a hospice.--

25 (1) A hospice shall have a clearly defined organized
26 governing body, consisting of a minimum of seven persons who
27 are representative of the general population of the community
28 served. The governing body shall have autonomous authority and
29 responsibility for the operation of the hospice and shall meet
30 at least quarterly. The governing body shall:

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1 (b) Prepare and maintain a comprehensive emergency
2 management plan that provides for continuing hospice services
3 in the event of an emergency that is consistent with local
4 special needs plans. The plan shall include provisions for
5 ensuring continuing care to hospice patients who go to special
6 needs shelters. The plan is subject to review and approval by
7 the county health department. During its review, the county
8 health department shall ensure that the department, the
9 agency, and the local chapter of the American Red Cross or
10 other lead sheltering agency have an opportunity to review and
11 comment on the plan. The county health department shall
12 complete its review within 60 days after receipt of the plan
13 and shall either approve the plan or advise the hospice of
14 necessary revisions. ~~Prepare a disaster preparedness plan.~~

15 Section 7. Section 401.273, Florida Statutes, is
16 created to read:

17 401.273 Emergency medical technician and paramedic
18 registry for disasters and emergencies.--The department shall
19 include on its forms for the certification or recertification
20 of emergency medical technicians and paramedics who could
21 assist the department in the event of a disaster a question
22 asking if the practitioner would be available to provide
23 health care services in special needs shelters or to help
24 staff disaster medical assistance teams during times of
25 emergency or major disaster. The names of the emergency
26 medical technicians and paramedics who answer affirmatively
27 shall be maintained by the department as a registry for
28 disasters and emergencies.

29 Section 8. Subsection (12) is added to section 408.15,
30 Florida Statutes, 1998 Supplement, to read:

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1 408.15 Powers of the agency.--In addition to the
2 powers granted to the agency elsewhere in this chapter, the
3 agency is authorized to:

4 (12) Establish, in coordination with the Department of
5 Health, uniform standards of care to be provided in special
6 needs units or shelters during times of emergency or major
7 disaster.

8 Section 9. Section 455.276, Florida Statutes, is
9 created to read:

10 455.276 Health care practitioner registry for
11 disasters and emergencies.--The Department of Health shall
12 include on its forms for the licensure or certification of
13 physicians, physician assistants, certified nursing
14 assistants, licensed practical nurses, registered nurses,
15 nurse practitioners, respiratory therapists, and other health
16 care practitioners who could assist the department in the
17 event of a disaster a question asking if the practitioner
18 would be available to provide health care services in special
19 needs shelters or to help staff disaster medical assistance
20 teams during times of emergency or major disaster. The names
21 of practitioners who answer affirmatively shall be maintained
22 by the department as a health care practitioner registry for
23 disasters and emergencies.

24 Section 10. State agencies that contract with
25 providers for the care of persons with disabilities or
26 limitations that make such persons dependent upon the care of
27 others shall include emergency and disaster planning
28 provisions in such contracts at the time the contracts are
29 initiated or upon renewal. These provisions shall include, but
30 shall not be limited to:

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1 (1) The designation of an emergency coordinating
2 officer.

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

6 (3) A procedure to help at-risk clients register with
7 the special needs registry of the local emergency management
8 agency.

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

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

15 Section 11. There is hereby appropriated from the
16 General Revenue Fund, to fund the implementation of this act:

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

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

21 (3) To the Department of Elderly Affairs the sum of
22 \$58,898 and 1 full-time-equivalent position.

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

25 (5) To the Department of Community Affairs the sum of
26 \$58,898 and 1 full-time-equivalent position.

27 Section 12. This act shall take effect October 1,
28 1999.

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HOUSE SUMMARY

Revises provisions relating to registration of persons requiring special needs assistance during an emergency or disaster. Provides for recruitment of health care practitioners to staff special needs shelters during emergencies or disasters, through the county health departments and the practitioner licensure process. Authorizes the Department of Health to maintain practitioner registries and provide certain compensation for care provided at special needs shelters. Provides for establishment of a special needs shelter interagency committee.

Specifies minimum requirements for home health agency and hospice comprehensive emergency management plans, and provides for plan review and approval. Requires nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan. Provides for annual update of such plans.

Authorizes the Agency for Health Care Administration to establish uniform standards of care for special needs shelters. Requires emergency and disaster planning provisions in certain state agency contracts, and specifies minimum requirements. Provides appropriations to implement the act. See bill for details.