

By the Committees on Education; Health, Aging, and Long-Term Care; and Senators Wise and Fasano

304-2456-04

1 A bill to be entitled
 2 An act relating to health care; amending s.
 3 400.506, F.S.; deleting the requirement that a
 4 registered nurse referred by a nurse registry
 5 make monthly visits to a patient; amending ss.
 6 413.402, 413.4021, F.S., and s. 3 of chapter
 7 2002-286, Laws of Florida; making the program
 8 for personal care attendants for spinal cord
 9 injury victims permanent; providing powers and
 10 duties of the Department of Health with respect
 11 to the program; providing criteria for
 12 participation in the program; providing for an
 13 oversight workgroup; providing an effective
 14 date.

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 16 Be It Enacted by the Legislature of the State of Florida:

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

20 400.506 Licensure of nurse registries; requirements;
 21 penalties.--

22 (10)

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

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

3 413.402 Personal care attendant ~~pilot~~ program.--The
4 Florida Association of Centers for Independent Living, in
5 conjunction with the Brain and Spinal Cord Injury Program in
6 the Department of Health, shall develop a ~~pilot~~ program to
7 provide personal care attendants to persons who are eligible
8 pursuant to subsection (1). The association and the Department
9 of Health shall jointly develop memoranda of understanding
10 with the Department of Revenue, ~~the Brain and Spinal Cord~~
11 ~~Injury Program in the Department of Health,~~ the Florida
12 Medicaid program in the Agency for Health Care Administration,
13 the Florida Endowment Foundation for Vocational
14 Rehabilitation, and the Division of Vocational Rehabilitation
15 of the Department of Education.

16 (1) Persons eligible to participate in the ~~pilot~~
17 program must:

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

20 (b) Require a personal care attendant for bathing,
21 dressing, bowel and bladder management, and transportation;
22 ~~Have been determined eligible for training services from the~~
23 ~~Division of Vocational Rehabilitation of the Department of~~
24 ~~Education; and~~

25 (c) Require a personal care attendant to obtain or
26 maintain substantial gainful employment;

27 (d) Be able to hire and supervise a personal care
28 attendant; and

29 (e)~~(c)~~ Either:

- 30 1. Live in a nursing home; ~~or~~

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

5 3. Presently be employed but because of a loss of a
6 caregiver will lose employment and potentially return to a
7 nursing home.

8 (2) The association shall develop a training program
9 for training persons selected to participate in the ~~pilot~~
10 program that will prepare each person to manage his or her own
11 personal care attendant.

12 (3)(a) The association, in cooperation with the
13 Department of Health and, ~~in cooperation with~~ the Florida
14 Endowment Foundation for Vocational Rehabilitation, shall
15 develop a program to recruit, screen, and select candidates to
16 be trained as personal care attendants.

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

24 (4) The association and the Department of Health, in
25 cooperation with the Florida Endowment Foundation for
26 Vocational Rehabilitation, shall develop a training program
27 for personal care attendants.

28 (5) The association, in cooperation with the
29 Department of Health and, ~~in cooperation with~~ the Florida
30 Endowment Foundation for Vocational Rehabilitation, shall
31

1 establish procedures for selecting persons eligible under
2 subsection (1) to participate in the ~~pilot~~ program.

3 (6) The association and the Department of Health, in
4 cooperation with the Division of Vocational Rehabilitation of
5 the Department of Education, shall assess the selected
6 participants and make recommendations for their placement into
7 appropriate work-related training programs.

8 (7) The association, in cooperation with the
9 Department of Revenue, the Brain and Spinal Cord Injury
10 Program in the Department of Health, the Florida Medicaid
11 program in the Agency for Health Care Administration, a
12 representative from the state attorney's office in each of the
13 judicial circuits ~~counties~~ participating in the pilot program,
14 the Florida Endowment Foundation for Vocational
15 Rehabilitation, and the Division of Vocational Rehabilitation
16 of the Department of Education, shall develop a plan for
17 implementation of the ~~pilot~~ program.

18 (8) The Department of Health shall establish a
19 personal care attendant program oversight workgroup to oversee
20 the implementation and administration of the program. The
21 workgroup shall be composed of one representative from the
22 Brain and Spinal Cord Injury Program in the Department of
23 Health, one representative from the Department of Revenue, one
24 representative from the Florida Medicaid Program in the Agency
25 for Health Care Administration, one representative from the
26 Florida Endowment Foundation for Vocational Rehabilitation,
27 one representative from the Florida Association of Centers for
28 Independent Living, one representative from the Division of
29 Vocational Rehabilitation of the Department of Education, and
30 two members who are persons with traumatic spinal cord
31 injuries or are family members of persons with traumatic

1 spinal cord injuries.~~No later than March 1, 2003, the~~
2 ~~association shall present to the President of the Senate and~~
3 ~~to the Speaker of the House of Representatives the~~
4 ~~implementation plan for the pilot program, a timeline for~~
5 ~~implementation, estimates of the number of participants to be~~
6 ~~served, and cost projections for each component of the pilot~~
7 ~~program. The pilot program shall be implemented beginning July~~
8 ~~1, 2003, unless there is specific legislative action to the~~
9 ~~contrary.~~

10 Section 3. Section 413.4021, Florida Statutes, is
11 amended to read:

12 413.4021 ~~Pilot Program participant county selection;~~
13 ~~tax collection enforcement diversion program.--The Department~~
14 ~~of Revenue, in coordination with the Florida Association of~~
15 ~~Centers for Independent Living and the Florida Prosecuting~~
16 ~~Attorneys Association, shall select judicial circuits ~~four~~~~
17 ~~counties in which to operate the pilot program. The~~
18 ~~association and the state attorneys' offices in Duval County~~
19 ~~and the four pilot program counties shall develop and~~
20 ~~implement a tax collection enforcement diversion program,~~
21 ~~which shall collect revenue due from persons who have not~~
22 ~~remitted their collected sales tax. The criteria for referral~~
23 ~~to the tax collection enforcement diversion program shall be~~
24 ~~determined cooperatively between the state attorneys' offices~~
25 ~~in those counties and the Department of Revenue.~~

26 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~
27 percent of the revenues collected from the tax collection
28 enforcement diversion program shall be deposited into the
29 operating account of the Florida Endowment Foundation for
30 Vocational Rehabilitation, to be used to administer ~~implement~~
31 the personal care attendant ~~pilot~~ program.

1 (2) The ~~pilot~~ program shall operate only from funds
2 deposited into the operating account of the Florida Endowment
3 Foundation for Vocational Rehabilitation. The Florida
4 Endowment Foundation for Vocational Rehabilitation shall
5 select the entity to administer the personal care attendant
6 program.

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

10 (4) For the 2003-2004 fiscal year only and
11 notwithstanding the provisions of subsection (1), 50 percent
12 of the revenues collected from the tax collection enforcement
13 diversion program shall be deposited into the operating
14 account of the Florida Endowment Foundation for Vocational
15 Rehabilitation, to be used to implement the personal care
16 attendant ~~pilot~~ program and to contract with the state
17 attorneys participating in the tax collection enforcement
18 diversion program in an amount of not more than \$50,000 for
19 each state attorney. This subsection expires July 1, 2004.

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

22 Section 3. There is appropriated from the Brain and
23 Spinal Cord Injury Program Trust Fund to the Florida Endowment
24 Foundation for Vocational Rehabilitation the sum of \$250,000
25 in nonrecurring funds for fiscal year 2002-2003 for
26 development of the personal care attendant pilot program under
27 s. 413.402, Florida Statutes. The initial \$50,000 from each of
28 the pilot program judicial circuits ~~counties~~ and the Fourth
29 Judicial Circuit ~~Duval County~~ deposited with the Florida
30 Endowment Foundation for Vocational Rehabilitation shall be
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1 used to repay the \$250,000 to the Brain and Spinal Cord Injury
2 Program Trust Fund.

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

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 CS/Senate Bill 440

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9 The committee substitute for the committee substitute makes a
10 technical change to conform to the provisions of the bill.

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