

STORAGE NAME: h0039s1z.ca

****FAILED TO PASS THE LEGISLATURE****

DATE: May 8, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS**

BILL #: CS/HB 39

RELATING TO: Emergency Management Planning

SPONSOR(S): Committee on Health Care Licensing & Regulation; Representative Ogles and others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS (PRC) 10 YEAS 0 NAYS
- (2) HEALTH CARE LICENSING & REGULATION (HFC) YEAS 10 NAYS 0
- (3) HEALTH & HUMAN SERVICES APPROPRIATIONS (FRC) YEAS 10 NAYS 0
- (4)
- (5)

I. SUMMARY:

The provisions of the bill passed in CS/2nd ENG/SB 430, by the Committee on Comprehensive Planning, Local and Military Affairs and Senator Carlton, in identical form.

This bill amends the registration procedure for those persons with special needs during an emergency and provides recruitment of health care practitioners to staff special needs shelters. This bill grants both the Agency for Health Care Administration and the Department of Health certain powers and obligations, and appropriates \$600,000 to the Department of Health. This bill revises provisions relating to registration of persons requiring special needs assistance during an emergency or disaster and provides for recruitment of health care practitioners to staff special needs shelters during emergencies or disasters. The Department of Health is authorized to maintain practitioner registries and provide certain compensation for care provided at special needs shelters. This bill also includes minimum requirements for home health agencies', hospices', and nurse registries' comprehensive emergency management plans with annual updates. The Agency for Health Care Administration is authorized to establish uniform standards of care for special needs shelters.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

1. The bill authorizes more government in the following ways:

- Authorizes the following full-time-equivalent positions:

Section 13: The Department of Health 2 full-time-equivalent positions; The Department of Children and Family Services 1 full-time-equivalent position; The Department of Elder Affairs 1 full-time-equivalent position; The Agency for Health Care Administration 1 full-time-equivalent position; and The Department of Community Affairs 1 full-time-equivalent position.

- Authorizes the following agencies to adopt rules or adjudicate disputes:

Section 2: Requires the Department of Health to adopt rules necessary to facilitate the coordination of the recruitment of health care practitioners to staff special needs shelters in times of emergency or disaster. The rule should also provide for the coordination and implementation of staffing and medical management requirements for the special needs shelters in conformance with local comprehensive emergency management plans. [See SECTION-BY-SECTION ANALYSIS for more detailed information].

Section 4: Expands the Agency for Health Care Administration's rulemaking authority to include reasonable and fair minimum standards relating to services to be provided by home health agencies and nurse registries during emergency evacuation and sheltering.

Requires the Agency for Health Care Administration to adopt rules establishing minimum criteria for emergency management plans and plan updates, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 5: Requires the Agency for Health Care Administration to adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 6: Expands the rulemaking authority of the Department of Health, in consultation with the Agency for Health Care Administration, to establish minimum

standards and procedures for a hospice to include components of a comprehensive emergency management plan.

Section 10: Authorizes the Agency for Health Care Administration, in coordination with the Department of Health, to establish uniform standards of care to be provided in special needs units or shelters during times of emergency or major disaster.

- Authorizes new responsibilities, obligations, or work for other governmental or private organizations or individuals:

Section 2: Designates the Department of Health, through its county health departments, as the lead agency for coordination of the recruitment of health care practitioners to staff special needs shelters in times of emergency or disaster.

Provides that, subject to the appropriation of funds to support medical services disaster coordinator positions in county health departments, the Department of Health must assume lead responsibility for the local coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of special needs shelters.

Requires the county health departments, in conjunction with the local emergency management agencies, to have the lead responsibility for the coordination of the recruitment of health care practitioners to staff local special needs shelters.

Requires county health departments to assign their employees to work in special needs shelters when necessary to protect the health of patients.

Requires the appropriate county health department and local emergency management agency to jointly determine who has responsibility for medical supervision in a special needs shelter.

Requires local emergency management agencies to be responsible for the designation and operation of special needs shelters during times of emergency or disaster.

Requires county health departments to assist the local emergency management agency with regard to the management of medical services in special needs shelters.

Requires the Department of Health to reimburse, subject to the availability of funds for this purpose, certain health care practitioners, subject to certain limitations.

Permits the Department of Health to establish a special needs shelter interagency committee, subject to certain specified requirements.

Section 3: Requires each home health agency to prepare and maintain a comprehensive emergency management plan which must be updated annually and is subject to certain requirements.

Requires each patient record, for patients who are listed in the registry established pursuant to section 252.355, Florida Statutes, to contain certain specified information.

Requires each home health agency to maintain a current prioritized list of patients who need continued services during an emergency.

Section 4: Requires the Department of Health to review the comprehensive emergency management plan for any home health agency that operates in more than one county.

Section 5: Requires nurse registries to assist at-risk clients with special needs registration with the appropriate local emergency management agency pursuant to section 252.355, Florida Statutes.

Requires nurse registries to prepare and maintain a comprehensive emergency management plan that is consistent with the local special needs plan. Requires the plan to be updated annually.

Requires each nurse registry to maintain a current prioritized list of patients in private residences who are registered pursuant to section 252.355, Florida Statutes, and are subject to certain other requirements.

Requires certain contract providers to make information available to county health departments and to the local emergency management agencies upon request.

Requires the county health department to ensure that, at a minimum, the local emergency management agency, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other sheltering agency are given the opportunity to review the comprehensive emergency management plan.

Section 8: Requires a hospice to prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans.

Requires the Department of Health to review the comprehensive emergency management plan for any hospice that operates in more than one county.

Section 9: Requires the Department of Health to include on its forms for the certification and recertification of emergency medical technicians and paramedics, a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. Requires the Department of Health to maintain a registry of available emergency medical technicians and paramedics who answer affirmatively.

Section 11: Authorizes the Department of Health to include on its forms for the licensure or certification of specified medical personnel, a question asking who could assist the department in the event of a disaster, to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. Requires the department to maintain a registry of specified medical personnel who answer affirmatively.

- Authorizes an entitlement to a service or commodity provided by the government:

This bill authorizes special needs persons to receive specific and continued care in the event of an emergency or disaster subject to certain specified limitations.

B. PRESENT SITUATION:

Background:

Florida has a large number of people with special needs who require access to special needs shelters during emergencies. Special needs shelters are staffed with nurses and are supplied with medial equipment and pharmaceuticals. Due to general population growth, the number of persons requiring such care during emergencies is growing.

Local emergency management agencies have the overall responsibility for ensuring the preparedness and operational capacity of special needs shelters. However, they lack the resources to carry out response operations and many lack the expertise to arrange for health care services to be provided in special needs shelters. This bill resolves these problems by placing the responsibility to coordinate the staffing and management of shelters with county health departments. This would also enable the Department of Health to standardize staffing requirements.

Currently, hospitals and nursing homes are required to have disaster plans and to provide continuous care to their patients during emergencies. Florida law does not, however, require home health agencies, nurse registries or hospices to prepare disaster plans, nor does it require them to provide continuous care during emergencies, even though their patients are dependent upon them for their well being. In addition, providers under contract with state agencies who care for persons with special needs also do not have a statutory obligation to provide continuous care during emergencies.

No agency at this time has rulemaking authority for special needs shelters. This bill gives the Department of Health that authority.

Relevant Statutory Authority:

Section 252.355(1), Florida Statutes: Requires each local emergency management agency in the state to maintain a registry of disabled persons located within the jurisdiction of the local agency. Requires the registration to identify those persons in need of assistance and plan for resource allocation to meet those identified needs. Requires the Department of Children and Family Services, Department of Health, Agency for Health Care Administration and Department of Elder Affairs to provide registration information to all of their special needs clients and to all incoming clients as part of the intake process. Requires the registry to be updated annually. Requires the registration program to give disabled persons the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations, if necessary to assure their safety and welfare following disasters.

Section 252.355(3), Florida Statutes: Provides that all records, data, information, correspondence, and communications relating to the registration of disabled persons, as provided in section 252.355(1), Florida Statutes, are confidential and exempt from the provisions of section 119.07(1), Florida Statutes, except that such information must be available to other emergency response agencies, as determined by the local emergency management director.

Section 252.355(4), Florida Statutes: Requires all appropriate agencies and community-based service providers, including home health care providers, to assist emergency management agencies by collecting registration information for people with special needs as part of the program intake process. Requires the agencies and

community-based service providers to establish programs to increase the awareness of the registration process, and educate clients about the procedures that may be necessary for their safety during disasters. Requires that clients of state or federally funded service programs, with physical or mental handicaps who need assistance in evacuating, or when in shelters, must register indicating special needs.

Section 400.497, Florida Statutes: Provides rulemaking authority for the Agency for Health Care Administration to implement and enforce reasonable and fair minimum standards relating to the scope of home health services.

Section 400.605, Florida Statutes: Provides rulemaking authority for the Department of Elder Affairs to establish minimum standards and procedures for a hospice including the requirement for a disaster preparedness plan.

Section 400.6095(5), Florida Statutes: Requires each hospice, in collaboration with the patient and patient's primary or attending physician, to prepare and maintain a plan of care for each patient. The plan provided to each patient must be in accordance with the plan of care. The plan of care must be made a part of the patient's medical records and must include certain minimum requirements.

Section 400.610(1), Florida Statutes: Provides for the administration and management of a hospice.

Section 408.15, Florida Statutes: Provides additional specified powers to the Agency for Health Care Administration.

C. EFFECT OF PROPOSED CHANGES:

The bill makes the following changes:

- Revises provisions relating to registration of persons requiring special needs assistance in emergencies;
- Provides for recruitment of health care practitioners for special needs shelters, including reimbursement and funding;
- Provides duties of the Department of Health, county health departments, and local emergency management agencies;
- Authorizes use of a health care practitioner registry;
- Authorizes establishment of a special needs shelter interagency committee, including membership and responsibilities;
- Provides rulemaking authority for interagency committee;
- Requires home health agencies to prepare a comprehensive emergency management plan and specifies plan requirements;
- Provides minimum requirements for home health agency and hospice comprehensive emergency management plans;
- Provides rulemaking authority including review and approval of emergency management plans for home health agencies and hospices operating in more than one county;
- Provides an exception to comprehensive emergency management plan requirements;
- Requires nurse registries to assist at-risk clients with special needs registration and to prepare a comprehensive emergency management plan;
- Provides for plan requirements and plan review of comprehensive emergency management plans;

- Requires the Department of Elder Affairs to include components for a comprehensive emergency management plan in its rules establishing minimum standards for a hospice;
- Requires that certain emergency care and service information be included in hospice patients' medical records;
- Provides for the establishment of a registry of emergency medical technicians and paramedics for disasters and emergencies;
- Authorizes the Agency for Health Care Administration to establish uniform standards of care for special needs shelters;
- Provides for the establishment of a health practitioner registry for disasters and emergencies;
- Requires emergency and disaster planning provisions in certain state agency provider contracts and specifies minimum contract requirements; and
- Provides General Revenue appropriations.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends section 252.355, Florida Statutes; updating statutory language and requiring the Department of Labor and Employment Security to assist the local emergency management agency in identifying persons with special needs. [Note: Currently, The Department of Children and Family Services, Department of Health, and Agency for Health Care Administration are required to assist the local emergency management agency in identifying such persons.]

Section 2: Creates section 381.0303, Florida Statutes, providing a Legislative purpose and making the following changes:

- Permits county health departments to continue to enter into agreements with local emergency management agencies;
- Requires the Department of Health to assume lead responsibility for coordinating local medical and health care providers in developing a plan for the staffing and medical management of special needs shelters under specific fiscal circumstances;
- Requires the county health departments, in concert with the local emergency management agencies, to assume the lead responsibility for coordinating the recruitment of health care practitioners;
- Requires county health departments to assign their employees to work in special needs shelters when necessary to protect the health of patients;
- Requires appropriate county health department and local emergency management agencies to jointly determine who has responsibility for medical supervision in a special needs shelter;
- Authorizes the Department of Health to pay health care practitioners, as defined in section 455.501, Florida Statutes, who are not employed by the Department of Health, to work for the department on a temporary contract basis in special needs shelters and on Disaster Medical Assistance Teams during emergencies;
- Establishes the formula for calculating reimbursements;
- Requires the department to submit to the Cabinet or Legislature, as appropriate, a budget amendment to obtain reimbursement from the working capital fund;
- Provides for travel expense and per diem costs;
- Establishes a health care practitioner registry;
- Provides the Department of Health the option to establish a special needs shelter interagency committee;
- Establishes the purpose, duties, and responsibilities of the special needs shelter interagency committee; and

- Authorizes the Department of Health to adopt rules necessary to implement the provisions relating to the special needs shelter interagency committee.

Section 3: Creates section 400.492, Florida Statutes; making the following changes:

- Requires home health agencies to prepare and maintain a comprehensive emergency management plan that is consistent with national standards;
- Requires home health agencies to update the comprehensive emergency management plan, annually;
- Requires that certain emergency care descriptions, relating to continued care instructions in the event of an emergency, be included in each patient record for patients listed in the registry of persons with special needs;
- Requires each home health agency to maintain a current prioritized list of patients who need continued services during an emergency and instructions as to how those services must be continued;
- Releases home health agencies from health care responsibility in emergency situations that are beyond their control and that make it impossible to provide services; and
- Permits home health agencies to provide services in a special needs shelter located in any county.

Section 4: Amends section 400.497, Florida Statutes, requiring that the Agency for Health Care Administration's rules must provide reasonable and fair minimum standards relating to the following:

- (1) scope of home health services to be provided, particularly during emergency evacuation and sheltering; and
- (2) preparation of a comprehensive emergency management plan which shall be subject to review and approval by the county health department. Requires that the county health department give specific health care related entities an opportunity to review the plan and directs the county health department to complete its review within 60 days after receipt of the plan.

Section 5: Amends section 400.506, Florida Statutes, as follows:

- Requires nurse registries to assist at-risk clients with special needs registration with the appropriate local emergency management agency;
- Requires each nurse registry to prepare and maintain a comprehensive emergency management plan that is consistent with specified criteria and with the local special needs plan;
- Requires the plan to be updated annually;
- Requires the plan to specify how the nurse registry will facilitate the provision of continuous care by persons referred for contract to certain registered persons during an emergency that interrupts the provision of care or services in private residences;
- Requires that all persons referred for contract who care for certain registered persons must include in the patient record a description of how care will be continued during a disaster or emergency that interrupts the provision of care in the patient's home;
- Provides that it is the responsibility of the person referred for contract to ensure that continuous care is provided;
- Requires each nurse registry to maintain a current prioritized list of certain patients in private residences who are under the care of persons referred for contract and who need continued services during an emergency;

- Requires nurse registries' lists to indicate, for each patient, if the client is to be transported to a special needs shelter and if the patient is receiving skilled nursing services;
- Requires nurse registries to make the list available to county health departments and to local emergency management agencies upon request;
- Requires each person referred for contract who is caring for a patient who is registered, to provide a list of the patient's medication and equipment needs to the nurse registry and make this information available to county health departments and to local emergency management agencies upon request;
- Provides that each person referred for contract is not required to continue to provide care to patients in emergency situations that are beyond the person's control and that make it impossible to provide services, such as when roads are impassable or when patients do not go to the location specified in their patient records;
- Provides for the review and approval of the required comprehensive emergency management plan by the county health department;
- Requires the county health department to review the plan to ensure that, at a minimum, the local emergency management agency, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other lead sheltering agency are given the opportunity to review the plan;
- Requires the county health department to complete its review of the plan within 60 days after receipt of the plan and to either approve the plan or advise the nurse registry of necessary revisions; and
- Requires the Agency for Health Care Administration to adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates, with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 6: Amends section 400.605, Florida Statutes, requiring the Department of Health's rules establishing minimum standards and procedures for hospices to include components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Department of Community Affairs.

Section 7: Amends section 400.6095, Florida Statutes, requiring each hospice to include in the plan of care for each patient, a description of how needed care and services will be provided in the event of an emergency.

Section 8: Amends section 400.610, Florida Statutes, requiring the governing body of a hospice to:

- Prepare and maintain a comprehensive emergency management plan that provides for continuing hospice services in the event of an emergency that is consistent with local special needs plans;
- Specify criteria for the plans;
- Specify that the plan is subject to review and approval by the county health department, subject to a specified exception for hospices providing services in more than one county;
- Provide that during the plan review, the county health department must ensure that the Department of Health, the Agency for Health Care Administration, and the local chapter of the American Red Cross or other lead sheltering agency have an opportunity to review and comment on the plan;

- Require the county health department to complete its review within 60 days after receipt of the plan and to either approve the plan or advise the hospice of necessary revisions;
- Provide that for any hospice that operates in more than one county, the Department of Health must review the plan, after consulting with all of the appropriate county health departments, the Agency for Health Care Administration, and all the local chapters of the American Red Cross or other lead sheltering agency in the areas of operation for that particular hospice;
- Require the Department of Health to complete its review within 90 days after receipt of the plan and to approve the plan or advise the hospice of necessary revisions; and
- Require the Department of Health to make every effort to avoid imposing on the hospice differing requirements based on differences between counties.

Section 9: Creates section 401.273, Florida Statutes, requiring the Department of Health to include on its forms for the certification or recertification of emergency medical technicians and paramedics who could assist the department in the event of disaster a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or disaster. Requires the department to maintain a registry of those medical technicians and paramedics who answered affirmatively.

Section 10: Adds subsection (12) to section 408.15, Florida Statutes, authorizing the Agency for Health Care Administration to establish, in coordination with the Department of Health, uniform standards of care to be provided in special needs units or shelters during times of emergency or major disaster.

Section 11: Creates section 455.718, Florida Statutes, authorizing the Department of Health to include on its forms for the licensure or certification of health care practitioners who could assist the department in the event of a disaster, a question asking if the practitioner would be available to provide health care services in special needs shelters or to help staff disaster medical assistance teams during times of emergency or major disaster. Requires the department to maintain a registry of practitioners who answered affirmatively for disasters and emergencies.

Section 12: Requires state agencies that contract with providers, for the care of persons whose disabilities or limitations make such persons dependent upon the care of others, to include emergency and disaster planning provisions in such contracts at the time the contracts are initiated or upon renewal. Provisions must include, but are not limited to:

- The designation of an emergency coordinating officer;
- A procedure for contacting all at-risk provider clients, on a priority basis, prior to and immediately following an emergency or disaster;
- A procedure for helping at-risk clients register with the special needs registry of the local emergency management agency;
- A procedure for dispatching the emergency coordinating officer or other staff members to special needs shelters to assist clients with special needs, if necessary; and
- A procedure for providing the essential services the organization currently provides to special needs clients in preparation for, and during and following, a disaster.

Section 13: Appropriates from the General Revenue Fund, to implement this act, the following:

- To the Department of Health the sum of \$3,798,932 and 2 full-time-equivalent positions;

- To the Department of Children and Family Services the sum of \$58,898 and 1 full-time-equivalent position;
- To the Department of Elder Affairs the sum of \$58,898 and one full-time-equivalent position;
- To the Agency for Health Care Administration the sum of \$58,898 and one full-time equivalent position; and
- To the Department of Community Affairs the sum of \$58,898 and one full-time-equivalent position.

Section 14: Provides an effective date of October 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The following amounts are appropriated annually to each department from the General Revenue Fund.

	<u>2000-2001</u>	<u>2001-2002</u>
General Revenue Fund	4,034,524	4,034,524

2. Expenditures:

Department of Health (2 FTEs) General Revenue Fund	3,072,139	3,450,143
Agency for Health Care Administration (1 FTE) General Revenue Fund	59,759	68,529
Department of Children and Family Services (1 FTE) General Revenue Fund	58,898	58,898
Department of Community Affairs (1 FTE) General Revenue Fund	58,898	58,898
Department of Elder Affairs (1 FTE) General Revenue Fund	59,309	53,561
TOTAL EXPENDITURES General Revenue Fund	3,309,094	3,690,029

The number of full-time-equivalent positions provided to each department is noted in parentheses.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill should have little, if any, impact on local government revenues.

2. Expenditures:

According to the Department of Health, fiscal impact on local governments as a whole cannot be determined. However, this bill will reduce costs to those units of local government who now assume responsibility for staffing special needs shelters.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to the Department of Health, costs to develop emergency management plans for each home health agency, hospice, and nurse registry will vary depending upon the size of the organization. Those that are currently accredited by the Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) will require minimal additional expenditures, if any. Additional costs will be incurred by some organizations in providing continuous care during emergencies.

D. FISCAL COMMENTS:

Salaries are at the minimum inflated 3%. County health department staff expenses are based on minimum travel. Headquarters' staff expenses are based on maximum travel.

According to the bill analysis prepared by the Department of Health, compared with the fiscal notes for this bill prepared last year, costs are lower because: 1) salaries are not calculated at 10% above minimum; 2) County health department travel costs are now calculated at the minimum; and 3) fringe benefit costs are lower because of a reduction in the state retirement contribution.

COMMENTS BY COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

This bill appropriates \$3,798,932 to the Department of Health. According to information provided by the department this appropriation is based on last year's estimate; however, due to the factors mentioned above, the department's estimate of expenditures this year only totals \$3,072,139. The department also indicated that it would establish 57 positions at the county health department level. These positions would be funded from the funds appropriated to the Department of Health.

The Agency for Health Care Administration has indicated that while it has been appropriated \$58,898 to establish a new full-time-equivalent position, its cost to do so will exceed this amount.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Section 2: Requires the Department of Health to adopt rules necessary to facilitate the coordination of the recruitment of health care practitioners to staff special needs shelters in times of emergency or disaster and to coordinate and implement staffing and medical management requirements for the special needs shelters in conformance with local comprehensive emergency management plans.

Section 4: Expands the Agency for Health Care Administration's rulemaking authority to include reasonable and fair minimum standards relating to services to be provided during emergency evacuation and sheltering. Requires the Agency to adopt rules establishing minimum criteria for the emergency management plans and plan updates, with the concurrence of the Department of Health, and in consultation with the Department of Community Affairs.

Section 5: Requires the Agency for Health Care Administration to adopt rules establishing minimum criteria for the comprehensive emergency management plan and plan updates with the concurrence of the Department of Health and in consultation with the Department of Community Affairs.

Section 6: Expands the rulemaking authority of the Department of Health, in consultation with the Agency for Health Care Administration to establish minimum standards and procedures for a hospice to include components of a comprehensive emergency management plan.

Section 10: Authorizes the Agency for Health Care Administration, in coordination with the Department of Health, to establish uniform standards of care to be provided in special needs units or shelters during the times of emergency or major disaster.

C. OTHER COMMENTS:

This bill passed as part of CS/Senate Bill 430, 2nd Eng. The senate bill also contains the following:

Shelter Needs :

A \$10 million appropriation from the Florida Hurricane Catastrophe Fund. This appropriation provides for retrofitting of shelter space (\$3 million) and programs to improve wind resistance (\$7 million). Exempts school districts that are not located in a regional planning council with a hurricane shelter deficit from having to incorporate public shelter criteria. Treats a person or organization that provides shelter for profit as an instrumentality of the state.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A technical amendment correcting a scrivener's error was adopted by the Committee on Community Affairs on October 6, 1999.

At the November 3, 1999, meeting the Committee on Health Care Licensing & Regulation adopted seven amendments and created a Committee Substitute for HB 39. A brief description of the amendments are as follows:

Amendment #1 added the Department of Elderly Affairs to a list of agencies required to collaborate to develop a comprehensive emergency management plan for hospices.

Amendment #2 was a fiscal amendment and was withdrawn.

The next six amendments were at the request of the Florida Osteopathic Medical Association and were technical in nature.

Amendment #3 provided the statutory reference to the definition of "health care practitioner."

Amendment #4 specified that physicians licensed under chapters 458 and 459, Florida Statutes, are exempt from being reimbursed on an hourly basis.

Amendment #5 corrected a cross reference tied to amendment number seven.

Amendment #6 added the Florida Osteopathic Medical Association to the special needs shelter interagency committee.

Amendment #7 renumbered a section to place it in part II of chapter 455, Florida Statutes, which is the part regulating medical professions. This amendment also struck the references to specific health care practitioners and inserted the cross reference to the definition of "health care practitioner."

Amendment #8 was also technical. It struck the word "hospice" and inserted "home health agency."

On April 26, 2000, the Committee on Health and Human Services Appropriations adopted six amendments as follows:

Amendment #1 clarifies rules language.

Amendment #2 states that a certificate holder may perform functions of an emergency medical technician or paramedic in a special needs shelter under certain circumstances.

Amendment #3 adds the Florida Assisted Living Association to the special needs shelter interagency committee.

Amendment #4 clarifies the use of nurse registries.

Amendment #5 clarifies what procedures need to be included in contracts with certain providers.

Amendment #6 reduces the appropriation to \$600,000 for the Department of Health to implement this act.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Tonya Sue Chavis, Esq.

Staff Director:

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Andrew "Andy" Palmer

Staff Director:

Lucretia Shaw Collins

AS FURTHER REVISED BY THE COMMITTEE ON HEALTH AND HUMAN SERVICES APPROPRIATIONS:

Prepared by:

Lynn Dixon

Staff Director:

Lynn Dixon

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, J.D.

Staff Director:

Joan Highsmith-Smith