

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 services for the elderly; creating s.
8 430.7032, F.S.; creating the Program of All-Inclusive Care
9 for the Elderly; providing a popular name; authorizing the
10 Department of Elderly Affairs and the Agency for Health
11 Care Administration to contract with certain entities to
12 provide benefits under the program; requiring the agency
13 and department to contract with nonprofit organizations in
14 certain counties; requiring the agency to approve a
15 certain number of enrollees within a certain period;
16 providing an exemption for providers under the program;
17 amending s. 430.707, F.S.; deleting a transferred
18 subsection; amending s. 430.502, F.S.; designating an
19 additional memory disorder clinic; requiring the Louis de
20 la Parte Florida Mental Health Institute to establish a
21 workgroup on emergency mental health services for persons
22 with dementia; providing for appointment to such
23 workgroup; providing duties; providing that members shall

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24 | serve without compensation; requiring a report to the
 25 | Governor and Legislature; providing for future repeal;
 26 | creating s. 430.042, F.S.; establishing the Office of
 27 | Destination Florida; assigning duties; appointing a
 28 | director; providing for rules; providing an effective
 29 | date.

30 |
 31 | Be It Enacted by the Legislature of the State of Florida:

32 |
 33 | Section 1. Section 430.7032, Florida Statutes, is created
 34 | to read:

35 | 430.7032 Program of All-inclusive Care for the Elderly.--

36 | (1) This section may be referred to by the popular name
 37 | the "Program of All-inclusive Care for the Elderly, or PACE,
 38 | Act."

39 | (2) The Department of Elderly Affairs, in consultation
 40 | with the Agency for Health Care Administration, may contract
 41 | with entities which have submitted applications as community
 42 | nursing home diversion projects as of July 1, 1998, to provide
 43 | benefits pursuant to the Program of All-inclusive Care for the
 44 | Elderly as established in Pub. L. No. 105-33. For the purposes
 45 | of this community nursing home diversion project, such an entity
 46 | shall be exempt from the requirements of chapter 641 if the
 47 | entity is a private, not-for-profit, superior-rated nursing home
 48 | with at least 50 percent of its residents eligible for Medicaid.

49 | (3) The agency and the department shall contract with one
 50 | private, not-for-profit organization located in Lee County and
 51 | one such organization located in Martin County, each of which

52 provides comprehensive services including hospice care for frail
 53 and elderly persons, to provide services under the Program of
 54 All-inclusive Care for the Elderly. The agency and the
 55 department shall provide technical assistance to assist these
 56 organizations in preparing the necessary applications.

57 (4) No later than September 2005, subject to federal
 58 approval of the application to be a Program of All-inclusive
 59 Care for the Elderly site, the agency shall approve 50 initial
 60 enrollees in the Program of All-inclusive Care for the Elderly
 61 in Lee and Martin Counties.

62 (5) Subject to the ability of the Martin County and Lee
 63 County sites to sufficiently expand capacity for additional
 64 enrollment, the agency shall approve the enrollment of an
 65 additional 200 enrollees no later than September 30, 2007.

66 (6) Authorization for enrollment levels greater than 200
 67 is subject to documentation of each program's effectiveness and
 68 a specific appropriation.

69 Section 2. A provider entity of a Program of All-inclusive
 70 Care for the Elderly is exempt from the requirements of chapter
 71 641, Florida Statutes, if such entity is a private, not-for-
 72 profit corporation as defined in chapter 617, Florida Statutes,
 73 and a hospice as defined in s. 400.601(3), Florida Statutes.

74 Section 3. Section 430.707, Florida Statutes, is amended
 75 to read:

76 430.707 Contracts.--

77 (1) The department, in consultation with the agency, shall
 78 select and contract with managed care organizations and, on a
 79 prepaid basis, with other qualified providers as defined in s.

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80 430.703(7) to provide long-term care within community diversion
81 pilot project areas. The agency shall evaluate and report
82 quarterly to the department the compliance by other qualified
83 providers with all the financial and quality assurance
84 requirements of the contract.

85 ~~(2) The department, in consultation with the agency, may~~
86 ~~contract with entities which have submitted an application as a~~
87 ~~community nursing home diversion project as of July 1, 1998, to~~
88 ~~provide benefits pursuant to the "Program of All-inclusive Care~~
89 ~~for the Elderly" as established in Pub. L. No. 105-33. For the~~
90 ~~purposes of this community nursing home diversion project, such~~
91 ~~entities shall be exempt from the requirements of chapter 641,~~
92 ~~if the entity is a private, nonprofit, superior-rated nursing~~
93 ~~home with at least 50 percent of its residents eligible for~~
94 ~~Medicaid.~~

95 Section 4. Paragraphs (j) and (k) of subsection (1) of
96 section 430.502, Florida Statutes, are amended, and paragraph
97 (l) is added to said subsection, to read:

98 430.502 Alzheimer's disease; memory disorder clinics and
99 day care and respite care programs.--

100 (1) There is established:

101 (j) A memory disorder clinic at Lee Memorial Hospital
102 created by chapter 63-1552, Laws of Florida, as amended; ~~and~~

103 (k) A memory disorder clinic at Sarasota Memorial Hospital
104 in Sarasota County; and

105 (l) A memory disorder clinic at Morton Plant Hospital,
106 Clearwater, in Pinellas County,

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108 | for the purpose of conducting research and training in a
 109 | diagnostic and therapeutic setting for persons suffering from
 110 | Alzheimer's disease and related memory disorders. However,
 111 | memory disorder clinics funded as of June 30, 1995, shall not
 112 | receive decreased funding due solely to subsequent additions of
 113 | memory disorder clinics in this subsection.

114 | Section 5. (1) The Louis de la Parte Florida Mental
 115 | Health Institute within the University of South Florida shall
 116 | establish a workgroup to focus on the needs of older adults who
 117 | have dementia or related disorders and who are subject to The
 118 | Florida Mental Health Act for involuntary treatment. This
 119 | workgroup shall recommend legislation designed to meet the needs
 120 | of those older adults whose behaviors present a risk for self-
 121 | harm, a risk of harm to others, or a risk of self-neglect.

122 | (2) The Secretary of Elderly Affairs and the Secretary of
 123 | Children and Family Services shall each appoint at least one
 124 | member and not more than seven members to the workgroup.

125 | (3) The workgroup shall:

126 | (a) Identify and address the problems associated with
 127 | involuntary examination and placement of older adults,
 128 | especially older adults with Alzheimer's disease or related
 129 | disorders, by facilities.

130 | (b) Evaluate the potential for involuntary placement based
 131 | upon additional criteria, including the history of the dementia
 132 | sufferer as provided by the family.

133 | (c) Identify and evaluate the barriers and restrictions to
 134 | patient care that result from involuntary placement.

135 (d) Evaluate less restrictive alternatives that can meet
 136 the crisis stabilization needs of the individual with dementia
 137 or related disorders.

138 (e) Review resources that potentially provide the best
 139 opportunities for the older adult to return as quickly as
 140 possible to his or her least restrictive environment.

141 (f) Evaluate the current curriculum used to train
 142 employees of receiving facilities in identifying how employees
 143 deal with clients with a diagnosis of Alzheimer's disease or a
 144 related dementia.

145 (g) Provide a summary of methods and systems used in other
 146 states to serve this population.

147 (h) Recommend a dementia-specific system that would
 148 provide the best opportunity for maintaining the dignity and
 149 well-being of our older adult population.

150 (4) Members of the workgroup shall serve without
 151 compensation.

152 (5) The workgroup shall submit a report to the Governor,
 153 the President of the Senate, and the Speaker of the House of
 154 Representatives no later than January 1, 2005. This section is
 155 repealed February 1, 2005.

156 Section 6. Section 430.042, Florida Statutes, is created
 157 to read:

158 430.042 Office of Destination Florida.--The Office of
 159 Destination Florida is established within the Department of
 160 Elderly Affairs for the purpose of ensuring Florida's position
 161 as a premier retirement destination and to address and dispel

162 commonly held misperceptions and stereotypes about mature
 163 Floridians.

164 (1) The duties of the office shall be to:

165 (a) Promote the important role of Florida's retirement
 166 industry as an instrument for economic development and
 167 diversification.

168 (b) Promote the enhancement of the quality of life for
 169 Florida's mature residents through partnering with state and
 170 local governments, businesses, industry leaders, civic
 171 organizations, and other relevant entities.

172 (c) Develop and conduct a public awareness and marketing
 173 campaign that:

174 1. Educates and promotes awareness by Florida's
 175 policymakers and residents of the value and contributions of
 176 mature residents.

177 2. Attracts amenity-seeking mature citizens to Florida by
 178 promoting the state's unique quality of life and elder-friendly
 179 environment.

180 (d) Coordinate efforts with state agencies and Florida's
 181 private sector in encouraging mature citizens to relocate to
 182 Florida.

183 (e) Identify any state laws, rules, or policies that
 184 restrict the quality of life for Florida's mature residents or
 185 that discourage additional mature citizens from relocating to
 186 Florida, and propose corrective actions.

187 (f) Encourage contributions and grants through private,
 188 state, and federal sources for the purpose of carrying out the
 189 duties of the office.

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190 (2) The Secretary of Elderly Affairs shall appoint a
191 director who shall be the head of the Office of Destination
192 Florida. The director shall serve at the pleasure of the
193 secretary.

194 (3) In order to accomplish the duties prescribed by this
195 section, the office is authorized to raise funds; to request and
196 receive grants, gifts, and bequests of moneys; and to make
197 expenditures for the direct or indirect benefit of mature
198 Floridians or the office. All funds raised under this subsection
199 shall be deposited into the Grants and Donations Trust Fund
200 within the Department of Elderly Affairs. Expenditures of the
201 office shall not be used for the purpose of lobbying as defined
202 in s. 11.045.

203 (4) The department may adopt rules pursuant to ss.
204 120.536(1) and 120.54 necessary to implement this section.

205 Section 7. This act shall take effect July 1, 2004.