

By the Committee on Health Care Licensing & Regulation and  
Representatives Ogles, Fasano, Feeney, Fiorentino, Morroni,  
Goode, Ritchie, Sorensen and Turnbull

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          455.718, 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, as defined in s.  
17 455.501(4), to staff special needs shelters in times of  
18 emergency or disaster and to provide resources to the  
19 department to carry out this responsibility. However, nothing  
20 in this section prohibits a county health department from  
21 entering into an agreement with a local emergency management  
22 agency to assume the lead responsibility for recruiting health  
23 care practitioners.

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

1 needs shelters. The plan shall be in conformance with the  
2 local comprehensive emergency management plan.

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

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

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

20 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
21 Department of Health shall reimburse, subject to the  
22 availability of funds for this purpose, health care  
23 practitioners, as defined in s. 455.501, provided the  
24 practitioner is not providing care to a patient under an  
25 existing contract, and emergency medical technicians and  
26 paramedics licensed pursuant to chapter 401 for medical care  
27 provided at the request of the department in special needs  
28 shelters or at other locations during times of emergency or  
29 major disaster. Reimbursement for health care practitioners,  
30 except for physicians licensed pursuant to chapter 458 or  
31 chapter 459, shall be based on the average hourly rate that

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

14 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department  
15 may use the registries established in ss. 401.273 and 455.718  
16 when health care practitioners are needed to staff special  
17 needs shelters or to staff disaster medical assistance teams.

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

26 (a) The committee may:

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

31

1           2. On or before January 1, 2001, 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; the Florida Osteopathic Medical Association;  
18 Associated Home Health Industries of Florida, Inc.; the  
19 Florida Nurses Association; the Florida Health Care  
20 Association; the Florida Hospital Association; the Florida  
21 Statutory Teaching Hospital Council; the Florida Association  
22 of Homes for the Aging; the Florida Emergency Preparedness  
23 Association; the American Red Cross; Florida Hospices, Inc.;  
24 the Association of Community Hospitals and Health Systems; the  
25 Florida Association of Health Maintenance Organizations; the  
26 Florida League of Health Systems; Private Care Association;  
27 and the Salvation Army.

28           (c) Meetings of the committee shall be held in  
29 Tallahassee and members of the committee shall serve at the  
30 expense of the agencies or organizations they represent.  
31

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

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

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

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



1 list of medications and equipment which must either accompany  
2 the patient or will be needed by the patient in the event of  
3 an evacuation.

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

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

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

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

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

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.  
11 400.492. 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          (d) For any home health agency that operates in more  
29 than one county, the Department of Health shall review the  
30 plan, after consulting with all of the county health  
31 departments, the agency, and all the local chapters of the

1 American Red Cross or other lead sheltering agencies in the  
2 areas of operation for that particular home health agency. The  
3 Department of Health shall complete its review within 90 days  
4 after receipt of the plan and shall either approve the plan or  
5 advise the home health agency of necessary revisions. The  
6 Department of Health shall make every effort to avoid imposing  
7 differing requirements based on differences between counties  
8 on the home health agency.

9 (e) The requirements in this subsection do not apply  
10 to:

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

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

22 Section 5. Subsections (15), (16), and (17) of section  
23 400.506, Florida Statutes, are renumbered as subsections (17),  
24 (18), and (19), respectively, and new subsections (15) and  
25 (16) are added to said section to read:

26 400.506 Licensure of nurse registries; requirements;  
27 penalties.--

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

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1       (16) Each nurse registry shall prepare and maintain a  
2 comprehensive emergency management plan that is consistent  
3 with the criteria in this subsection and with the local  
4 special needs plan. The plan shall be updated annually. The  
5 plan shall specify how the nurse registry shall facilitate the  
6 provision of continuous care by persons referred for contract  
7 to persons who are registered pursuant to s. 252.355 during an  
8 emergency that interrupts the provision of care or services in  
9 private residencies.

10       (a) All persons referred for contract who care for  
11 persons registered pursuant to s. 252.355 must include in the  
12 patient record a description of how care will be continued  
13 during a disaster or emergency that interrupts the provision  
14 of care in the patient's home. It shall be the responsibility  
15 of the person referred for contract to ensure that continuous  
16 care is provided.

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

27       (c) Each person referred for contract who is caring  
28 for a patient who is registered pursuant to s. 252.355 shall  
29 provide a list of the patient's medication and equipment needs  
30 to the nurse registry. Each person referred for contract shall  
31

1 make this information available to county health departments  
2 and to local emergency management agencies upon request.

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

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

20 (f) The Agency for Health Care Administration shall  
21 adopt rules establishing minimum criteria for the  
22 comprehensive emergency management plan and plan updates  
23 required by this subsection, with the concurrence of the  
24 Department of Health and in consultation with the Department  
25 of Community Affairs.

26 Section 6. Paragraph (j) of subsection (1) of section  
27 400.605, Florida Statutes, is amended to read:

28 400.605 Administration; forms; fees; rules;  
29 inspections; fines.--  
30  
31

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

4           (j) Components of a comprehensive emergency management  
5 plan, developed in consultation with the Department of Health,  
6 the Department of Elderly Affairs, and the Department of  
7 Community Affairs ~~Component of a disaster preparedness plan.~~

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

10           400.6095 Patient admission; assessment; plan of care;  
11 discharge; death.--

12           (5) Each hospice, in collaboration with the patient  
13 and the patient's primary or attending physician, shall  
14 prepare and maintain a plan of care for each patient, and the  
15 care provided to a patient must be in accordance with the plan  
16 of care. The plan of care shall be made a part of the  
17 patient's medical record and shall include, at a minimum:

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

20           Section 8. Paragraph (b) of subsection (1) of section  
21 400.610, Florida Statutes, is amended to read:

22           400.610 Administration and management of a hospice.--

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

29           (b)1. Prepare and maintain a comprehensive emergency  
30 management plan that provides for continuing hospice services  
31 in the event of an emergency that is consistent with local

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

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

24 Section 9. Section 401.273, Florida Statutes, is  
25 created to read:

26 401.273 Emergency medical technician and paramedic  
27 registry for disasters and emergencies.--The department shall  
28 include on its forms for the certification or recertification  
29 of emergency medical technicians and paramedics who could  
30 assist the department in the event of a disaster a question  
31 asking if the practitioner would be available to provide

1 health care services in special needs shelters or to help  
2 staff disaster medical assistance teams during times of  
3 emergency or major disaster. The names of the emergency  
4 medical technicians and paramedics who answer affirmatively  
5 shall be maintained by the department as a registry for  
6 disasters and emergencies.

7 Section 10. Subsection (12) is added to section  
8 408.15, Florida Statutes, to read:

9 408.15 Powers of the agency.--In addition to the  
10 powers granted to the agency elsewhere in this chapter, the  
11 agency is authorized to:

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

16 Section 11. Section 455.718, Florida Statutes, is  
17 created to read:

18 455.718 Health care practitioner registry for  
19 disasters and emergencies.--The Department of Health may  
20 include on its forms for the licensure or certification of  
21 health care practitioners, as defined in s. 455.501, who could  
22 assist the department in the event of a disaster a question  
23 asking if the practitioner would be available to provide  
24 health care services in special needs shelters or to help  
25 staff disaster medical assistance teams during times of  
26 emergency or major disaster. The names of practitioners who  
27 answer affirmatively shall be maintained by the department as  
28 a health care practitioner registry for disasters and  
29 emergencies.

30 Section 12. State agencies that contract with  
31 providers for the care of persons with disabilities or



1 limitations that make such persons dependent upon the care of  
2 others shall include emergency and disaster planning  
3 provisions in such contracts at the time the contracts are  
4 initiated or upon renewal. These provisions shall include, but  
5 shall not be limited to:

6 (1) The designation of an emergency coordinating  
7 officer.

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

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

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

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

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

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

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

26 (3) To the Department of Elderly Affairs the sum of  
27 \$58,898 and 1 full-time-equivalent position.

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

30 (5) To the Department of Community Affairs the sum of  
31 \$58,898 and 1 full-time-equivalent position.

