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1                   A bill to be entitled  
 2           An act relating to health care; amending s. 400.506, F.S.;  
 3           deleting the requirement that a registered nurse referred  
 4           by a nurse registry make monthly visits to a patient;  
 5           amending ss. 413.402 and 413.4021, F.S., and s. 3 of  
 6           chapter 2002-286, Laws of Florida; making the program for  
 7           personal care attendants for spinal cord injury victims  
 8           permanent; providing powers and duties of the Department  
 9           of Health with respect to the program; providing criteria  
 10          for participation in the program; providing for an  
 11          oversight workgroup; deleting obsolete provisions;  
 12          providing an effective date.

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

Section 1. Paragraph (c) of subsection (10) of section  
 400.506, Florida Statutes, is amended to read:

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

(10)

~~(c) A registered nurse shall make monthly visits to the  
 patient's home to assess the patient's condition and quality of  
 care being provided by the certified nursing assistant or home  
 health aide. Any condition which in the professional judgment of  
 the nurse requires further medical attention shall be reported  
 to the attending physician and the nurse registry. The  
 assessment shall become a part of the patient's file with the  
 nurse registry and may be reviewed by the agency during their  
 survey procedure.~~

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30 Section 2. Section 413.402, Florida Statutes, is amended  
 31 to read:

32 413.402 Personal care attendant ~~pilot~~ program.--The  
 33 Florida Association of Centers for Independent Living, in  
 34 conjunction with the Brain and Spinal Cord Injury Program in the  
 35 Department of Health, shall develop a ~~pilot~~ program to provide  
 36 personal care attendants to persons who are eligible pursuant to  
 37 subsection (1). The association and the Department of Health  
 38 shall jointly develop memoranda of understanding with the  
 39 Department of Revenue, ~~the Brain and Spinal Cord Injury Program~~  
 40 ~~in the Department of Health~~, the Florida Medicaid program in the  
 41 Agency for Health Care Administration, the Florida Endowment  
 42 Foundation for Vocational Rehabilitation, and the Division of  
 43 Vocational Rehabilitation of the Department of Education.

44 (1) Persons eligible to participate in the ~~pilot~~ program  
 45 must:

46 (a) Be at least 18 years of age and be significantly  
 47 disabled due to a traumatic spinal cord injury;

48 (b) Require a personal care attendant for bathing,  
 49 dresssing, bowel and bladder management, and transportation; ~~Have~~  
 50 ~~been determined eligible for training services from the Division~~  
 51 ~~of Vocational Rehabilitation of the Department of Education;~~ and

52 (c) Require a personal care attendant to obtain or  
 53 maintain substantial gainful employment;

54 (d) Be able to hire and supervise a personal care  
 55 attendant; and

56 (e)~~(e)~~ Either:

57 1. Live in a nursing home; ~~or~~

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58           2. Have moved out of a nursing home within the preceding  
 59 180 days due to participation in a Medicaid home and community-  
 60 based waiver program targeted to persons with brain or spinal  
 61 cord injuries; or

62           3. Presently be employed but because of a loss of a  
 63 caregiver be in danger of losing employment and potentially  
 64 returning to a nursing home.

65           (2) The association shall develop a training program for  
 66 training persons selected to participate in the ~~pilot~~ program  
 67 that will prepare each person to manage his or her own personal  
 68 care attendant.

69           (3)(a) The association and the Department of Health, in  
 70 cooperation with the Florida Endowment Foundation for Vocational  
 71 Rehabilitation, shall develop a program to recruit, screen, and  
 72 select candidates to be trained as personal care attendants.

73           (b) The services of a nurse registry licensed pursuant to  
 74 s. 400.506 may be utilized to recruit and screen candidates and  
 75 to operate as a fiscal intermediary through which payments are  
 76 made to individuals performing services as personal care  
 77 attendants under the ~~pilot~~ program. The Department of Health and  
 78 the Agency for Health Care Administration shall seek any federal  
 79 waivers necessary to implement this provision.

80           (4) The association and the Department of Health, in  
 81 cooperation with the Florida Endowment Foundation for Vocational  
 82 Rehabilitation, shall develop a training program for personal  
 83 care attendants.

84           (5) The association and the Department of Health, in  
 85 cooperation with the Florida Endowment Foundation for Vocational  
 86 Rehabilitation, shall establish procedures for selecting persons

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87 eligible under subsection (1) to participate in the ~~pilot~~  
 88 program.

89 (6) The association and the Department of Health, in  
 90 cooperation with the Division of Vocational Rehabilitation of  
 91 the Department of Education, shall assess the selected  
 92 participants and make recommendations for their placement into  
 93 appropriate work-related training programs.

94 (7) The association and the Department of Health, in  
 95 cooperation with the Department of Revenue, ~~the Brain and Spinal~~  
 96 ~~Cord Injury Program in the Department of Health~~, the Florida  
 97 Medicaid program in the Agency for Health Care Administration, a  
 98 representative from the state attorney's office in each of the  
 99 judicial circuits ~~counties~~ participating in the ~~pilot~~ program,  
 100 the Florida Endowment Foundation for Vocational Rehabilitation,  
 101 and the Division of Vocational Rehabilitation of the Department  
 102 of Education, shall develop a plan for implementation of the  
 103 ~~pilot~~ program.

104 (8) The Department of Health shall establish a personal  
 105 care attendant program oversight workgroup to oversee the  
 106 implementation and administration of the program. The workgroup  
 107 shall be composed of one representative from the Brain and  
 108 Spinal Cord Injury Program in the Department of Health, one  
 109 representative from the Department of Revenue, one  
 110 representative from the Florida Medicaid Program in the Agency  
 111 for Health Care Administration, one representative from the  
 112 Florida Endowment Foundation for Vocational Rehabilitation, one  
 113 representative from the Florida Association of Centers for  
 114 Independent Living, one representative from the Division of  
 115 Vocational Rehabilitation of the Department of Education, and

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116 two members who are persons with traumatic spinal cord injuries  
 117 or are family members of persons with traumatic spinal cord  
 118 injuries. ~~No later than March 1, 2003, the association shall~~  
 119 ~~present to the President of the Senate and to the Speaker of the~~  
 120 ~~House of Representatives the implementation plan for the pilot~~  
 121 ~~program, a timeline for implementation, estimates of the number~~  
 122 ~~of participants to be served, and cost projections for each~~  
 123 ~~component of the pilot program. The pilot program shall be~~  
 124 ~~implemented beginning July 1, 2003, unless there is specific~~  
 125 ~~legislative action to the contrary.~~

126 Section 3. Section 413.4021, Florida Statutes, is amended  
 127 to read:

128 413.4021 ~~Pilot~~ Program participant ~~county~~ selection; tax  
 129 collection enforcement diversion program.--The Department of  
 130 Revenue, in coordination with the Florida Association of Centers  
 131 for Independent Living and the Florida Prosecuting Attorneys  
 132 Association, shall select judicial circuits ~~four counties~~ in  
 133 which to operate the ~~pilot~~ program. The association and the  
 134 state attorneys' offices ~~in Duval County and the four pilot~~  
 135 ~~program counties~~ shall develop and implement a tax collection  
 136 enforcement diversion program, which shall collect revenue due  
 137 from persons who have not remitted their collected sales tax.  
 138 The criteria for referral to the tax collection enforcement  
 139 diversion program shall be determined cooperatively between the  
 140 state attorneys' offices ~~in those counties~~ and the Department of  
 141 Revenue.

142 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~  
 143 percent of the revenues collected from the tax collection  
 144 enforcement diversion program shall be deposited into the

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145 operating account of the Florida Endowment Foundation for  
 146 Vocational Rehabilitation, to be used to implement the personal  
 147 care attendant ~~pilot~~ program.

148 (2) The ~~pilot~~ program shall operate only from funds  
 149 deposited into the operating account of the Florida Endowment  
 150 Foundation for Vocational Rehabilitation.

151 (3) The Revenue Estimating Conference shall annually  
 152 project the amount of funds expected to be generated from the  
 153 tax collection enforcement diversion program.

154 ~~(4) For the 2003-2004 fiscal year only and notwithstanding~~  
 155 ~~the provisions of subsection (1), 50 percent of the revenues~~  
 156 ~~collected from the tax collection enforcement diversion program~~  
 157 ~~shall be deposited into the operating account of the Florida~~  
 158 ~~Endowment Foundation for Vocational Rehabilitation, to be used~~  
 159 ~~to implement the personal care attendant pilot program and to~~  
 160 ~~contract with the state attorneys participating in the tax~~  
 161 ~~collection enforcement diversion program in an amount of not~~  
 162 ~~more than \$50,000 for each state attorney. This subsection~~  
 163 ~~expires July 1, 2004.~~

164 Section 4. Section 3 of chapter 2002-286, Laws of Florida,  
 165 is amended to read:

166 Section 3. There is appropriated from the Brain and Spinal  
 167 Cord Injury Program Trust Fund to the Florida Endowment  
 168 Foundation for Vocational Rehabilitation the sum of \$250,000 in  
 169 nonrecurring funds for fiscal year 2002-2003 for development of  
 170 the personal care attendant ~~pilot~~ program under s. 413.402,  
 171 Florida Statutes. The initial \$50,000 from each of the ~~pilot~~  
 172 program judicial circuits ~~counties~~ and the Fourth Judicial  
 173 Circuit ~~Duval County~~ deposited with the Florida Endowment

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174 Foundation for Vocational Rehabilitation shall be used to repay  
175 the \$250,000 to the Brain and Spinal Cord Injury Program Trust  
176 Fund.

177       Section 5. This act shall take effect July 1, 2004.