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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.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (c) of subsection (10) of section
 17 400.506, Florida Statutes, is amended to read:

18 400.506 Licensure of nurse registries; requirements;
 19 penalties.--

20 (10)

21 ~~(c) A registered nurse shall make monthly visits to the~~
 22 ~~patient's home to assess the patient's condition and quality of~~
 23 ~~care being provided by the certified nursing assistant or home~~
 24 ~~health aide. Any condition which in the professional judgment of~~
 25 ~~the nurse requires further medical attention shall be reported~~
 26 ~~to the attending physician and the nurse registry. The~~
 27 ~~assessment shall become a part of the patient's file with the~~
 28 ~~nurse registry and may be reviewed by the agency during their~~
 29 ~~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.