

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 and funding;
10 providing duties of the Department of Health,
11 the county health departments, and the local
12 emergency management agencies; authorizing use
13 of a health care practitioner registry;
14 authorizing establishment of a special needs
15 shelter interagency committee; providing
16 membership and responsibilities; providing for
17 rules; creating s. 400.492, F.S.; requiring
18 home health agencies to prepare a comprehensive
19 emergency management plan; specifying plan
20 requirements; amending ss. 400.497 and 400.610,
21 F.S.; providing minimum requirements for home
22 health agency and hospice comprehensive
23 emergency management plans; providing for
24 rules; providing for plan review and approval;
25 providing for plan review and approval for home
26 health agencies and hospices operating in more
27 than one county; providing an exception to
28 comprehensive emergency management plan
29 requirements; amending s. 400.506, F.S.;
30 requiring nurse registries to assist at-risk
31 clients with special needs registration and to

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

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (1), (3), and (4) of section
29 252.355, Florida Statutes, are amended to read:
30 252.355 Registry of ~~disabled~~ persons with special
31 needs; notice.--

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

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

28 (4) All appropriate agencies and community-based
29 service providers, including home health care providers, shall
30 assist emergency management agencies by collecting
31 registration information for persons ~~people~~ with special needs

1 as part of program intake processes, establishing programs to
2 increase the awareness of the registration process, and
3 educating clients about the procedures that may be necessary
4 for their safety during disasters. Clients of state or
5 federally funded service programs with physical, mental, or
6 sensory disabilities ~~or mental handicaps~~ who need assistance
7 in evacuating, or when in shelters, must register as persons
8 ~~people~~ with special needs.

9 Section 2. Section 381.0303, Florida Statutes, is
10 created to read:

11 381.0303 Health practitioner recruitment for special
12 needs shelters.--

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

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

1 (a) County health departments shall, in conjunction
2 with the local emergency management agencies, have the lead
3 responsibility for coordination of the recruitment of health
4 care practitioners to staff local special needs shelters.
5 County health departments shall assign their employees to work
6 in special needs shelters when needed to protect the health of
7 patients.

8 (b) The appropriate county health department and local
9 emergency management agency shall jointly determine who has
10 responsibility for medical supervision in a special needs
11 shelter.

12 (c) Local emergency management agencies shall be
13 responsible for the designation and operation of special needs
14 shelters during times of emergency or disaster. County health
15 departments shall assist the local emergency management agency
16 with regard to the management of medical services in special
17 needs shelters.

18 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
19 Department of Health shall reimburse, subject to the
20 availability of funds for this purpose, health care
21 practitioners as defined in s. 455.501, provided the
22 practitioner is not providing care to a patient under an
23 existing contract, and emergency medical technicians and
24 paramedics licensed pursuant to chapter 401 for medical care
25 provided at the request of the department in special needs
26 shelters or at other locations during times of emergency or
27 major disaster. Reimbursement for health care practitioners,
28 except for physicians, shall be based on the average hourly
29 rate that such practitioners were paid according to the most
30 recent survey of Florida hospitals conducted by the Florida
31 Hospital Association. Reimbursement shall be requested on

1 forms prepared by the Department of Health. If a Presidential
2 Disaster Declaration has been made, and the Federal Government
3 makes funds available, the department shall use such funds for
4 reimbursement of eligible expenditures. In other situations,
5 or if federal funds do not fully compensate the department for
6 reimbursement made pursuant to this section, the department
7 shall submit to the Cabinet or Legislature, as appropriate, a
8 budget amendment to obtain reimbursement from the working
9 capital fund. Travel expense and per diem costs shall be
10 reimbursed pursuant to s. 112.061.

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

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

23 (a) The committee may:

24 1. On or before January 1, 2001, resolve questions
25 concerning the roles and responsibilities of state agencies
26 and other organizations that are necessary to implement the
27 program.

28 2. On or before January 1, 2001, identify any issues
29 requiring additional legislation and funding.

30 3. Develop and negotiate any necessary interagency
31 agreements.

1 4. Undertake other such activities as the department
2 deems necessary to facilitate the implementation of this
3 section.

4 5. Submit recommendations to the Legislature as
5 necessary.

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

23 (c) Meetings of the committee shall be held in
24 Tallahassee and members of the committee shall serve at the
25 expense of the agencies or organizations they represent.

26 (6) RULES.--The department has the authority to adopt
27 rules necessary to implement this section.

28 Section 3. Section 400.492, Florida Statutes, is
29 created to read:

30 400.492 Provision of services during an
31 emergency.--Each home health agency shall prepare and maintain

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

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

29 (2) Each home health agency shall maintain a current
30 prioritized list of patients who need continued services
31 during an emergency. The list shall indicate how services

1 shall be continued in the event of an emergency or disaster
2 for each patient and if the patient is to be transported to a
3 special needs shelter, and shall indicate if the patient is
4 receiving skilled nursing services and the patient's
5 medication and equipment needs. The list shall be furnished to
6 county health departments and to local emergency management
7 agencies, upon request.

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

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

18 Section 4. Subsection (1) of section 400.497, Florida
19 Statutes, is amended, and subsection (11) is added to said
20 section, to read:

21 400.497 Rules establishing minimum standards.--The
22 Agency for Health Care Administration shall adopt, publish,
23 and enforce rules to implement this part, including, as
24 applicable, ss. 400.506 and 400.509, which must provide
25 reasonable and fair minimum standards relating to:

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

29 (11) Preparation of a comprehensive emergency
30 management plan pursuant to s. 400.492.

31

1 (a) The Agency for Health Care Administration shall
2 adopt rules establishing minimum criteria for the plan and
3 plan updates, with the concurrence of the Department of Health
4 and in consultation with the Department of Community Affairs.

5 (b) The rules must address the requirements in s.
6 400.492. In addition, the rules shall provide for the
7 maintenance of patient-specific medication lists that can
8 accompany patients who are transported from their homes.

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

13 1. The local emergency management agency.

14 2. The Agency for Health Care Administration.

15 3. The local chapter of the American Red Cross or
16 other lead sheltering agency.

17 4. The district office of the Department of Children
18 and Family Services.

19
20 The county health department shall complete its review within
21 60 days after receipt of the plan and shall either approve the
22 plan or advise the home health agency of necessary revisions.

23 (d) For any home health agency that operates in more
24 than one county, the Department of Health shall review the
25 plan, after consulting with all of the county health
26 departments, the agency, and all the local chapters of the
27 American Red Cross or other lead sheltering agencies in the
28 areas of operation for that particular hospice. The Department
29 of Health shall complete its review within 90 days after
30 receipt of the plan and shall either approve the plan or
31 advise the hospice of necessary revisions. The Department of

1 Health shall make every effort to avoid imposing differing
2 requirements based on differences between counties on the
3 hospice.

4 (e) The requirements in this subsection do not apply
5 to:

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

9 2. A retirement community that consists of residential
10 units for independent living and either a licensed nursing
11 home or an assisted living facility, and has a licensed home
12 health agency used exclusively by the residents of the
13 retirement community, provided the comprehensive emergency
14 management plan for the facility or retirement community
15 provides for continuous care of all residents with special
16 needs during an emergency.

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

21 400.506 Licensure of nurse registries; requirements;
22 penalties.--

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

26 (16) Each nurse registry shall prepare and maintain a
27 comprehensive emergency management plan that is consistent
28 with the criteria in this subsection and with the local
29 special needs plan. The plan shall be updated annually. The
30 plan shall specify how the nurse registry shall facilitate the
31 provision of continuous care by persons referred for contract

1 to persons who are registered pursuant to s. 252.355 during an
2 emergency that interrupts the provision of care or services in
3 private residences.

4 (a) All persons referred for contract who care for
5 persons registered pursuant to s. 252.355 must include in the
6 patient record a description of how care will be continued
7 during a disaster or emergency that interrupts the provision
8 of care in the patient's home. It shall be the responsibility
9 of the person referred for contract to ensure that continuous
10 care is provided.

11 (b) Each nurse registry shall maintain a current
12 prioritized list of patients in private residences who are
13 registered pursuant to s. 252.355 and are under the care of
14 persons referred for contract and who need continued services
15 during an emergency. This list shall indicate, for each
16 patient, if the client is to be transported to a special needs
17 shelter and if the patient is receiving skilled nursing
18 services. Nurse registries shall make this list available to
19 county health departments and to local emergency management
20 agencies upon request.

21 (c) Each person referred for contract who is caring
22 for a patient who is registered pursuant to s. 252.355 shall
23 provide a list of the patient's medication and equipment needs
24 to the nurse registry. Each person referred for contract shall
25 make this information available to county health departments
26 and to local emergency management agencies upon request.

27 (d) Each person referred for contract shall not be
28 required to continue to provide care to patients in emergency
29 situations that are beyond the person's control and that make
30 it impossible to provide services, such as when roads are
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1 impassable or when patients do not go to the location
2 specified in their patient records.

3 (e) The comprehensive emergency management plan
4 required by this subsection is subject to review and approval
5 by the county health department. During its review, the county
6 health department shall ensure that, at a minimum, the local
7 emergency management agency, the Agency for Health Care
8 Administration, and the local chapter of the American Red
9 Cross or other lead sheltering agency are given the
10 opportunity to review the plan. The county health department
11 shall complete its review within 60 days after receipt of the
12 plan and shall either approve the plan or advise the nurse
13 registry of necessary revisions.

14 (f) The Agency for Health Care Administration shall
15 adopt rules establishing minimum criteria for the
16 comprehensive emergency management plan and plan updates
17 required by this subsection, with the concurrence of the
18 Department of Health and in consultation with the Department
19 of Community Affairs.

20 Section 6. Paragraph (j) of subsection (1) of section
21 400.605, Florida Statutes, is amended to read:

22 400.605 Administration; forms; fees; rules;
23 inspections; fines.--

24 (1) The department, in consultation with the agency,
25 shall by rule establish minimum standards and procedures for a
26 hospice. The rules must include:

27 (j) Components of a comprehensive emergency management
28 plan, developed in consultation with the Department of Health
29 and the Department of Community Affairs ~~Component of a~~
30 ~~disaster preparedness plan.~~

31

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

3 400.6095 Patient admission; assessment; plan of care;
4 discharge; death.--

5 (5) Each hospice, in collaboration with the patient
6 and the patient's primary or attending physician, shall
7 prepare and maintain a plan of care for each patient, and the
8 care provided to a patient must be in accordance with the plan
9 of care. The plan of care shall be made a part of the
10 patient's medical record and shall include, at a minimum:

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

13 Section 8. Paragraph (b) of subsection (1) of section
14 400.610, Florida Statutes, is amended to read:

15 400.610 Administration and management of a hospice.--

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

22 (b)1. Prepare and maintain a comprehensive emergency
23 management plan that provides for continuing hospice services
24 in the event of an emergency that is consistent with local
25 special needs plans. The plan shall include provisions for
26 ensuring continuing care to hospice patients who go to special
27 needs shelters. The plan is subject to review and approval by
28 the county health department, except as provided in
29 subparagraph 2. During its review, the county health
30 department shall ensure that the department, the agency, and
31 the local chapter of the American Red Cross or other lead

1 sheltering agency have an opportunity to review and comment on
2 the plan. The county health department shall complete its
3 review within 60 days after receipt of the plan and shall
4 either approve the plan or advise the hospice of necessary
5 revisions ~~Prepare a disaster preparedness plan.~~

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

17 Section 9. Section 401.273, Florida Statutes, is
18 created to read:

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

31

1 Section 10. Subsection (12) is added to section
2 408.15, Florida Statutes, to read:

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

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

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

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

26 Section 12. State agencies that contract with
27 providers for the care of persons with disabilities or
28 limitations that make such persons dependent upon the care of
29 others shall include emergency and disaster planning
30 provisions in such contracts at the time the contracts are
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1 initiated or upon renewal. These provisions shall include, but
2 shall not be limited to:

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

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

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

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

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

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

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

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

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

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

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

29 Section 14. This act shall take effect October 1,
30 2000.

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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. Requires inclusion of emergency care information in hospice patients' medical records.

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.