

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; providing for review of emergency
18 management plans; creating s. 400.492, F.S.;
19 requiring home health agencies to prepare a
20 comprehensive emergency management plan;
21 specifying plan requirements; amending ss.
22 400.497 and 400.610, F.S.; providing minimum
23 requirements for home health agency and hospice
24 comprehensive emergency management plans;
25 providing for rules; providing for plan review
26 and approval; providing for plan review and
27 approval for home health agencies and hospices
28 operating in more than one county; providing an
29 exception to comprehensive emergency management
30 plan requirements; amending s. 400.506, F.S.;
31 requiring nurse registries to assist at-risk

1 clients with special needs registration and to
2 prepare a comprehensive emergency management
3 plan; specifying plan requirements; providing
4 for plan review; amending s. 400.605, F.S.;
5 requiring the Department of Elderly Affairs to
6 include components for comprehensive emergency
7 management plan in its rules establishing
8 minimum standards for a hospice; amending s.
9 400.6095, F.S.; requiring that certain
10 emergency care and service information be
11 included in hospice patients' medical records;
12 creating s. 401.273, F.S.; providing for
13 establishment of a registry of emergency
14 medical technicians and paramedics for
15 disasters and emergencies; clarifying the
16 functions of emergency medical technicians and
17 paramedics; amending s. 408.15, F.S.;
18 authorizing the Agency for Health Care
19 Administration to establish uniform standards
20 of care for special needs shelters; creating s.
21 455.718, F.S.; providing for establishment of a
22 health practitioner registry for disasters and
23 emergencies; requiring emergency and disaster
24 planning provisions in certain state agency
25 provider contracts; specifying minimum contract
26 requirements; providing appropriations;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Subsections (1), (3), and (4) of section
2 252.355, Florida Statutes, are amended to read:

3 252.355 Registry of ~~disabled~~ persons with special
4 needs; notice.--

5 (1) In order to meet the special needs of persons who
6 would need assistance during evacuations and sheltering
7 because of physical, mental, or sensory disabilities ~~or mental~~
8 ~~handicaps~~, each local emergency management agency in the state
9 shall maintain a registry of ~~disabled~~ persons with special
10 needs located within the jurisdiction of the local agency.

11 The registration shall identify those persons in need of
12 assistance and plan for resource allocation to meet those
13 identified needs. To assist the local emergency management
14 agency in identifying such persons, the Department of Children
15 and Family Services, Department of Health, Agency for Health
16 Care Administration, Department of Labor and Employment
17 Security, and Department of Elderly Affairs shall provide
18 registration information to all of their special needs clients
19 and to all incoming clients as a part of the intake process.
20 The registry shall be updated annually. The registration
21 program shall give ~~disabled~~ persons with special needs the
22 option of preauthorizing emergency response personnel to enter
23 their homes during search and rescue operations if necessary
24 to assure their safety and welfare following disasters.

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

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

13 Section 2. Section 381.0303, Florida Statutes, is
14 created to read:

15 381.0303 Health practitioner recruitment for special
16 needs shelters.--

17 (1) PURPOSE.--The purpose of this section is to
18 designate the Department of Health, through its county health
19 departments, as the lead agency for coordination of the
20 recruitment of health care practitioners, as defined in s.
21 455.501(4), to staff special needs shelters in times of
22 emergency or disaster and to provide resources to the
23 department to carry out this responsibility. However, nothing
24 in this section prohibits a county health department from
25 entering into an agreement with a local emergency management
26 agency to assume the lead responsibility for recruiting health
27 care practitioners.

28 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
29 funds have been appropriated to support medical services
30 disaster coordinator positions in county health departments,
31 the department shall assume lead responsibility for the local

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

6 (a) County health departments shall, in conjunction
7 with the local emergency management agencies, have the lead
8 responsibility for coordination of the recruitment of health
9 care practitioners to staff local special needs shelters.

10 County health departments shall assign their employees to work
11 in special needs shelters when needed to protect the health of
12 patients.

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

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

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

1 major disaster. Reimbursement for health care practitioners,
2 except for physicians licensed pursuant to chapter 458 or
3 chapter 459, shall be based on the average hourly rate that
4 such practitioners were paid according to the most recent
5 survey of Florida hospitals conducted by the Florida Hospital
6 Association. Reimbursement shall be requested on forms
7 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 455.718
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 other such 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; the Florida Osteopathic Medical Association;
20 Associated Home Health Industries of Florida, Inc.; the
21 Florida Nurses Association; the Florida Health Care
22 Association; the Florida Assisted Living Association; the
23 Florida Hospital Association; the Florida Statutory Teaching
24 Hospital Council; the Florida Association of Homes for the
25 Aging; the Florida Emergency Preparedness Association; the
26 American Red Cross; Florida Hospices, Inc.; the Association of
27 Community Hospitals and Health Systems; the Florida
28 Association of Health Maintenance Organizations; the Florida
29 League of Health Systems; Private Care Association; and the
30 Salvation Army.

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1 (c) Meetings of the committee shall be held in
2 Tallahassee and members of the committee shall serve at the
3 expense of the agencies or organizations they represent.

4 (6) RULES.--The department has the authority to adopt
5 rules necessary to implement this section. Rules may include a
6 definition of a special needs patient, specify physician
7 reimbursement, and designate which county health departments
8 will have responsibility for implementation of subsections (2)
9 and (3).

10 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--The
11 submission of emergency management plans to county health
12 departments by home health agencies pursuant to s.
13 400.497(11)(c) and (d) and by nurse registries pursuant to s.
14 400.506(16)(e) and by hospice programs pursuant to s.
15 400.610(1)(b) is conditional upon the receipt of an
16 appropriation by the department to establish medical services
17 disaster coordinator positions in county health departments
18 unless the Secretary of the department and a local county
19 commission jointly determine to require such plans to be
20 submitted based on a determination that there is a special
21 need to protect public health in the local area during an
22 emergency.

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

25 400.492 Provision of services during an
26 emergency.--Each home health agency shall prepare and maintain
27 a comprehensive emergency management plan that is consistent
28 with the standards adopted by national accreditation
29 organizations and consistent with the local special needs
30 plan. The plan shall be updated annually and shall provide for
31 continuing home health services during an emergency that

1 interrupts patient care or services in the patient's home. The
2 plan shall describe how the home health agency establishes and
3 maintains an effective response to emergencies and disasters,
4 including: notifying staff when emergency response measures
5 are initiated; providing for communication between staff
6 members, county health departments, and local emergency
7 management agencies, including a backup system; identifying
8 resources necessary to continue essential care or services or
9 referrals to other organizations subject to written agreement;
10 and prioritizing and contacting patients who need continued
11 care or services.

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

24 (2) Each home health agency shall maintain a current
25 prioritized list of patients who need continued services
26 during an emergency. The list shall indicate how services
27 shall be continued in the event of an emergency or disaster
28 for each patient and if the patient is to be transported to a
29 special needs shelter, and shall indicate if the patient is
30 receiving skilled nursing services and the patient's
31 medication and equipment needs. The list shall be furnished to

1 county health departments and to local emergency management
2 agencies, upon request.

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

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

13 Section 4. Subsection (1) of section 400.497, Florida
14 Statutes, is amended, and subsection (11) is added to said
15 section, to read:

16 400.497 Rules establishing minimum standards.--The
17 Agency for Health Care Administration shall adopt, publish,
18 and enforce rules to implement this part, including, as
19 applicable, ss. 400.506 and 400.509, which must provide
20 reasonable and fair minimum standards relating to:

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

24 (11) Preparation of a comprehensive emergency
25 management plan pursuant to s. 400.492.

26 (a) The Agency for Health Care Administration shall
27 adopt rules establishing minimum criteria for the plan and
28 plan updates, with the concurrence of the Department of Health
29 and in consultation with the Department of Community Affairs.

30 (b) The rules must address the requirements in s.
31 400.492. In addition, the rules shall provide for the

1 maintenance of patient-specific medication lists that can
2 accompany patients who are transported from their homes.

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

7 1. The local emergency management agency.

8 2. The Agency for Health Care Administration.

9 3. The local chapter of the American Red Cross or
10 other lead sheltering agency.

11 4. The district office of the Department of Children
12 and Family Services.

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14 The county health department shall complete its review within
15 60 days after receipt of the plan and shall either approve the
16 plan or advise the home health agency of necessary revisions.

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

29 (e) The requirements in this subsection do not apply
30 to:
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1 1. A facility that is certified under chapter 651 and
2 has a licensed home health agency used exclusively by
3 residents of the facility; or

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

12 Section 5. Subsections (15), (16), and (17) of section
13 400.506, Florida Statutes, are renumbered as subsections (17),
14 (18), and (19), respectively, and new subsections (15) and
15 (16) are added to said section to read:

16 400.506 Licensure of nurse registries; requirements;
17 penalties.--(15) Nurse registries shall assist persons who
18 would need assistance and sheltering during evacuations
19 because of physical, mental, or sensory disabilities in
20 registering with the appropriate local emergency management
21 agency pursuant to s. 252.355.

22 (16) Each nurse registry shall prepare and maintain a
23 comprehensive emergency management plan that is consistent
24 with the criteria in this subsection and with the local
25 special needs plan. The plan shall be updated annually. The
26 plan shall specify how the nurse registry shall facilitate the
27 provision of continuous care by persons referred for contract
28 to persons who are registered pursuant to s. 252.355 during an
29 emergency that interrupts the provision of care or services in
30 private residencies.

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

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

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

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

30 (e) The comprehensive emergency management plan
31 required by this subsection is subject to review and approval

1 by the county health department. During its review, the county
2 health department shall ensure that, at a minimum, the local
3 emergency management agency, the Agency for Health Care
4 Administration, and the local chapter of the American Red
5 Cross or other lead sheltering agency are given the
6 opportunity to review the plan. The county health department
7 shall complete its review within 60 days after receipt of the
8 plan and shall either approve the plan or advise the nurse
9 registry of necessary revisions.

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

16 Section 6. Paragraph (j) of subsection (1) of section
17 400.605, Florida Statutes, is amended to read:

18 400.605 Administration; forms; fees; rules;
19 inspections; fines.--

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

23 (j) Components of a comprehensive emergency management
24 plan, developed in consultation with the Department of Health,
25 the Department of Elderly Affairs, and the Department of
26 Community Affairs ~~Component of a disaster preparedness plan.~~

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

29 400.6095 Patient admission; assessment; plan of care;
30 discharge; death.--

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

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

9 Section 8. Paragraph (b) of subsection (1) of section
10 400.610, Florida Statutes, is amended to read:

11 400.610 Administration and management of a hospice.--

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

18 **(b)1.** Prepare and maintain a comprehensive emergency
19 management plan that provides for continuing hospice services
20 in the event of an emergency that is consistent with local
21 special needs plans. The plan shall include provisions for
22 ensuring continuing care to hospice patients who go to special
23 needs shelters. The plan is subject to review and approval by
24 the county health department, except as provided in
25 subparagraph 2. During its review, the county health
26 department shall ensure that the department, the agency, and
27 the local chapter of the American Red Cross or other lead
28 sheltering agency have an opportunity to review and comment on
29 the plan. The county health department shall complete its
30 review within 60 days after receipt of the plan and shall

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1 either approve the plan or advise the hospice of necessary
2 revisions ~~Prepare a disaster preparedness plan.~~

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

14 Section 9. Section 401.273, Florida Statutes, is
15 created to read:

16 401.273 Emergency medical technician and paramedic
17 registry for disasters and emergencies.--

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

28 (2) A certificateholder may perform the functions of
29 an emergency medical technician or paramedic in a special
30 needs shelter or as a member of a disaster medical assistance
31 team, provided that such functions are performed only under

1 the medical direction of a physician who is licensed under
2 chapter 458 or chapter 459 and who has complied with the
3 formal supervision requirements of s. 458.348.

4 Section 10. Subsection (12) is added to section
5 408.15, Florida Statutes, to read:

6 408.15 Powers of the agency.--In addition to the
7 powers granted to the agency elsewhere in this chapter, the
8 agency is authorized to:

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

13 Section 11. Section 455.718, Florida Statutes, is
14 created to read:

15 455.718 Health care practitioner registry for
16 disasters and emergencies.--The Department of Health may
17 include on its forms for the licensure or certification of
18 health care practitioners, as defined in s. 455.501, who could
19 assist the department in the event of a disaster a question
20 asking if the practitioner would be available to provide
21 health care services in special needs shelters or to help
22 staff disaster medical assistance teams during times of
23 emergency or major disaster. The names of practitioners who
24 answer affirmatively shall be maintained by the department as
25 a health care practitioner registry for disasters and
26 emergencies.

27 Section 12. State agencies that contract with
28 providers for the care of persons with disabilities or
29 limitations that make such persons dependent upon the care of
30 others shall include emergency and disaster planning
31 provisions in such contracts at the time the contracts are

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, prior to or immediately
6 following an emergency or disaster, all persons, on a priority
7 basis, who need assistance and sheltering during evacuations
8 because of physical, mental, or sensory disabilities and whose
9 care is provided under the contract.

10 (3) A procedure to help persons who would need
11 assistance and sheltering during evacuations because of
12 physical, mental, or sensory disabilities register with the
13 local emergency management agency as provided in section
14 252.355, Florida Statutes.

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

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

21 Section 13. (1) There is appropriated \$600,000 for
22 fiscal year 2000-2001 from the General Revenue Fund and two
23 full-time equivalent positions to the Department of Health to
24 implement this act.

25 (2) Each provision of this act will be implemented to
26 the extent that funds are specifically appropriated for it or
27 that funds are available from federal or local sources for a
28 specific provision.

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

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