

By Senator Carlton

24-430-00

See HB 39

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 plans 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. Section 252.355, Florida Statutes, is
29 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 (2) On or before May 1 of each year each electric
22 utility in the state shall annually notify residential
23 customers in its service area of the availability of the
24 registration program available through their local emergency
25 management agency.

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

31

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

3 (4) All appropriate agencies and community-based
4 service providers, including home health care providers, shall
5 assist emergency management agencies by collecting
6 registration information for persons ~~people~~ with special needs
7 as part of program intake processes, establishing programs to
8 increase the awareness of the registration process, and
9 educating clients about the procedures that may be necessary
10 for their safety during disasters. Clients of state or
11 federally funded service programs with physical, mental, or
12 sensory disabilities ~~or mental handicaps~~ who need assistance
13 in evacuating, or when in shelters, must register as persons
14 ~~people~~ with special needs.

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

17 381.0303 Health practitioner recruitment for special
18 needs shelters.--

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

29 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
30 that funds have been appropriated to support medical services
31 disaster coordinator positions in county health departments,

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

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

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

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

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

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

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

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

29 (a) The committee may:

30 1. On or before January 1, 2001, resolve questions
31 concerning the roles and responsibilities of state agencies

1 and other organizations that are necessary to implement the
2 program.

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

5 3. Develop and negotiate any necessary interagency
6 agreements.

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

10 5. Submit recommendations to the Legislature as
11 necessary.

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

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

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 must 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 must be updated annually and must 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 must 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 must include a
25 description of how care or services will be continued in the
26 event of an emergency or disaster. The home health agency must
27 discuss the emergency provisions with the patient and the
28 patient's caregivers, including where and how the patient is
29 to evacuate, procedures for notifying the home health agency
30 in the event that the patient evacuates to a location other
31 than the shelter identified in the patient record, and a list

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

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

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

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

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

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

31

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 must 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 must 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 must complete its review within
26 60 days after receipt of the plan and must 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 hospice. The Department
3 of Health shall complete its review within 90 days after
4 receipt of the plan and shall either approve the plan or
5 advise the hospice of necessary revisions. The Department of
6 Health shall make every effort to avoid imposing differing
7 requirements based on differences between counties on the
8 hospice.

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 that has a licensed
17 home health agency used exclusively by the residents of the
18 retirement community, provided that the comprehensive
19 emergency management plan for the facility or retirement
20 community provides for continuous care of all residents with
21 special needs during an emergency.

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

31

1 (16) Each nurse registry must 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 must be updated annually. The
5 plan must specify how the nurse registry must 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 must 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, whether the client is to be transported to a special
23 needs shelter and if the patient is receiving skilled nursing
24 services. Nurse registries must 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 must
29 provide a list of the patient's medication and equipment needs
30 to the nurse registry. Each person referred for contract must
31

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

3 (d) A person referred for contract is not required to
4 continue to provide care to patients in emergency situations
5 that are beyond the person's control and that make it
6 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 must 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 must complete its review within 60 days after receipt of the
18 plan and must 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 and the Department of Community Affairs ~~Component of a~~
7 ~~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 which is consistent with local

1 special needs plans. The plan must 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 must 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 must complete its
10 review within 60 days after receipt of the plan and must
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 must
19 complete its review within 90 days after receipt of the plan
20 and must 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 455.276, Florida Statutes, is
17 created to read:

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

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

8 (1) The designation of an emergency coordinating
9 officer.

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

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

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

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

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

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

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

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

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

1 (5) To the Department of Community Affairs the sum of
2 \$58,898 and 1 full-time equivalent position.

3 Section 14. This act shall take effect October 1,
4 2000.

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7 LEGISLATIVE SUMMARY

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

19 Specifies minimum requirements for home health agency and
20 hospice comprehensive emergency management plans, and provides
21 for plan review and approval. Requires nurse registries to
22 assist at-risk clients with special needs registration and to
23 prepare a comprehensive emergency management plan. Provides
24 for annual update of such plans. Requires inclusion of
25 emergency care information in hospice patients' medical
26 records.

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