1

2

3 4

5

6

7

CHAMBER ACTION

The Transportation & Economic Development Appropriations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

8 An act relating to emergency management; amending s. 9 252.355, F.S.; specifying additional agencies that are 10 required to provide registration information to special 11 needs clients and persons with disabilities or special 12 needs who receive services from such agencies for purposes of inclusion within the registry of persons with special 13 14 needs maintained by local emergency management agencies; 15 providing that the Department of Community Affairs shall be the designated lead agency responsible for community 16 17 education and outreach to the general public, including special needs clients, regarding registration as a person 18 19 with special needs, special needs shelters, and general 20 information regarding shelter stays; requiring the department to disseminate educational and outreach 21 22 information through local emergency management offices; 23 requiring the department to coordinate community education Page 1 of 25

CODING: Words stricken are deletions; words underlined are additions.

24 and outreach related to special needs shelters with 25 specified agencies and entities; providing that specified 26 confidential and exempt information relating to 27 registration of persons with special needs be provided to the Department of Health; amending s. 381.0303, F.S.; 28 29 providing for the operation, maintenance, and closure of special needs shelters; removing a condition of specified 30 31 funding as a prerequisite to the assumption of lead responsibility by the Department of Health for specified 32 33 coordination with respect to the development of a plan for 34 the staffing and medical management of special needs 35 shelters; providing that the local Children's Medical Services offices shall assume lead responsibility for 36 37 specified coordination with respect to the development of 38 a plan for the staffing and medical management of 39 pediatric special needs shelters; requiring such plans to 40 conform to the local comprehensive emergency management plan; requiring county governments to assist in the 41 42 process of coordinating the recruitment of health care practitioners to staff local special needs shelters; 43 44 providing that the appropriate county health department, 45 Children's Medical Services office, and local emergency 46 management agency shall jointly determine the 47 responsibility for medical supervision in a special needs 48 shelter; providing that state employees with a 49 preestablished role in disaster response may be called 50 upon to serve in times of disaster in specified 51 capacities; requiring the Secretary of Elderly Affairs to Page 2 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

52 convene a multiagency emergency special needs shelter 53 response team or teams to assist local areas that are 54 severely impacted by a natural or manmade disaster that 55 required the use of special needs shelters; providing duties and responsibilities of multiagency response teams; 56 57 authorizing local emergency management agencies to request the assistance of a multiagency response team; providing 58 59 for the inclusion of specified state agency 60 representatives on each multiagency response team; 61 authorizing hospitals that are used to shelter special 62 needs persons during or after an evacuation to submit 63 invoices for reimbursement to the Department of Health; 64 requiring the department to specify by rule expenses that 65 are reimbursable and the rate of reimbursement for 66 services; prescribing means of and procedures for reimbursement; providing eligibility for reimbursement of 67 68 health care facilities to whom special needs shelter clients have been discharged by a multiagency response 69 70 team upon closure of a special needs shelter; providing 71 requirements with respect to such reimbursement; 72 prescribing means of and procedures for reimbursement; 73 disallowing specified reimbursements; revising the role of the special needs shelter interagency committee with 74 75 respect to the planning and operation of special needs shelters; providing required functions of the committee; 76 77 providing that the committee shall recommend guidelines to 78 establish a statewide database to collect and disseminate 79 special needs registration information; revising the Page 3 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

80 composition of the special needs shelter interagency 81 committee; requiring the inclusion of specified rules with 82 respect to special needs shelters and specified minimum 83 standards therefor; providing requirements with respect to 84 emergency management plans submitted by a home health 85 agency, nurse registry, or hospice to a county health department for review; removing a condition of specified 86 87 funding as a prerequisite to the submission of such plans; 88 amending s. 252.385, F.S.; requiring the Division of 89 Emergency Management of the Department of Community 90 Affairs to prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; 91 92 providing plan requirements; requiring the Department of 93 Health to assist the division in determining the estimated 94 need for special needs shelter space; requiring inspection of public hurricane evacuation shelter facilities by local 95 96 emergency management agencies prior to activation of such facilities; amending s. 400.492, F.S.; providing that 97 98 nurse registries, hospices, and durable medical equipment providers shall prepare and maintain a comprehensive 99 100 emergency management plan; providing that home health, 101 hospice, and durable medical equipment provider agencies shall not be required to continue to provide care to 102 103 patients in emergency situations that are beyond their 104 control and that make it impossible to provide services; 105 authorizing home health agencies, nurse registries, 106 hospices, and durable medical equipment providers to 107 establish links to local emergency operations centers to Page 4 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

108 determine a mechanism to approach areas within a disaster 109 area in order for the agency to reach its clients; 110 providing that the presentation of home care or hospice 111 clients to the special needs shelter without the home 112 health agency or hospice making a good faith effort to 113 provide services in the shelter setting constitutes 114 abandonment of the client; requiring regulatory review in such cases; amending s. 408.831, F.S.; providing that 115 116 entities regulated or licensed by the Agency for Health 117 Care Administration may exceed their licensed capacity to 118 act as a receiving facility under specified circumstances; 119 providing requirements while such entities are in an 120 overcapacity status; providing for issuance of an inactive 121 license to such licensees under specified conditions; 122 providing requirements and procedures with respect to the 123 issuance and reactivation of an inactive license; 124 providing fees; creating s. 252.357, F.S., requiring the 125 Florida Comprehensive Emergency Management Plan to permit 126 the Agency for Health Care Administration to initially 127 contact nursing homes in disaster areas for specified 128 monitoring purposes; requiring the agency to publish an 129 emergency telephone number for use by nursing homes; providing an effective date. 130 131 132 Be It Enacted by the Legislature of the State of Florida: 133 134 Section 1. Section 252.355, Florida Statutes, is amended 135 to read:

Page 5 of 25

CODING: Words stricken are deletions; words underlined are additions.

161

136 252.355 Registry of persons with special needs; notice .--137 In order to meet the special needs of clients persons (1)who would need assistance during evacuations and sheltering 138 because of physical, mental, cognitive impairment, or sensory 139 140 disabilities, each local emergency management agency in the 141 state shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The 142 registration shall identify those persons in need of assistance 143 144 and plan for resource allocation to meet those identified needs. 145 To assist the local emergency management agency in identifying 146 such persons, the Department of Children and Family Services, 147 Department of Health, Agency for Health Care Administration, 148 Department of Education, Agency for Persons with Disabilities, 149 Department of Labor and Employment Security, and Department of Elderly Affairs shall provide registration information to all of 150 151 their special needs clients and to all people with disabilities 152 or special needs who receive services incoming clients as a part 153 of the intake process. The registry shall be updated annually. 154 The registration program shall give persons with special needs 155 the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if 156 157 necessary to assure their safety and welfare following 158 disasters. 159 (2) The Department of Community Affairs shall be the designated lead agency responsible for community education and 160

162 regarding registration and special needs shelters and general 163 information regarding shelter stays. The Department of Community Page 6 of 25

outreach to the general public, including special needs clients,

CODING: Words stricken are deletions; words underlined are additions.

164 Affairs shall disseminate such educational and outreach 165 information through the local emergency management offices. The department shall coordinate the development of curriculum and 166 167 dissemination of all community education and outreach related to 168 special needs shelters with the Clearinghouse on Disability 169 Information of the Governor's Working Group on the Americans with Disabilities Act, the Department of Children and Family 170 Services, the Department of Health, the Agency for Health Care 171 172 Administration, the Department of Education, the Agency for 173 Persons with Disabilities, and the Department of Elderly 174 Affairs.

175 <u>(3)(2)</u> On or before May 1 of each year each electric 176 utility in the state shall annually notify residential customers 177 in its service area of the availability of the registration 178 program available through their local emergency management 179 agency.

(4) (4) (3) All records, data, information, correspondence, and 180 181 communications relating to the registration of persons with 182 special needs as provided in subsection (1) are confidential and 183 exempt from the provisions of s. 119.07(1), except that such 184 information shall be available to other emergency response 185 agencies, as determined by the local emergency management 186 director, and shall be provided to the Department of Health in 187 the furtherance of their duties and responsibilities.

188 <u>(5)(4)</u> All appropriate agencies and community-based 189 service providers, including home health care providers, <u>and</u> 190 <u>hospices</u> shall assist emergency management agencies by 191 collecting registration information for persons with special Page 7 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

192 needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and 193 194 educating clients about the procedures that may be necessary for 195 their safety during disasters. Clients of state or federally 196 funded service programs with physical, mental, cognitive 197 impairment, or sensory disabilities who need assistance in 198 evacuating, or when in shelters, must register as persons with 199 special needs.

200 Section 2. Section 381.0303, Florida Statutes, is amended 201 to read:

202 381.0303 Health practitioner recruitment for Special needs 203 shelters.--

204 PURPOSE.--The purpose of this section is to provide (1)for the operation, maintenance, and closure of special needs 205 shelters and to designate the Department of Health, through its 206 207 county health departments, as the lead agency for coordination 208 of the recruitment of health care practitioners, as defined in s. 456.001(4), to staff special needs shelters in times of 209 210 emergency or disaster and to provide resources to the department 211 to carry out this responsibility. However, nothing in this 212 section prohibits a county health department from entering into 213 an agreement with a local emergency management agency to assume the lead responsibility for recruiting health care 214 215 practitioners.

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; CLOSURE; STATE
 AGENCY ASSISTANCE AND STAFFING.--Provided funds have been
 appropriated to support medical services disaster coordinator
 positions in county health departments,

Page 8 of 25

CODING: Words stricken are deletions; words underlined are additions.

220 The department shall assume lead responsibility for (a) 221 the local coordination of local medical and health care providers, the American Red Cross, and other interested parties 222 223 in developing a plan for the staffing and medical management of 224 special needs shelters. The local Children's Medical Services 225 offices shall assume lead responsibility for the local coordination of local medical and health care providers, the 226 American Red Cross, and other interested parties in developing a 227 228 plan for the staffing and medical management of pediatric special needs shelters. Plans shall conform to The plan shall be 229 230 in conformance with the local comprehensive emergency management 231 plan.

232 (b)(a) County health departments shall, in conjunction 233 with the local emergency management agencies, have the lead 234 responsibility for coordination of the recruitment of health 235 care practitioners to staff local special needs shelters. County 236 health departments shall assign their employees to work in special needs shelters when those employees are needed to 237 238 protect the health and safety of special needs clients of 239 patients. County governments shall assist in this process.

240 (c)(b) The appropriate county health department,
241 Children's Medical Services office, and local emergency
242 management agency shall jointly decide determine who has
243 responsibility for medical supervision in each a special needs
244 shelter and shall notify the department of their decision.

245 <u>(d)(c)</u> Local emergency management agencies shall be 246 responsible for the designation and operation of special needs 247 shelters during times of emergency or disaster. County health Page 9 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

248 departments shall assist the local emergency management agency 249 with regard to the management of medical services in special 250 needs shelters.

(e) State employees with a preestablished role in disaster
 response may be called upon to serve in times of disaster
 commensurate with their knowledge, skills, and abilities and any
 needed activities related to the situation.

255 (f) The Secretary of Elderly Affairs, or his or her designee, shall convene, at any time that he or she deems 256 257 appropriate and necessary, a multiagency emergency special needs 258 shelter response team or teams to assist local areas that are 259 severely impacted by a natural or manmade disaster that requires 260 the use of special needs shelters. Multiagency response teams 261 shall provide assistance to local emergency management agencies 262 with the continued operation or closure of the shelters, as well as with the discharge of special needs clients to alternate 263 facilities if necessary. Local emergency management agencies may 264 265 request the assistance of a multiagency response team by 266 alerting statewide emergency management officials of the 267 necessity for additional assistance in their area. The Secretary 268 of Elderly Affairs is encouraged to proactively work with other 269 state agencies prior to any natural disasters for which warnings 270 are provided to ensure that multiagency response teams are ready 271 to assemble and deploy rapidly upon a determination by state 272 emergency management officials that a disaster area requires 273 additional assistance. The Secretary of Elderly Affairs may call 274 upon any state agency or office to provide staff to assist a 275 multiagency response team or teams. Unless the secretary

Page 10 of 25

CODING: Words stricken are deletions; words underlined are additions.

FL	0	RΙ	DΑ	Н	0	U	S	Е	ΟF	R	Е	Р	R E	S	Е	Ν	Т	A T	- 1	V	Е	S
----	---	----	----	---	---	---	---	---	----	---	---	---	-----	---	---	---	---	-----	-----	---	---	---

276 determines that the nature or circumstances surrounding the 277 disaster do not warrant participation from a particular agency's 278 staff, each multiagency response team shall include at least one 279 representative from each of the following state agencies: 280 1. Department of Elderly Affairs. 281 3. Department of Children and Family Services. 4. Department of Veterans' Affairs. 282 5. Department of Community Affairs. 283 284 6. Agency for Health Care Administration. 285 7. Agency for Persons with Disabilities. 286 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND 287 FACILITIES.--288 The Department of Health shall upon request reimburse τ (a) 289 subject to the availability of funds for this purpose, health care practitioners, as defined in s. 456.001, provided the 290 291 practitioner is not providing care to a patient under an existing contract, and emergency medical technicians and 292 293 paramedics licensed under pursuant to chapter 401, for medical 294 care provided at the request of the department in special needs 295 shelters or at other locations during times of emergency or a 296 declared major disaster. Reimbursement for health care practitioners, except for physicians licensed under pursuant to 297 298 chapter 458 or chapter 459, shall be based on the average hourly 299 rate that such practitioners were paid according to the most 300 recent survey of Florida hospitals conducted by the Florida 301 Hospital Association. Reimbursement shall be requested on forms 302 prepared by the Department of Health and shall be paid as 303 specified in paragraph (d).

Page 11 of 25

CODING: Words stricken are deletions; words underlined are additions.

304 (b) Hospitals that are used to shelter special needs 305 clients during or after an evacuation may submit invoices for reimbursement to the department. The department shall develop a 306 307 form for reimbursement and shall specify by rule which expenses 308 are reimbursable and the rate of reimbursement for each service. 309 Reimbursement for the services described in this paragraph shall be paid as specified in paragraph (d). 310 311 (c) If, upon closure of a special needs shelter, a 312 multiagency response team determines that it is necessary to discharge special needs shelter clients to other health care 313 314 facilities, such as nursing homes, assisted living facilities, and community residential group homes, the receiving facilities 315 316 shall be eligible for reimbursement for services provided to the 317 clients for up to 90 days. Any facility eligible for 318 reimbursement under this paragraph shall submit invoices for 319 reimbursement on forms developed by the department. A facility 320 must show proof of a written request from a representative of an 321 agency serving on the multiagency response team that the client 322 for whom the facility is seeking reimbursement for services 323 rendered was referred to that facility from a special needs 324 shelter. Reimbursement for the services described in this 325 paragraph shall be paid as specified in paragraph (d). 326 If a Presidential Disaster Declaration has been issued (d) 327 made, and the Federal Government makes funds available, the 328 department shall use those such funds for reimbursement of 329 eligible expenditures. In other situations, or if federal funds

330 do not fully compensate the department for <u>reimbursements</u>

331 <u>permissible under</u> reimbursement made pursuant to this section, Page 12 of 25

CODING: Words stricken are deletions; words underlined are additions.

332 the department shall submit to the Cabinet or the Legislature, 333 as appropriate, a budget amendment to obtain reimbursement from 334 the working capital fund. The department shall not provide 335 reimbursement to facilities under this subsection for services 336 provided to a special needs client if, during the period of time in which the services were provided, the client was enrolled in 337 another state-funded program, such as Medicaid or another 338 339 similar program, which would otherwise pay for the same 340 services. Travel expense and per diem costs shall be reimbursed 341 pursuant to s. 112.061.

342 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department may
343 use the registries established in ss. 401.273 and 456.38 when
344 health care practitioners are needed to staff special needs
345 shelters or to staff disaster medical assistance teams.

SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The 346 (5) 347 Secretary Department of Health may establish a special needs 348 shelter interagency committee and serve as or appoint a designee to serve as the committee's chair. The department shall provide 349 350 any necessary staff and resources to support the committee in 351 the performance of its duties, to be chaired and staffed by the 352 department. The committee shall resolve problems related to 353 special needs shelters not addressed in the state comprehensive 354 emergency medical plan and shall consult on serve as an 355 oversight committee to monitor the planning and operation of 356 special needs shelters.

357

(a) The committee shall may:

358 1. Develop and negotiate any necessary interagency359 agreements.

Page 13 of 25

CODING: Words stricken are deletions; words underlined are additions.

FLORIDA HOUSE OF REPRESENTATIVES	F	L	0	R		D	А		Н	0	U	S	Е	0	F	R	Е	Р	R	Е	S	Е	Ν	Т	Α	Т	I	V	Е	S
----------------------------------	---	---	---	---	--	---	---	--	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

	HB 1551 CS 2005 CS
360	2. Undertake other such activities as the department deems
361	necessary to facilitate the implementation of this section.
362	3. Submit recommendations to the Legislature as necessary.
363	Such recommendations shall include, but not be limited to, the
364	<u>following:</u>
365	a. Defining "special needs shelter."
366	b. Defining "special needs client."
367	c. Development of a uniform registration form for special
368	needs clients.
369	d. Improving public awareness regarding the registration
370	process.
371	e. Improving overall communications with special needs
372	clients both before and after a disaster.
373	f. Recommending the construction or designation of
374	additional special needs shelters in underserved areas of the
375	state and the necessity of upgrading, modifying, or retrofitting
376	existing special needs shelters.
377	g. Recommending guidelines to establish a statewide
378	database designed to collect and disseminate timely and
379	appropriate special needs registration information.
380	(b) The special needs shelter interagency committee shall
381	be composed of representatives of emergency management, health,
382	medical, and social services organizations. Membership shall
383	include, but shall not be limited to, <u>representatives of</u> the
384	Departments of <u>Health,</u> Community Affairs, Children and Family
385	Services, Elderly Affairs, Labor and Employment Security, and
386	Education; the Agency for Health Care Administration; the
387	Florida Medical Association; the Florida Osteopathic Medical Page 14 of 25

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

hb1551-03-c3

388 Association; Associated Home Health Industries of Florida, Inc.; 389 the Florida Nurses Association; the Florida Health Care 390 Association; the Florida Assisted Living Affiliation 391 Association; the Florida Hospital Association; the Florida 392 Statutory Teaching Hospital Council; the Florida Association of 393 Homes for the Aging; the Florida Emergency Preparedness Association; the American Red Cross; Florida Hospices and 394 395 Palliative Care, Inc.; the Association of Community Hospitals and Health Systems; the Florida Association of Health 396 397 Maintenance Organizations; the Florida League of Health Systems; 398 Private Care Association; and the Salvation Army; the Florida 399 Association of Aging Services Providers; and the AARP.

400 (c) Meetings of the committee shall be held in 401 Tallahassee, and members of the committee shall serve at the 402 expense of the agencies or organizations they represent. <u>The</u> 403 <u>committee shall make every effort to use teleconference or video</u> 404 <u>conference capabilities in order to ensure statewide input and</u> 405 participation.

406 RULES.--The department has the authority to adopt (6) 407 rules necessary to implement this section. Rules shall may 408 include a definition of a special needs client patient, specify 409 physician reimbursement, and the designation of designate which county health departments which will have responsibility for the 410 411 implementation of subsections (2) and (3). Standards for special 412 needs shelters adopted by rule shall include minimum standards 413 relating to:

- 414
- (a) The provision of electricity.

Page 15 of 25

CODING: Words stricken are deletions; words underlined are additions.

FLORIDA HOUSE OF REPRESENTATI	VES
-------------------------------	-----

	HB 1551 CS 2005 CS
415	(b) Staffing levels for provision of services to assist
416	individuals with activities of daily living.
417	(c) Provision of transportation services.
418	(d) Compliance with applicable service animal laws.
419	(e) Eligibility criteria that includes individuals with
420	physical, cognitive, and psychiatric disabilities.
421	(f) Provision of support and services for individuals with
422	physical, cognitive, and psychiatric disabilities.
423	(g) Standardized applications that include specific
424	eligibility criteria and the services an individual with special
425	needs can expect to receive.
426	(h) Procedures for addressing the needs of unregistered
427	individuals in need of shelter.
428	(i) Requirements that the special needs shelter location
429	meets the Florida Accessibility Code for Building Construction.
430	If the location fails to meet the standards, a plan must be
431	provided describing how compliance will be achieved.
432	(j) Procedures for addressing the needs of families that
433	are eligible for special needs shelter services. Specific
434	procedures shall be developed to address the needs of families
435	with multiple dependents where only one dependent is eligible
436	for the special needs shelter. Specific procedures shall be
437	developed to address the needs of adults with special needs who
438	are caregivers for individuals without special needs.
439	(k) Standards for special needs shelters, including
440	staffing, emergency power, transportation services, supplies,
441	including durable medical equipment, and any other
	Dago 16 of 25

Page 16 of 25

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

442 recommendations for minimum standards as determined by the

443 <u>committee</u>.

444 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS; CONTINUITY OF 445 CARE. -- Each emergency management plan submitted to a county 446 health department by a home health agency pursuant to s. 447 400.497, by a nurse registry pursuant to s. 400.506, or by a hospice pursuant to s. 400.610, shall specify the organization's 448 functional staffing plan for special needs shelters to ensure 449 450 continuity of care and services to its clients during and after 451 the disaster or emergency situation. The submission of Emergency 452 management plans to county health departments by home health 453 agencies pursuant to s. 400.497(8)(c) and (d) and by nurse 454 registries pursuant to s. 400.506(16)(e) and by hospice programs 455 pursuant to s. 400.610(1)(b) is conditional upon the receipt of 456 an appropriation by the department to establish medical services 457 disaster coordinator positions in county health departments 458 unless the secretary of the department and a local county 459 commission jointly determine to require such plans to be 460 submitted based on a determination that there is a special need 461 to protect public health in the local area during an emergency. 462 Section 3. Subsections (2) and (4) of section 252.385,

463 Florida Statutes, are amended to read:

464

252.385 Public shelter space.--

465 (2)(a) The division shall administer a program to survey 466 existing schools, universities, community colleges, and other 467 state-owned, municipally owned, and county-owned public 468 buildings and any private facility that the owner, in writing, 469 agrees to provide for use as a public hurricane evacuation Page 17 of 25

CODING: Words stricken are deletions; words underlined are additions.

470 shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities 471 472 must be given the opportunity to participate in the surveys. The 473 Board of Regents, district school boards, community college 474 boards of trustees, and the Department of Education are 475 responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the 476 477 division or the local emergency management agency.

478 (b) By January 31 of each even-numbered year, the Division 479 of Emergency Management of the Department of Community Affairs 480 shall prepare and submit a statewide emergency shelter plan to 481 the Governor and the Cabinet for approval, subject to the 482 requirements for approval provided in s. 1013.37(2). The plan 483 must also identify the general location and square footage of special needs shelters, by regional planning council region, 484 485 during the next 5 years. The Department of Health shall assist 486 the division in determining the estimated need for special needs 487 shelter space based on information from the special needs 488 registration database and other factors.

489 Public facilities, including schools, postsecondary (4)(a) 490 education facilities, and other facilities owned or leased by 491 the state or local governments, but excluding hospitals or 492 nursing homes, which are suitable for use as public hurricane 493 evacuation shelters shall be made available at the request of 494 the local emergency management agencies. The local emergency 495 management agency shall inspect a designated facility to 496 determine its readiness prior to activating such facility for a 497 specific hurricane or disaster. Such agencies shall coordinate Page 18 of 25

CODING: Words stricken are deletions; words underlined are additions.

498 with the appropriate school board, university, community 499 college, or local governing board when requesting the use of 500 such facilities as public hurricane evacuation shelters.

501 (b) The Department of Management Services shall 502 incorporate provisions for the use of suitable leased public 503 facilities as public hurricane evacuation shelters into lease agreements for state agencies. Suitable leased public facilities 504 505 include leased public facilities that are solely occupied by 506 state agencies and have at least 2,000 square feet of net floor 507 area in a single room or in a combination of rooms having a 508 minimum of 400 square feet in each room. The net square footage 509 of floor area must be determined by subtracting from the gross 510 square footage the square footage of spaces such as mechanical 511 and electrical rooms, storage rooms, open corridors, restrooms, 512 kitchens, science or computer laboratories, shop or mechanical areas, administrative offices, records vaults, and crawl spaces. 513

514 The Department of Management Services shall, in (C) consultation with local and state emergency management agencies, 515 assess Department of Management Services facilities to identify 516 517 the extent to which each facility has public hurricane 518 evacuation shelter space. The Department of Management Services 519 shall submit proposed facility retrofit projects that 520 incorporate hurricane protection enhancements to the department 521 for assessment and inclusion in the annual report prepared in accordance with subsection (3). 522

523 Section 4. Section 400.492, Florida Statutes, is amended 524 to read:

Page 19 of 25

CODING: Words stricken are deletions; words <u>underlined</u> are additions.

525 400.492 Provision of services during an emergency.--Each 526 home health agency, nurse registry, hospice, or durable medical equipment provider shall prepare and maintain a comprehensive 527 528 emergency management plan that is consistent with the standards 529 adopted by national accreditation organizations and consistent 530 with the local special needs plan. The plan shall be updated annually and shall provide for continuing home health, nurse 531 registry, hospice, or durable medical equipment services during 532 533 an emergency that interrupts patient care or services in the 534 patient's home. The plan shall describe how the home health 535 agency, nurse registry, hospice, or durable medical equipment provider establishes and maintains an effective response to 536 537 emergencies and disasters, including: notifying staff when emergency response measures are initiated; providing for 538 539 communication between staff members, county health departments, 540 and local emergency management agencies, including a backup 541 system; identifying resources necessary to continue essential 542 care or services or referrals to other organizations subject to written agreement; and prioritizing and contacting patients who 543 544 need continued care or services.

Each patient record for patients who are listed in the 545 (1)546 registry established pursuant to s. 252.355 shall include a description of how care or services will be continued in the 547 548 event of an emergency or disaster. The home health agency shall discuss the emergency provisions with the patient and the 549 patient's caregivers, including where and how the patient is to 550 551 evacuate, procedures for notifying the home health agency in the 552 event that the patient evacuates to a location other than the Page 20 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

553 shelter identified in the patient record, and a list of 554 medications and equipment which must either accompany the 555 patient or will be needed by the patient in the event of an 556 evacuation.

557 (2) Each home health agency shall maintain a current 558 prioritized list of patients who need continued services during 559 an emergency. The list shall indicate how services shall be 560 continued in the event of an emergency or disaster for each 561 patient and if the patient is to be transported to a special 562 needs shelter, and shall indicate if the patient is receiving 563 skilled nursing services and the patient's medication and 564 equipment needs. The list shall be furnished to county health 565 departments and to local emergency management agencies, upon 566 request.

Home health, hospice, and durable medical equipment 567 (3) 568 provider agencies shall not be required to continue to provide 569 care to patients in emergency situations that are beyond their 570 control and that make it impossible to provide services, such as 571 when roads are impassable or when patients do not go to the 572 location specified in their patient records. Home health 573 agencies, nurse registries, hospices, and durable medical equipment providers may establish links to local emergency 574 575 operations centers to determine a mechanism to approach areas 576 within the disaster area in order for the agency to reach its 577 clients. The presentation of home care or hospice clients to a 578 special needs shelter without the home health agency or hospice 579 making a good faith effort to provide services in the shelter

Page 21 of 25

CODING: Words stricken are deletions; words underlined are additions.

580 <u>setting will constitute abandonment of the client and will</u> 581 result in regulatory review.

(4) Notwithstanding the provisions of s. 400.464(2) or any other provision of law to the contrary, a home health agency may provide services in a special needs shelter located in any county.

586 Section 5. Section 408.831, Florida Statutes, is amended 587 to read:

588 408.831 Denial, suspension, or revocation of a license, 589 registration, certificate, or application.--

(1) In addition to any other remedies provided by law, the agency may deny each application or suspend or revoke each license, registration, or certificate of entities regulated or licensed by it:

If the applicant, licensee, registrant, or 594 (a) certificateholder, or, in the case of a corporation, 595 596 partnership, or other business entity, if any officer, director, 597 agent, or managing employee of that business entity or any 598 affiliated person, partner, or shareholder having an ownership 599 interest equal to 5 percent or greater in that business entity, 600 has failed to pay all outstanding fines, liens, or overpayments 601 assessed by final order of the agency or final order of the 602 Centers for Medicare and Medicaid Services, not subject to 603 further appeal, unless a repayment plan is approved by the 604 agency; or

605 (b) For failure to comply with any repayment plan.
606 (2) In reviewing any application requesting a change of
607 ownership or change of the licensee, registrant, or Page 22 of 25

CODING: Words stricken are deletions; words underlined are additions.

hb1551-03-c3

608 certificateholder, the transferor shall, prior to agency 609 approval of the change, repay or make arrangements to repay any 610 amounts owed to the agency. Should the transferor fail to repay 611 or make arrangements to repay the amounts owed to the agency, 612 the issuance of a license, registration, or certificate to the 613 transferee shall be delayed until repayment or until 614 arrangements for repayment are made.

(3) Entities subject to this section may exceed their 615 616 licensed capacity to act as a receiving facility in accordance 617 with an emergency operations plan for clients of evacuating 618 providers from a geographic area where an evacuation order has 619 been issued by a local authority having jurisdiction. While in 620 an overcapacity status, each provider must furnish or arrange 621 for appropriate care and services to all clients. Overcapacity 622 status in excess of 15 days shall require compliance with all fire safety requirements or their equivalency as approved by 623 624 state and local authorities, whichever is applicable. In 625 addition, the agency shall approve requests for overcapacity 626 beyond 15 days, which approvals shall be based upon satisfactory 627 justification and need as provided by the receiving and sending 628 facility. 629 (4) An inactive license may be issued to a licensee

629 (4) All inactive ficense may be issued to a ficensee
 630 subject to this section when the provider is located in a
 631 geographic area where a state of emergency was declared by the
 632 Governor of Florida if the provider:
 633 (a) Suffered damage to the provider's operation during

- 634 that state of emergency.
- 635

(b) Is currently licensed.

Page 23 of 25

CODING: Words stricken are deletions; words underlined are additions.

	HB 1551 CS 2005 CS
636	(c) Does not have a provisional license.
637	(d) Will be temporarily unable to provide services but is
638	reasonably expected to resume services within 12 months.
639	
640	An inactive license may be issued for a period not to exceed 12
641	months but may be renewed by the agency for up to 6 additional
642	months upon demonstration to the agency of progress toward
643	reopening. A request by a licensee for an inactive license or to
644	extend the previously approved inactive period must be submitted
645	in writing to the agency, accompanied by written justification
646	for the inactive license which states the beginning and ending
647	dates of inactivity and includes a plan for the transfer of any
648	clients to other providers and appropriate licensure fees. Upon
649	agency approval, the licensee shall notify clients of any
650	necessary discharge or transfer as required by authorizing
651	statutes or applicable rules. The beginning of the inactive
652	licensure period shall be the date the provider ceases
653	operations. The end of the inactive period shall become the
654	licensee expiration date and all licensure fees must be current,
655	paid in full, and may be prorated. Reactivation of an inactive
656	license requires the prior approval by the agency of a renewal
657	application, including payment of licensure fees and agency
658	inspections indicating compliance with all requirements of this
659	part and applicable rules and statutes.
660	(5) (3) This section provides standards of enforcement
661	applicable to all entities licensed or regulated by the Agency
662	for Health Care Administration. This section controls over any
663	conflicting provisions of chapters 39, 381, 383, 390, 391, 393, Page 24 of 25

CODING: Words stricken are deletions; words underlined are additions.

2005

664	394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant
665	to those chapters.
666	Section 6. Section 252.357, Florida Statutes, is created
667	to read:
668	252.357 Monitoring of nursing homes during disasterThe
669	Florida Comprehensive Emergency Management Plan shall permit the
670	Agency for Health Care Administration, working from the agency's
671	offices or in the Emergency Operations Center, ESF-8, to make
672	initial contact with each nursing home in the disaster area. The
673	agency, by July 15, 2005, and annually thereafter, shall publish
674	on the Internet an emergency telephone number that can be used
675	by nursing homes to contact the agency on a schedule established
676	by the agency to report requests for assistance. The agency may
677	also provide the telephone number to each facility when it makes
678	the initial facility call.
679	Section 7. This act shall take effect July 1, 2005.

Page 25 of 25

CODING: Words stricken are deletions; words underlined are additions.