

1 A bill to be entitled

2 An act relating to services and research related to the
3 elderly; amending s. 400.141, F.S.; extending an exception
4 to nursing home facility liability insurance coverage
5 requirements; creating s. 430.7032, F.S.; creating the
6 Program of All-Inclusive Care for the Elderly; providing a
7 popular name; authorizing the Department of Elderly
8 Affairs and the Agency for Health Care Administration to
9 contract with certain entities to provide benefits under
10 the program; requiring the agency and department to
11 contract with nonprofit organizations in certain counties;
12 requiring the agency to approve a certain number of
13 enrollees within a certain period; providing an exemption
14 for providers under the program; amending s. 430.707,
15 F.S.; deleting a transferred subsection; amending s.
16 430.502, F.S.; designating an additional memory disorder
17 clinic; requiring the Louis de la Parte Florida Mental
18 Health Institute to establish a workgroup on emergency
19 mental health services for persons with dementia;
20 providing for appointment to such workgroup; providing
21 duties; providing that members shall serve without
22 compensation; requiring a report to the Governor and
23 Legislature; providing for future repeal; creating s.
24 430.042, F.S.; establishing the Office of Destination
25 Florida; assigning duties; appointing a director;
26 providing for rules; amending s. 1004.445, F.S.; providing
27 for additional members of the board of directors of the

28 | Johnnie B. Byrd, Sr., Alzheimer's Center and Research
 29 | Institute; providing effective dates.

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

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 33 | Section 1. Subsection (20) of section 400.141, Florida
 34 | Statutes, is amended to read:

35 | 400.141 Administration and management of nursing home
 36 | facilities.--Every licensed facility shall comply with all
 37 | applicable standards and rules of the agency and shall:

38 | (20) Maintain general and professional liability insurance
 39 | coverage that is in force at all times. In lieu of general and
 40 | professional liability insurance coverage, a state-designated
 41 | teaching nursing home and its affiliated assisted living
 42 | facilities created under s. 430.80 may demonstrate proof of
 43 | financial responsibility as provided in s. 430.80(3)(h); ~~the~~
 44 | ~~exception provided in this paragraph shall expire July 1, 2005.~~

45 |
 46 | Facilities that have been awarded a Gold Seal under the program
 47 | established in s. 400.235 may develop a plan to provide
 48 | certified nursing assistant training as prescribed by federal
 49 | regulations and state rules and may apply to the agency for
 50 | approval of their program.

51 | Section 2. Section 430.7032, Florida Statutes, is created
 52 | to read:

53 | 430.7032 Program of All-inclusive Care for the Elderly.--

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

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

67 (3) The agency and the department shall contract with one
 68 private, not-for-profit organization located in Lee County and
 69 one such organization located in Martin County, each of which
 70 provides comprehensive services, including hospice care for
 71 frail and elderly persons, to provide services under the Program
 72 of All-inclusive Care for the Elderly. The agency and the
 73 department shall provide technical assistance to assist these
 74 organizations in preparing the necessary applications.

75 (4) No later than September 2005, subject to federal
 76 approval of the application to be a Program of All-inclusive
 77 Care for the Elderly site, the agency shall approve 100 initial
 78 enrollees in the Program of All-inclusive Care for the Elderly
 79 in Lee and Martin Counties. There shall be 50 initial enrollees
 80 in each county.

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

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

88 Section 3. A provider entity of a Program of All-inclusive
 89 Care for the Elderly is exempt from the requirements of chapter
 90 641, Florida Statutes, if such entity is a private, not-for-
 91 profit corporation as defined in chapter 617, Florida Statutes,
 92 and a hospice as defined in s. 400.601(3), Florida Statutes.

93 Section 4. Section 430.707, Florida Statutes, is amended
 94 to read:

95 430.707 Contracts.--

96 ~~(1)~~ The department, in consultation with the agency, shall
 97 select and contract with managed care organizations and, on a
 98 prepaid basis, with other qualified providers as defined in s.
 99 430.703(7) to provide long-term care within community diversion
 100 pilot project areas. The agency shall evaluate and report
 101 quarterly to the department the compliance by other qualified
 102 providers with all the financial and quality assurance
 103 requirements of the contract.

104 ~~(2) The department, in consultation with the agency, may~~
 105 ~~contract with entities which have submitted an application as a~~
 106 ~~community nursing home diversion project as of July 1, 1998, to~~
 107 ~~provide benefits pursuant to the "Program of All-inclusive Care~~
 108 ~~for the Elderly" as established in Pub. L. No. 105-33. For the~~

109 ~~purposes of this community nursing home diversion project, such~~
 110 ~~entities shall be exempt from the requirements of chapter 641,~~
 111 ~~if the entity is a private, nonprofit, superior-rated nursing~~
 112 ~~home with at least 50 percent of its residents eligible for~~
 113 ~~Medicaid.~~

114 Section 5. Paragraphs (j) and (k) of subsection (1) of
 115 section 430.502, Florida Statutes, are amended, and paragraph
 116 (1) is added to said subsection, to read:

117 430.502 Alzheimer's disease; memory disorder clinics and
 118 day care and respite care programs.--

119 (1) There is established:

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

122 (k) A memory disorder clinic at Sarasota Memorial Hospital
 123 in Sarasota County; and

124 (l) A memory disorder clinic at Morton Plant Hospital in
 125 Pinellas County,

126
 127 for the purpose of conducting research and training in a
 128 diagnostic and therapeutic setting for persons suffering from
 129 Alzheimer's disease and related memory disorders. However,
 130 memory disorder clinics funded as of June 30, 1995, shall not
 131 receive decreased funding due solely to subsequent additions of
 132 memory disorder clinics in this subsection.

133 Section 6. (1) The Louis de la Parte Florida Mental
 134 Health Institute within the University of South Florida shall
 135 establish a workgroup to focus on the needs of older adults who
 136 have dementia or related disorders and who are subject to the

137 Florida Mental Health Act for involuntary treatment. This
 138 workgroup shall recommend legislation designed to meet the needs
 139 of those older adults whose behaviors present a risk for self-
 140 harm, a risk of harm to others, or a risk of self-neglect.

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

144 (3) The workgroup shall:

145 (a) Identify and address the problems associated with
 146 involuntary examination and placement of older adults,
 147 especially older adults with Alzheimer's disease or related
 148 disorders, by facilities.

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

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

154 (d) Evaluate less restrictive alternatives that can meet
 155 the crisis stabilization needs of the individual with dementia
 156 or related disorders.

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

160 (f) Evaluate the current curriculum used to train
 161 employees of receiving facilities in identifying how employees
 162 deal with clients with a diagnosis of Alzheimer's disease or a
 163 related dementia.

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

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

169 (4) Members of the workgroup shall serve without
170 compensation.

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

175 Section 7. Section 430.042, Florida Statutes, is created
176 to read:

177 430.042 Office of Destination Florida.--The Office of
178 Destination Florida is established within the Department of
179 Elderly Affairs for the purpose of ensuring Florida's position
180 as a premier retirement destination and to address and dispel
181 commonly held misperceptions and stereotypes about mature
182 Floridians.

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

184 (a) Promote the important role of Florida's retirement
185 industry as an instrument for economic development and
186 diversification.

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

191 (c) Develop and conduct a public awareness and marketing
192 campaign that:

193 1. Educates and promotes awareness by Florida's
194 policymakers and residents of the value and contributions of
195 mature residents.

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

199 (d) Coordinate efforts with state agencies and Florida's
200 private sector in encouraging mature citizens to relocate to
201 Florida.

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

206 (f) Encourage contributions and grants through private,
207 state, and federal sources for the purpose of carrying out the
208 duties of the office.

209 (2) The Secretary of Elderly Affairs shall appoint a
210 director who shall be the head of the Office of Destination
211 Florida. The director shall serve at the pleasure of the
212 secretary.

213 (3) In order to accomplish the duties prescribed by this
214 section, the office is authorized to raise funds; to request and
215 receive grants, gifts, and bequests of moneys; and to make
216 expenditures for the direct or indirect benefit of mature
217 Floridians or the office. All funds raised under this subsection
218 shall be deposited into the Grants and Donations Trust Fund

219 | within the Department of Elderly Affairs. Expenditures of the
 220 | office shall not be used for the purpose of lobbying as defined
 221 | in s. 11.045.

222 | (4) The department may adopt rules pursuant to ss.
 223 | 120.536(1) and 120.54 necessary to implement this section.

224 | Section 8. Effective upon this act becoming a law,
 225 | paragraph (b) of subsection (2) of section 1004.445, Florida
 226 | Statutes, as amended by chapter 2004-2, Laws of Florida,, is
 227 | amended to read:

228 | 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
 229 | Research Institute.--

230 | (2)

231 | (b)1. The affairs of the not-for-profit corporation shall
 232 | be managed by a board of directors who shall serve without
 233 | compensation. The board of directors shall consist of the
 234 | President of the University of South Florida and the chair of
 235 | the State Board of Education, or their designees, 5
 236 | representatives of the state universities, and no fewer than 9
 237 | nor more than 14 representatives of the public who are neither
 238 | medical doctors nor state employees. Each director who is a
 239 | representative of a state university or of the public shall be
 240 | appointed to serve a term of 3 years. The chair of the board of
 241 | directors shall be selected by a majority vote of the directors.
 242 | Each director shall have only one vote.

243 | 2. The initial board of directors shall consist of the
 244 | President of the University of South Florida and the chair of
 245 | the State Board of Education, or their designees; the five
 246 | university representatives, of whom one shall be appointed by

247 | the Governor, two by the President of the Senate, and two by the
248 | Speaker of the House of Representatives; and nine public
249 | representatives, of whom three shall be appointed by the
250 | Governor, three by the President of the Senate, and three by the
251 | Speaker of the House of Representatives.

252 | 3. Upon the expiration of the terms of the initial
253 | appointed directors, all directors subject to 3-year terms of
254 | office under this paragraph shall be appointed by a majority
255 | vote of the directors. ~~and~~

256 | 4. The board may be expanded to include additional public
257 | representative directors up to the maximum number allowed.
258 | Additional members shall be added by a majority vote of the
259 | directors.

260 | 5. Any vacancy in office shall be filled for the remainder
261 | of the term by majority vote of the directors. Any director may
262 | be reappointed.

263 | Section 9. Except as otherwise provided herein, this act
264 | shall take effect July 1, 2004.