

CHAMBER ACTION

1 The Health & Families Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

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

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

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

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

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

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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
 115 | such cases; amending s. 408.831, F.S.; providing that
 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;
 130 | providing an effective date.

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:

136 252.355 Registry of persons with special needs; notice.--
 137 (1) In order to meet the special needs of clients ~~persons~~
 138 who would need assistance during evacuations and sheltering
 139 because of physical, mental, cognitive impairment, or sensory
 140 disabilities, each local emergency management agency in the
 141 state shall maintain a registry of persons with special needs
 142 located within the jurisdiction of the local agency. The
 143 registration shall identify those persons in need of assistance
 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
 150 Elderly Affairs shall provide registration information to all of
 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
 156 enter their homes during search and rescue operations if
 157 necessary to assure their safety and welfare following
 158 disasters.

159 (2) The Department of Community Affairs shall be the
 160 designated lead agency responsible for community education and
 161 outreach to the general public, including special needs clients,
 162 regarding registration and special needs shelters and general
 163 information regarding shelter stays. The Department of Community

164 Affairs shall disseminate such educational and outreach
 165 information through the local emergency management offices. The
 166 department shall coordinate the development of curriculum and
 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
 170 with Disabilities Act, the Department of Children and Family
 171 Services, the Department of Health, the Agency for Health Care
 172 Administration, the Department of Education, the Agency for
 173 Persons with Disabilities, and the Department of Elderly
 174 Affairs.

175 ~~(3)~~(2) 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.

180 ~~(4)~~(3) All records, data, information, correspondence, and
 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 ~~(5)~~(4) All appropriate agencies and community-based
 189 service providers, including home health care providers, and
 190 hospices shall assist emergency management agencies by
 191 collecting registration information for persons with special

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192 needs as part of program intake processes, establishing programs
 193 to increase the awareness of the registration process, and
 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 (1) PURPOSE.--The purpose of this section is to provide
 205 for the operation, maintenance, and closure of special needs
 206 shelters and to designate the Department of Health, through its
 207 county health departments, as the lead agency for coordination
 208 of the recruitment of health care practitioners, as defined in
 209 s. 456.001(4), to staff special needs shelters in times of
 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
 214 the lead responsibility for recruiting health care
 215 practitioners.

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

220 (a) The department shall assume lead responsibility for
 221 the ~~local~~ coordination of local medical and health care
 222 providers, the American Red Cross, and other interested parties
 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
 226 coordination of local medical and health care providers, the
 227 American Red Cross, and other interested parties in developing a
 228 plan for the staffing and medical management of pediatric
 229 special needs shelters. Plans shall conform to ~~The plan shall be~~
 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
 237 special needs shelters when those employees are needed to
 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 (d)~~(c)~~ Local emergency management agencies shall be
 246 responsible for the designation and operation of special needs
 247 shelters during times of emergency or disaster and the closure

248 of the facilities following an emergency or disaster. County
 249 health departments shall assist the local emergency management
 250 agency with regard to the management of medical services in
 251 special needs shelters.

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

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

276 multiagency response team or teams. Unless the secretary
 277 determines that the nature or circumstances surrounding the
 278 disaster do not warrant participation from a particular agency's
 279 staff, each multiagency response team shall include at least one
 280 representative from each of the following state agencies:

- 281 1. Department of Elderly Affairs.
- 282 2. Department of Health.
- 283 3. Department of Children and Family Services.
- 284 4. Department of Veterans' Affairs.
- 285 5. Department of Community Affairs.
- 286 6. Agency for Health Care Administration.
- 287 7. Agency for Persons with Disabilities.

288 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 289 FACILITIES.--

290 (a) The Department of Health shall upon request reimburse,
 291 ~~subject to the availability of funds for this purpose,~~ health
 292 care practitioners, as defined in s. 456.001, provided the
 293 practitioner is not providing care to a patient under an
 294 existing contract, and emergency medical technicians and
 295 paramedics licensed under ~~pursuant to~~ chapter 401, for medical
 296 care provided at the request of the department in special needs
 297 shelters or at other locations during times of emergency or a
 298 declared ~~major~~ disaster. Reimbursement for health care
 299 practitioners, except for physicians licensed under ~~pursuant to~~
 300 chapter 458 or chapter 459, shall be based on the average hourly
 301 rate that such practitioners were paid according to the most
 302 recent survey of Florida hospitals conducted by the Florida
 303 Hospital Association. Reimbursement shall be requested on forms

304 prepared by the Department of Health and shall be paid as
 305 specified in paragraph (d).

306 (b) Hospitals and nursing homes that are used to shelter
 307 special needs clients during or after an evacuation may submit
 308 invoices for reimbursement to the department. The department
 309 shall develop a form for reimbursement and shall specify by rule
 310 which expenses are reimbursable and the rate of reimbursement
 311 for each service. Reimbursement for the services described in
 312 this paragraph shall be paid as specified in paragraph (d).

313 (c) If, upon closure of a special needs shelter, a
 314 multiagency response team determines that it is necessary to
 315 discharge special needs shelter clients to other health care
 316 facilities, such as nursing homes, assisted living facilities,
 317 and community residential group homes, the receiving facilities
 318 shall be eligible for reimbursement for services provided to the
 319 clients for up to 90 days. Any facility eligible for
 320 reimbursement under this paragraph shall submit invoices for
 321 reimbursement on forms developed by the department. A facility
 322 must show proof of a written request from a representative of an
 323 agency serving on the multiagency response team that the client
 324 for whom the facility is seeking reimbursement for services
 325 rendered was referred to that facility from a special needs
 326 shelter. Reimbursement for the services described in this
 327 paragraph shall be paid as specified in paragraph (d).

328 (d) If a Presidential Disaster Declaration has been issued
 329 ~~made~~, and the Federal Government makes funds available, the
 330 department shall use those ~~such~~ funds for reimbursement of
 331 eligible expenditures. In other situations, or if federal funds

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

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

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

359 (a) The committee shall ~~may~~:

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

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

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

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

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

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444 recommendations for minimum standards as determined by the
445 committee.

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

464 Section 3. Subsections (2) and (4) of section 252.385,
465 Florida Statutes, are amended to read:

466 252.385 Public shelter space.--

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

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

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

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

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

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

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

525 Section 4. Section 400.492, Florida Statutes, is amended
526 to read:

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

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

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

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

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

582 | setting will constitute abandonment of the client and will
 583 | result in regulatory review.

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

588 | Section 5. Section 408.831, Florida Statutes, is amended
 589 | to read:

590 | 408.831 Denial, suspension, or revocation of a license,
 591 | registration, certificate, or application.--

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

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

607 | (b) For failure to comply with any repayment plan.

608 | (2) In reviewing any application requesting a change of
 609 | ownership or change of the licensee, registrant, or

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

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

631 (4) An inactive license may be issued to a licensee
 632 subject to this section when the provider is located in a
 633 geographic area where a state of emergency was declared by the
 634 Governor of Florida if the provider:

635 (a) Suffered damage to the provider's operation during
 636 that state of emergency.

637 (b) Is currently licensed.

- 638 (c) Does not have a provisional license.
- 639 (d) Will be temporarily unable to provide services but is
- 640 reasonably expected to resume services within 12 months.

641

642 An inactive license may be issued for a period not to exceed 12

643 months but may be renewed by the agency for up to 6 additional

644 months upon demonstration to the agency of progress toward

645 reopening. A request by a licensee for an inactive license or to

646 extend the previously approved inactive period must be submitted

647 in writing to the agency, accompanied by written justification

648 for the inactive license which states the beginning and ending

649 dates of inactivity and includes a plan for the transfer of any

650 clients to other providers and appropriate licensure fees. Upon

651 agency approval, the licensee shall notify clients of any

652 necessary discharge or transfer as required by authorizing

653 statutes or applicable rules. The beginning of the inactive

654 licensure period shall be the date the provider ceases

655 operations. The end of the inactive period shall become the

656 licensee expiration date and all licensure fees must be current,

657 paid in full, and may be prorated. Reactivation of an inactive

658 license requires the prior approval by the agency of a renewal

659 application, including payment of licensure fees and agency

660 inspections indicating compliance with all requirements of this

661 part and applicable rules and statutes.

662 (5)-(3) This section provides standards of enforcement

663 applicable to all entities licensed or regulated by the Agency

664 for Health Care Administration. This section controls over any

665 conflicting provisions of chapters 39, 381, 383, 390, 391, 393,

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666 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant
667 to those chapters.

668 Section 6. Section 252.357, Florida Statutes, is created
669 to read:

670 252.357 Monitoring of nursing homes during disaster.--The
671 Florida Comprehensive Emergency Management Plan shall permit the
672 Agency for Health Care Administration, working from the agency's
673 offices or in the Emergency Operations Center, ESF-8, to make
674 initial contact with each nursing home in the disaster area. The
675 agency, by July 15, 2005, and annually thereafter, shall publish
676 on the Internet an emergency telephone number that can be used
677 by nursing homes to contact the agency on a schedule established
678 by the agency to report requests for assistance. The agency may
679 also provide the telephone number to each facility when it makes
680 the initial facility call.

681 Section 7. This act shall take effect July 1, 2005.