

CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the
2 following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (c) of subsection (10) of section
21 400.506, Florida Statutes, is amended to read:

22 400.506 Licensure of nurse registries; requirements;
23 penalties.--

HB 1481

2004
CS

24 (10)

25 (c) The patient, the patient's family, or a person acting
 26 on behalf of a patient at the time of contracting for services
 27 through the nurse registry shall be advised of the availability
 28 of registered nurses to make visits to the patient's home at an
 29 additional cost. ~~A registered nurse shall make monthly visits to~~
 30 ~~the patient's home to assess the patient's condition and quality~~
 31 ~~of care being provided by the certified nursing assistant or~~
 32 ~~home health aide.~~ Any condition which in the professional
 33 judgment of the nurse requires further medical attention shall
 34 be reported to the attending physician and the nurse registry.
 35 The assessment shall become a part of the patient's file with
 36 the nurse registry ~~and may be reviewed by the agency during~~
 37 ~~their survey procedure.~~

38 Section 2. Section 413.402, Florida Statutes, is amended
 39 to read:

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

HB 1481

2004
CS

52 (1) Persons eligible to participate in the ~~pilet~~ program
53 must:

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

56 (b) Require a personal care attendant for bathing,
57 dressings, bowel and bladder management, and transportation;

58 (c) Have been determined eligible for training services
59 from the Division of Vocational Rehabilitation of the Department
60 of Education; and

61 (d) Require a personal care attendant to obtain or
62 maintain substantial gainful employment;

63 (e) Be able to hire and supervise a personal care
64 attendant; and

65 (f)~~(e)~~ Either:

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

67 2. Have moved out of a nursing home within the preceding
68 180 days due to participation in a Medicaid home and community-
69 based waiver program targeted to persons with brain or spinal
70 cord injuries; or

71 3. Presently be employed but because of a loss of a
72 caregiver be in danger of losing employment and potentially
73 returning to a nursing home.

74 (2) The association shall develop a training program for
75 training persons selected to participate in the ~~pilet~~ program
76 that will prepare each person to manage his or her own personal
77 care attendant.

78 (3)(a) The association and the Department of Health, in
79 cooperation with the Florida Endowment Foundation for Vocational

HB 1481

2004
CS

80 Rehabilitation, shall develop a program to recruit, screen, and
81 select candidates to be trained as personal care attendants.

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

89 (4) The association and the Department of Health, in
90 cooperation with the Florida Endowment Foundation for Vocational
91 Rehabilitation, shall develop a training program for personal
92 care attendants.

93 (5) The association, in cooperation with the Department of
94 Health and the Florida Endowment Foundation for Vocational
95 Rehabilitation, shall establish procedures for selecting persons
96 eligible under subsection (1) to participate in the ~~pilot~~
97 program.

98 (6) The personal care attendant program association, in
99 cooperation with the Division of Vocational Rehabilitation of
100 the Department of Education, shall assess the selected
101 participants and make recommendations for their placement into
102 appropriate work-related training programs.

103 (7) The association, in cooperation with the Department of
104 Revenue, the Brain and Spinal Cord Injury Program in the
105 Department of Health, the Florida Medicaid program in the Agency
106 for Health Care Administration, a representative from the state
107 attorney's office in each of the judicial circuits ~~counties~~

HB 1481

2004
CS

108 participating in the ~~pilot~~ program, the Florida Endowment
 109 Foundation for Vocational Rehabilitation, and the Division of
 110 Vocational Rehabilitation of the Department of Education, shall
 111 develop a plan for implementation of the ~~pilot~~ program.

112 (8) The Department of Health shall establish a personal
 113 care attendant program oversight workgroup to oversee the
 114 implementation and administration of the program. The workgroup
 115 shall be composed of one representative from the Brain and
 116 Spinal Cord Injury Program in the Department of Health, one
 117 representative from the Department of Revenue, one
 118 representative from the Florida Medicaid Program in the Agency
 119 for Health Care Administration, one representative from the
 120 Florida Endowment Foundation for Vocational Rehabilitation, one
 121 representative from the Florida Association of Centers for
 122 Independent Living, one representative from the Division of
 123 Vocational Rehabilitation of the Department of Education, and
 124 two members who are persons with traumatic spinal cord injuries
 125 or are family members of persons with traumatic spinal cord
 126 injuries. ~~No later than March 1, 2003, the association shall~~
 127 ~~present to the President of the Senate and to the Speaker of the~~
 128 ~~House of Representatives the implementation plan for the pilot~~
 129 ~~program, a timeline for implementation, estimates of the number~~
 130 ~~of participants to be served, and cost projections for each~~
 131 ~~component of the pilot program. The pilot program shall be~~
 132 ~~implemented beginning July 1, 2003, unless there is specific~~
 133 ~~legislative action to the contrary.~~

134 Section 3. Section 413.4021, Florida Statutes, is amended
 135 to read:

HB 1481

2004
CS

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

150 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~
 151 percent of the revenues collected from the tax collection
 152 enforcement diversion program shall be deposited into the
 153 operating account of the Florida Endowment Foundation for
 154 Vocational Rehabilitation, to be used to administer ~~implement~~
 155 the personal care attendant ~~pilot~~ program.

156 (2) The ~~pilot~~ program shall operate only from funds
 157 deposited into the operating account of the Florida Endowment
 158 Foundation for Vocational Rehabilitation. The Florida Endowment
 159 Foundation for Vocational Rehabilitation shall select the entity
 160 to administer the personal care attendant program.

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

HB 1481

2004
CS

164 (4) For the 2003-2004 fiscal year only and notwithstanding
 165 the provisions of subsection (1), 50 percent of the revenues
 166 collected from the tax collection enforcement diversion program
 167 shall be deposited into the operating account of the Florida
 168 Endowment Foundation for Vocational Rehabilitation, to be used
 169 to implement the personal care attendant pilot program and to
 170 contract with the state attorneys participating in the tax
 171 collection enforcement diversion program in an amount of not
 172 more than \$50,000 for each state attorney. This subsection
 173 expires July 1, 2004.

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

176 Section 3. There is appropriated from the Brain and Spinal
 177 Cord Injury Program Trust Fund to the Florida Endowment
 178 Foundation for Vocational Rehabilitation the sum of \$250,000 in
 179 nonrecurring funds for fiscal year 2002-2003 for development of
 180 the personal care attendant pilot program under s. 413.402,
 181 Florida Statutes. The initial \$50,000 from each of the pilot
 182 program judicial circuits ~~counties~~ and the Fourth Judicial
 183 Circuit ~~Duval County~~ deposited with the Florida Endowment
 184 Foundation for Vocational Rehabilitation shall be used to repay
 185 the \$250,000 to the Brain and Spinal Cord Injury Program Trust
 186 Fund.

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