

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Ogles offered the following:

Amendment (with title amendment)

On page 10, between lines 18-19

insert:

Section 1. Subsections (1), (3), and (4) of section 252.355, Florida Statutes, are amended to read:

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

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, or sensory disabilities ~~or mental handicaps~~, each local emergency management agency in the state shall maintain a registry of ~~disabled~~ persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, the Department of Children and Family Services, Department of Health, Agency for Health

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1 Care Administration, Department of Labor and Employment
2 Security, and Department of Elderly Affairs shall provide
3 registration information to all of their special needs clients
4 and to all incoming clients as a part of the intake process.
5 The registry shall be updated annually. The registration
6 program shall give ~~disabled~~ persons with special needs the
7 option of preauthorizing emergency response personnel to enter
8 their homes during search and rescue operations if necessary
9 to assure their safety and welfare following disasters.

10 (3) All records, data, information, correspondence,
11 and communications relating to the registration of ~~disabled~~
12 persons with special needs as provided in subsection (1) are
13 confidential and exempt from the provisions of s. 119.07(1),
14 except that such information shall be available to other
15 emergency response agencies, as determined by the local
16 emergency management director.

17 (4) All appropriate agencies and community-based
18 service providers, including home health care providers, shall
19 assist emergency management agencies by collecting
20 registration information for persons ~~people~~ with special needs
21 as part of program intake processes, establishing programs to
22 increase the awareness of the registration process, and
23 educating clients about the procedures that may be necessary
24 for their safety during disasters. Clients of state or
25 federally funded service programs with physical, mental, or
26 sensory disabilities ~~or mental handicaps~~ who need assistance
27 in evacuating, or when in shelters, must register as persons
28 ~~people~~ with special needs.

29 Section 2. Section 381.0303, Florida Statutes, is
30 created to read:

31 381.0303 Health practitioner recruitment for special

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1 needs shelters.--

2 (1) PURPOSE.--The purpose of this section is to
3 designate the Department of Health, through its county health
4 departments, as the lead agency for coordination of the
5 recruitment of health care practitioners, as defined in s.
6 455.501(4), to staff special needs shelters in times of
7 emergency or disaster and to provide resources to the
8 department to carry out this responsibility. However, nothing
9 in this section prohibits a county health department from
10 entering into an agreement with a local emergency management
11 agency to assume the lead responsibility for recruiting health
12 care practitioners.

13 (2) SPECIAL NEEDS SHELTER PLAN AND STAFFING.--Provided
14 funds have been appropriated to support medical services
15 disaster coordinator positions in county health departments,
16 the department shall assume lead responsibility for the local
17 coordination of local medical and health care providers, the
18 American Red Cross, and other interested parties in developing
19 a plan for the staffing and medical management of special
20 needs shelters. The plan shall be in conformance with the
21 local comprehensive emergency management plan.

22 (a) County health departments shall, in conjunction
23 with the local emergency management agencies, have the lead
24 responsibility for coordination of the recruitment of health
25 care practitioners to staff local special needs shelters.
26 County health departments shall assign their employees to work
27 in special needs shelters when needed to protect the health of
28 patients.

29 (b) The appropriate county health department and local
30 emergency management agency shall jointly determine who has
31 responsibility for medical supervision in a special needs

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1 shelter.

2 (c) Local emergency management agencies shall be
3 responsible for the designation and operation of special needs
4 shelters during times of emergency or disaster. County health
5 departments shall assist the local emergency management agency
6 with regard to the management of medical services in special
7 needs shelters.

8 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The
9 Department of Health shall reimburse, subject to the
10 availability of funds for this purpose, health care
11 practitioners, as defined in s. 455.501, provided the
12 practitioner is not providing care to a patient under an
13 existing contract, and emergency medical technicians and
14 paramedics licensed pursuant to chapter 401 for medical care
15 provided at the request of the department in special needs
16 shelters or at other locations during times of emergency or
17 major disaster. Reimbursement for health care practitioners,
18 except for physicians licensed pursuant to chapter 458 or
19 chapter 459, shall be based on the average hourly rate that
20 such practitioners were paid according to the most recent
21 survey of Florida hospitals conducted by the Florida Hospital
22 Association. Reimbursement shall be requested on forms
23 prepared by the Department of Health. If a Presidential
24 Disaster Declaration has been made, and the Federal Government
25 makes funds available, the department shall use such funds for
26 reimbursement of eligible expenditures. In other situations,
27 or if federal funds do not fully compensate the department for
28 reimbursement made pursuant to this section, the department
29 shall submit to the Cabinet or Legislature, as appropriate, a
30 budget amendment to obtain reimbursement from the working
31 capital fund. Travel expense and per diem costs shall be

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1 reimbursed pursuant to s. 112.061.

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

6 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
7 Department of Health may establish a special needs shelter
8 interagency committee, to be chaired and staffed by the
9 department. The committee shall resolve problems related to
10 special needs shelters not addressed in the state
11 comprehensive emergency medical plan and shall serve as an
12 oversight committee to monitor the planning and operation of
13 special needs shelters.

14 (a) The committee may:

15 1. On or before January 1, 2001, resolve questions
16 concerning the roles and responsibilities of state agencies
17 and other organizations that are necessary to implement the
18 program.

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

21 3. Develop and negotiate any necessary interagency
22 agreements.

23 4. Undertake other such activities as the department
24 deems necessary to facilitate the implementation of this
25 section.

26 5. Submit recommendations to the Legislature as
27 necessary.

28 (b) The special needs shelter interagency committee
29 shall be composed of representatives of emergency management,
30 health, medical, and social services organizations. Membership
31 shall include, but shall not be limited to, the Departments of

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1 Community Affairs, Children and Family Services, Elderly
 2 Affairs, Labor and Employment Security, and Education; the
 3 Agency for Health Care Administration; the Florida Medical
 4 Association; the Florida Osteopathic Medical Association;
 5 Associated Home Health Industries of Florida, Inc.; the
 6 Florida Nurses Association; the Florida Health Care
 7 Association; the Florida Assisted Living Association; the
 8 Florida Hospital Association; the Florida Statutory Teaching
 9 Hospital Council; the Florida Association of Homes for the
 10 Aging; the Florida Emergency Preparedness Association; the
 11 American Red Cross; Florida Hospices, Inc.; the Association of
 12 Community Hospitals and Health Systems; the Florida
 13 Association of Health Maintenance Organizations; the Florida
 14 League of Health Systems; Private Care Association; and the
 15 Salvation Army.

16 (c) Meetings of the committee shall be held in
 17 Tallahassee and members of the committee shall serve at the
 18 expense of the agencies or organizations they represent.

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

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

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

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

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

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

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1 receiving skilled nursing services and the patient's
2 medication and equipment needs. The list shall be furnished to
3 county health departments and to local emergency management
4 agencies, upon request.

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

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

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

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

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

26 (11) Preparation of a comprehensive emergency
27 management plan pursuant to s. 400.492.

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

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1 (b) The rules must address the requirements in s.
2 400.492. In addition, the rules shall provide for the
3 maintenance of patient-specific medication lists that can
4 accompany patients who are transported from their homes.

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

9 1. The local emergency management agency.

10 2. The Agency for Health Care Administration.

11 3. The local chapter of the American Red Cross or
12 other lead sheltering agency.

13 4. The district office of the Department of Children
14 and Family Services.

15
16 The county health department shall complete its review within
17 60 days after receipt of the plan and shall either approve the
18 plan or advise the home health agency of necessary revisions.

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

31 (e) The requirements in this subsection do not apply

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1 to:

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

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

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

17 400.506 Licensure of nurse registries; requirements;
18 penalties.--

19 (15) Nurse registries shall assist persons who would
20 need assistance and sheltering during evacuations because of
21 physical, mental, or sensory disabilities in registering with
22 the appropriate local

23 (16) Each nurse registry shall prepare and maintain a
24 comprehensive emergency management plan that is consistent
25 with the criteria in this subsection and with the local
26 special needs plan. The plan shall be updated annually. The
27 plan shall specify how the nurse registry shall facilitate the
28 provision of continuous care by persons referred for contract
29 to persons who are registered pursuant to s. 252.355 during an
30 emergency that interrupts the provision of care or services in
31 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

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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.--

31 (5) Each hospice, in collaboration with the patient

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

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

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

10 400.610 Administration and management of a hospice.--

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

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

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

12 Section 9. Section 401.273, Florida Statutes, is
 13 created to read:

14 401.273 Emergency medical technician and paramedic
 15 registry for disasters and emergencies.--The department shall
 16 include on its forms for the certification or recertification
 17 of emergency medical technicians and paramedics who could
 18 assist the department in the event of a disaster a question
 19 asking if the practitioner would be available to provide
 20 health care services in special needs shelters or to help
 21 staff disaster medical assistance teams during times of
 22 emergency or major disaster. The names of the emergency
 23 medical technicians and paramedics who answer affirmatively
 24 shall be maintained by the department as a registry for
 25 disasters and emergencies.

26 A certificateholder may perform the functions of an emergency
 27 medical technician or paramedic in a special needs shelter or
 28 as a member of a disaster medical assistance team, provided
 29 that such functions are performed only under the medical
 30 direction of a physician who is licensed under Chapter 458 or
 31 Chapter 459 and who has complied with the formal supervision

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1 of requirements of s. 458.348.

2 Section 10. Subsection (12) is added to section
3 408.15, Florida Statutes, to read:

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

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

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

13 455.718 Health care practitioner registry for
14 disasters and emergencies.--The Department of Health may
15 include on its forms for the licensure or certification of
16 health care practitioners, as defined in s. 455.501, who could
17 assist the department in the event of a disaster a question
18 asking if the practitioner would be available to provide
19 health care services in special needs shelters or to help
20 staff disaster medical assistance teams during times of
21 emergency or major disaster. The names of practitioners who
22 answer affirmatively shall be maintained by the department as
23 a health care practitioner registry for disasters and
24 emergencies.

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

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1 (1) The designation of an emergency coordinating
2 officer.

3 (2) A procedure to contact, prior to or immediately
4 following an emergency or disaster, all persons, on a priority
5 basis, who need assistance and sheltering during evacuations
6 because of physical, mental, or sensory disabilities and whose
7 care is provided under the contract.

8
9 (3) A procedure to help persons who would need
10 assistance and sheltering during evacuations because of
11 physical, mental, or sensory disabilities register with the
12 local emergency management agency as provided in s. 252.355,
13 Florida Statutes.

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. (1) There is hereby appropriated
21 \$600,000 for fiscal year 2000-01 from the general revenue fund
22 and two full-time equivalent positions to the Department of
23 Health to implement this act.

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

28 (3) The submission of emergency management plans to
29 county health departments by home health agencies pursuant to
30 s. 400.497(11)(c) and (d) and by nurse registries pursuant to
31 s. 400.506(16)(e) and by hospice programs pursuant to s.

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1 400.610(1)(b) is conditional upon the receipt of an
 2 appropriation by the department to establish medical services
 3 disaster coordinator positions in some or all county health
 4 departments unless the Secretary of the department and a local
 5 county commission jointly determine to require such plans to
 6 be submitted based on a determination that there is a special
 7 need to protect public health in the local area during an
 8 emergency.

9 Section 14. This act shall take effect October 1,
 10 2000.

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, line 15 after the word "exemptions;"

16
 17 insert:

18 relating to emergency management planning;
 19 amending s. 252.355, F.S.; revising provisions
 20 relating to registration of persons requiring
 21 special needs assistance in emergencies;
 22 creating s. 381.0303, F.S.; providing for
 23 recruitment of health care practitioners for
 24 special needs shelters; providing for
 25 reimbursement and funding; providing duties of
 26 the Department of Health, the county health
 27 departments, and the local emergency management
 28 agencies; authorizing use of a health care
 29 practitioner registry; authorizing
 30 establishment of a special needs shelter
 31 interagency committee; providing membership and

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1 responsibilities; providing for rules; creating
2 s. 400.492, F.S.; requiring home health
3 agencies to prepare a comprehensive emergency
4 management plan; specifying plan requirements;
5 amending ss. 400.497 and 400.610, F.S.;

6 providing minimum requirements for home health
7 agency and hospice comprehensive emergency
8 management plans; providing for rules;
9 providing for plan review and approval;
10 providing for plan review and approval for home
11 health agencies and hospices operating in more
12 than one county; providing an exception to
13 comprehensive emergency management plan
14 requirements; amending s. 400.506, F.S.;

15 requiring nurse registries to assist at-risk
16 clients with special needs registration and to
17 prepare a comprehensive emergency management
18 plan; specifying plan requirements; providing
19 for plan review; amending s. 400.605, F.S.;

20 requiring the Department of Elderly Affairs to
21 include components for comprehensive emergency
22 management plan in its rules establishing
23 minimum standards for a hospice; amending s.
24 400.6095, F.S.; requiring that certain
25 emergency care and service information be
26 included in hospice patients' medical records;
27 creating s. 401.273, F.S.; providing for
28 establishment of a registry of emergency
29 medical technicians and paramedics for
30 disasters and emergencies; providing for
31 supervised activities under certain

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1 circumstances; amending s. 408.15, F.S.;

2 authorizing the Agency for Health Care

3 Administration to establish uniform standards

4 of care for special needs shelters; creating s.

5 455.718, F.S.; providing for establishment of a

6 health practitioner registry for disasters and

7 emergencies; requiring emergency and disaster

8 planning provisions in certain state agency

9 provider contracts; specifying minimum contract

10 requirements; providing appropriations;

11 providing an effective date.

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