

CHAMBER ACTION

1 The Committee on Appropriations recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to services and research related to the
7 elderly; creating s. 430.7032, F.S.; creating the Program
8 of All-Inclusive Care for the Elderly; providing a popular
9 name; authorizing the Department of Elderly Affairs and
10 the Agency for Health Care Administration to contract with
11 certain entities to provide benefits under the program;
12 requiring the agency and department to contract with
13 nonprofit organizations in certain counties; requiring the
14 agency to approve a certain number of enrollees within a
15 certain period; providing an exemption for providers under
16 the program; amending s. 430.707, F.S.; deleting a
17 transferred subsection; amending s. 430.502, F.S.;
18 designating an additional memory disorder clinic;
19 requiring the Louis de la Parte Florida Mental Health
20 Institute to establish a workgroup on emergency mental
21 health services for persons with dementia; providing for
22 appointment to such workgroup; providing duties; providing
23 that members shall serve without compensation; requiring a

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24 report to the Governor and Legislature; providing for
 25 future repeal; creating s. 430.042, F.S.; establishing the
 26 Office of Destination Florida; assigning duties;
 27 appointing a director; providing for rules; amending s.
 28 1004.445, F.S.; providing for additional members of the
 29 board of directors of the Johnnie B. Byrd, Sr.,
 30 Alzheimer's Center and Research Institute; providing
 31 effective dates.
 32

33 Be It Enacted by the Legislature of the State of Florida:
 34

35 Section 1. Section 430.7032, Florida Statutes, is created
 36 to read:

37 430.7032 Program of All-inclusive Care for the Elderly.--

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

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

51 (3) The agency and the department shall contract with one
 52 private, not-for-profit organization located in Lee County and
 53 one such organization located in Martin County, each of which
 54 provides comprehensive services, including hospice care for
 55 frail and elderly persons, to provide services under the Program
 56 of All-inclusive Care for the Elderly. The agency and the
 57 department shall provide technical assistance to assist these
 58 organizations in preparing the necessary applications.

59 (4) No later than September 2005, subject to federal
 60 approval of the application to be a Program of All-inclusive
 61 Care for the Elderly site, the agency shall approve 100 initial
 62 enrollees in the Program of All-inclusive Care for the Elderly
 63 in Lee and Martin Counties. There shall be 50 initial enrollees
 64 in each county.

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

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

72 Section 2. A provider entity of a Program of All-inclusive
 73 Care for the Elderly is exempt from the requirements of chapter
 74 641, Florida Statutes, if such entity is a private, not-for-
 75 profit corporation as defined in chapter 617, Florida Statutes,
 76 and a hospice as defined in s. 400.601(3), Florida Statutes.

77 Section 3. Section 430.707, Florida Statutes, is amended
 78 to read:

79 | 430.707 Contracts.--

80 | ~~(1)~~ The department, in consultation with the agency, shall
 81 | select and contract with managed care organizations and, on a
 82 | prepaid basis, with other qualified providers as defined in s.
 83 | 430.703(7) to provide long-term care within community diversion
 84 | pilot project areas. The agency shall evaluate and report
 85 | quarterly to the department the compliance by other qualified
 86 | providers with all the financial and quality assurance
 87 | requirements of the contract.

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

98 | Section 4. Paragraphs (j) and (k) of subsection (1) of
 99 | section 430.502, Florida Statutes, are amended, and paragraph
 100 | (l) is added to said subsection, to read:

101 | 430.502 Alzheimer's disease; memory disorder clinics and
 102 | day care and respite care programs.--

103 | (1) There is established:

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

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106 (k) A memory disorder clinic at Sarasota Memorial Hospital
107 in Sarasota County; and

108 (1) A memory disorder clinic at Morton Plant Hospital in
109 Pinellas County,

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

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

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

128 (3) The workgroup shall:

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

133 (b) Evaluate the potential for involuntary placement based
 134 upon additional criteria, including the history of the dementia
 135 sufferer as provided by the family.

136 (c) Identify and evaluate the barriers and restrictions to
 137 patient care that result from involuntary placement.

138 (d) Evaluate less restrictive alternatives that can meet
 139 the crisis stabilization needs of the individual with dementia
 140 or related disorders.

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

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

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

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

153 (4) Members of the workgroup shall serve without
 154 compensation.

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

159 Section 6. Section 430.042, Florida Statutes, is created
 160 to read:

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161 430.042 Office of Destination Florida.--The Office of
 162 Destination Florida is established within the Department of
 163 Elderly Affairs for the purpose of ensuring Florida's position
 164 as a premier retirement destination and to address and dispel
 165 commonly held misperceptions and stereotypes about mature
 166 Floridians.

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

168 (a) Promote the important role of Florida's retirement
 169 industry as an instrument for economic development and
 170 diversification.

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

175 (c) Develop and conduct a public awareness and marketing
 176 campaign that:

177 1. Educates and promotes awareness by Florida's
 178 policymakers and residents of the value and contributions of
 179 mature residents.

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

183 (d) Coordinate efforts with state agencies and Florida's
 184 private sector in encouraging mature citizens to relocate to
 185 Florida.

186 (e) Identify any state laws, rules, or policies that
 187 restrict the quality of life for Florida's mature residents or

188 that discourage additional mature citizens from relocating to
 189 Florida, and propose corrective actions.

190 (f) Encourage contributions and grants through private,
 191 state, and federal sources for the purpose of carrying out the
 192 duties of the office.

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

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

206 (4) The department may adopt rules pursuant to ss.
 207 120.536(1) and 120.54 necessary to implement this section.

208 Section 7. Effective upon this act becoming a law,
 209 paragraph (b) of subsection (2) of section 1004.445, Florida
 210 Statutes, as amended by chapter 2004-2, Laws of Florida,, is
 211 amended to read:

212 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 213 Research Institute.--

214 (2)

215 (b)1. The affairs of the not-for-profit corporation shall
 216 be managed by a board of directors who shall serve without
 217 compensation. The board of directors shall consist of the
 218 President of the University of South Florida and the chair of
 219 the State Board of Education, or their designees, 5
 220 representatives of the state universities, and no fewer than 9
 221 nor more than 14 representatives of the public who are neither
 222 medical doctors nor state employees. Each director who is a
 223 representative of a state university or of the public shall be
 224 appointed to serve a term of 3 years. The chair of the board of
 225 directors shall be selected by a majority vote of the directors.
 226 Each director shall have only one vote.

227 2. The initial board of directors shall consist of the
 228 President of the University of South Florida and the chair of
 229 the State Board of Education, or their designees; the five
 230 university representatives, of whom one shall be appointed by
 231 the Governor, two by the President of the Senate, and two by the
 232 Speaker of the House of Representatives; and nine public
 233 representatives, of whom three shall be appointed by the
 234 Governor, three by the President of the Senate, and three by the
 235 Speaker of the House of Representatives.

236 3. Upon the expiration of the terms of the initial
 237 appointed directors, all directors subject to 3-year terms of
 238 office under this paragraph shall be appointed by a majority
 239 vote of the directors. ~~and~~

240 4. The board may be expanded to include additional public
 241 representative directors up to the maximum number allowed.

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242 | Additional members shall be added by a majority vote of the
243 | directors.

244 | 5. Any vacancy in office shall be filled for the remainder
245 | of the term by majority vote of the directors. Any director may
246 | be reappointed.

247 | Section 8. Except as otherwise provided herein, this act
248 | shall take effect July 1, 2004.