

1 A bill to be entitled
2 An act relating to emergency management; amending s.
3 252.355, F.S.; specifying additional agencies that are
4 required to provide registration information to special
5 needs clients and persons with disabilities or special
6 needs who receive services from such agencies for purposes
7 of inclusion within the registry of persons with special
8 needs maintained by local emergency management agencies;
9 providing that the Department of Community Affairs shall
10 be the designated lead agency responsible for community
11 education and outreach to the general public, including
12 special needs clients, regarding registration as a person
13 with special needs, special needs shelters, and general
14 information regarding shelter stays; requiring the
15 department to disseminate educational and outreach
16 information through local emergency management offices;
17 requiring the department to coordinate community education
18 and outreach related to special needs shelters with
19 specified agencies and entities; providing that specified
20 confidential and exempt information relating to
21 registration of persons with special needs be provided to
22 the Department of Health; amending s. 381.0303, F.S.;
23 providing for the operation, maintenance, and closure of
24 special needs shelters; removing a condition of specified
25 funding as a prerequisite to the assumption of lead
26 responsibility by the Department of Health for specified
27 coordination with respect to the development of a plan for
28 the staffing and medical management of special needs

29 shelters; providing that the local Children's Medical
30 Services offices shall assume lead responsibility for
31 specified coordination with respect to the development of
32 a plan for the staffing and medical management of
33 pediatric special needs shelters; requiring such plans to
34 conform to the local comprehensive emergency management
35 plan; requiring county governments to assist in the
36 process of coordinating the recruitment of health care
37 practitioners to staff local special needs shelters;
38 providing that the appropriate county health department,
39 Children's Medical Services office, and local emergency
40 management agency shall jointly determine the
41 responsibility for medical supervision in a special needs
42 shelter; providing that state employees with a
43 preestablished role in disaster response may be called
44 upon to serve in times of disaster in specified
45 capacities; requiring the Secretary of Elderly Affairs to
46 convene a multiagency emergency special needs shelter
47 response team or teams to assist local areas that are
48 severely impacted by a natural or manmade disaster that
49 required the use of special needs shelters; providing
50 duties and responsibilities of multiagency response teams;
51 authorizing local emergency management agencies to request
52 the assistance of a multiagency response team; providing
53 for the inclusion of specified state agency
54 representatives on each multiagency response team;
55 authorizing hospitals and nursing homes that are used to
56 shelter special needs persons during or after an

57 | evacuation to submit invoices for reimbursement to the
58 | Department of Health; requiring the department to specify
59 | by rule expenses that are reimbursable and the rate of
60 | reimbursement for services; prescribing means of and
61 | procedures for reimbursement; providing eligibility for
62 | reimbursement of health care facilities to whom special
63 | needs shelter clients have been discharged by a
64 | multiagency response team upon closure of a special needs
65 | shelter; providing requirements with respect to such
66 | reimbursement; prescribing means of and procedures for
67 | reimbursement; disallowing specified reimbursements;
68 | revising the role of the special needs shelter interagency
69 | committee with respect to the planning and operation of
70 | special needs shelters; providing required functions of
71 | the committee; providing that the committee shall
72 | recommend guidelines to establish a statewide database to
73 | collect and disseminate special needs registration
74 | information; revising the composition of the special needs
75 | shelter interagency committee; requiring the inclusion of
76 | specified rules with respect to special needs shelters and
77 | specified minimum standards therefor; providing
78 | requirements with respect to emergency management plans
79 | submitted by a home health agency, nurse registry, or
80 | hospice to a county health department for review; removing
81 | a condition of specified funding as a prerequisite to the
82 | submission of such plans; amending s. 252.385, F.S.;
83 | requiring the Division of Emergency Management of the
84 | Department of Community Affairs to prepare and submit a

85 statewide emergency shelter plan to the Governor and the
86 Cabinet for approval; providing plan requirements;
87 requiring the Department of Health to assist the division
88 in determining the estimated need for special needs
89 shelter space; requiring inspection of public hurricane
90 evacuation shelter facilities by local emergency
91 management agencies prior to activation of such
92 facilities; amending s. 400.492, F.S.; providing that
93 nurse registries, hospices, and durable medical equipment
94 providers shall prepare and maintain a comprehensive
95 emergency management plan; providing that home health,
96 hospice, and durable medical equipment provider agencies
97 shall not be required to continue to provide care to
98 patients in emergency situations that are beyond their
99 control and that make it impossible to provide services;
100 authorizing home health agencies, nurse registries,
101 hospices, and durable medical equipment providers to
102 establish links to local emergency operations centers to
103 determine a mechanism to approach areas within a disaster
104 area in order for the agency to reach its clients;
105 providing that the presentation of home care or hospice
106 clients to the special needs shelter without the home
107 health agency or hospice making a good faith effort to
108 provide services in the shelter setting constitutes
109 abandonment of the client; requiring regulatory review in
110 such cases; amending s. 408.831, F.S.; providing that
111 entities regulated or licensed by the Agency for Health
112 Care Administration may exceed their licensed capacity to

113 | act as a receiving facility under specified circumstances;
 114 | providing requirements while such entities are in an
 115 | overcapacity status; providing for issuance of an inactive
 116 | license to such licensees under specified conditions;
 117 | providing requirements and procedures with respect to the
 118 | issuance and reactivation of an inactive license;
 119 | providing fees; creating s. 252.357, F.S., requiring the
 120 | Florida Comprehensive Emergency Management Plan to permit
 121 | the Agency for Health Care Administration to initially
 122 | contact nursing homes in disaster areas for specified
 123 | monitoring purposes; requiring the agency to publish an
 124 | emergency telephone number for use by nursing homes;
 125 | providing an effective date.

126 |
 127 | Be It Enacted by the Legislature of the State of Florida:

128 |
 129 | Section 1. Section 252.355, Florida Statutes, is amended
 130 | to read:

131 | 252.355 Registry of persons with special needs; notice.--

132 | (1) In order to meet the special needs of clients ~~persons~~
 133 | who would need assistance during evacuations and sheltering
 134 | because of physical, mental, cognitive impairment, or sensory
 135 | disabilities, each local emergency management agency in the
 136 | state shall maintain a registry of persons with special needs
 137 | located within the jurisdiction of the local agency. The
 138 | registration shall identify those persons in need of assistance
 139 | and plan for resource allocation to meet those identified needs.
 140 | To assist the local emergency management agency in identifying

141 such persons, the Department of Children and Family Services,
 142 Department of Health, Agency for Health Care Administration,
 143 Department of Education, Agency for Persons with Disabilities,
 144 ~~Department of Labor and Employment Security,~~ and Department of
 145 Elderly Affairs shall provide registration information to all of
 146 their special needs clients and to all people with disabilities
 147 or special needs who receive services ~~incoming clients as a part~~
 148 ~~of the intake process.~~ The registry shall be updated annually.
 149 The registration program shall give persons with special needs
 150 the option of preauthorizing emergency response personnel to
 151 enter their homes during search and rescue operations if
 152 necessary to assure their safety and welfare following
 153 disasters.

154 (2) The Department of Community Affairs shall be the
 155 designated lead agency responsible for community education and
 156 outreach to the general public, including special needs clients,
 157 regarding registration and special needs shelters and general
 158 information regarding shelter stays. The Department of Community
 159 Affairs shall disseminate such educational and outreach
 160 information through the local emergency management offices. The
 161 department shall coordinate the development of curriculum and
 162 dissemination of all community education and outreach related to
 163 special needs shelters with the Clearinghouse on Disability
 164 Information of the Governor's Working Group on the Americans
 165 with Disabilities Act, the Department of Children and Family
 166 Services, the Department of Health, the Agency for Health Care
 167 Administration, the Department of Education, the Agency for

168 Persons with Disabilities, and the Department of Elderly
169 Affairs.

170 ~~(3)(2)~~ On or before May 1 of each year each electric
171 utility in the state shall annually notify residential customers
172 in its service area of the availability of the registration
173 program available through their local emergency management
174 agency.

175 ~~(4)(3)~~ All records, data, information, correspondence, and
176 communications relating to the registration of persons with
177 special needs as provided in subsection (1) are confidential and
178 exempt from the provisions of s. 119.07(1), except that such
179 information shall be available to other emergency response
180 agencies, as determined by the local emergency management
181 director, and shall be provided to the Department of Health in
182 the furtherance of their duties and responsibilities.

183 ~~(5)(4)~~ All appropriate agencies and community-based
184 service providers, including home health care providers, and
185 hospices shall assist emergency management agencies by
186 collecting registration information for persons with special
187 needs as part of program intake processes, establishing programs
188 to increase the awareness of the registration process, and
189 educating clients about the procedures that may be necessary for
190 their safety during disasters. Clients of state or federally
191 funded service programs with physical, mental, cognitive
192 impairment, or sensory disabilities who need assistance in
193 evacuating, or when in shelters, must register as persons with
194 special needs.

195 Section 2. Section 381.0303, Florida Statutes, is amended
 196 to read:

197 381.0303 ~~Health practitioner recruitment for~~ Special needs
 198 shelters.--

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

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

215 (a) The department shall assume lead responsibility for
 216 the ~~local~~ coordination of local medical and health care
 217 providers, the American Red Cross, and other interested parties
 218 in developing a plan for the staffing and medical management of
 219 special needs shelters. The local Children's Medical Services
 220 offices shall assume lead responsibility for the local
 221 coordination of local medical and health care providers, the
 222 American Red Cross, and other interested parties in developing a

223 plan for the staffing and medical management of pediatric
 224 special needs shelters. Plans shall conform to ~~The plan shall be~~
 225 ~~in conformance with~~ the local comprehensive emergency management
 226 plan.

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

235 (c) ~~(b)~~ The appropriate county health department,
 236 Children's Medical Services office, and local emergency
 237 management agency shall jointly decide ~~determine~~ who has
 238 responsibility for medical supervision in each a special needs
 239 shelter and shall notify the department of their decision.

240 (d) ~~(e)~~ Local emergency management agencies shall be
 241 responsible for the designation and operation of special needs
 242 shelters during times of emergency or disaster and the closure
 243 of the facilities following an emergency or disaster. County
 244 health departments shall assist the local emergency management
 245 agency with regard to the management of medical services in
 246 special needs shelters.

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

251 (f) The Secretary of Elderly Affairs, or his or her
252 designee, shall convene, at any time that he or she deems
253 appropriate and necessary, a multiagency emergency special needs
254 shelter response team or teams to assist local areas that are
255 severely impacted by a natural or manmade disaster that requires
256 the use of special needs shelters. Multiagency response teams
257 shall provide assistance to local emergency management agencies
258 with the continued operation or closure of the shelters, as well
259 as with the discharge of special needs clients to alternate
260 facilities if necessary. Local emergency management agencies may
261 request the assistance of a multiagency response team by
262 alerting statewide emergency management officials of the
263 necessity for additional assistance in their area. The Secretary
264 of Elderly Affairs is encouraged to proactively work with other
265 state agencies prior to any natural disasters for which warnings
266 are provided to ensure that multiagency response teams are ready
267 to assemble and deploy rapidly upon a determination by state
268 emergency management officials that a disaster area requires
269 additional assistance. The Secretary of Elderly Affairs may call
270 upon any state agency or office to provide staff to assist a
271 multiagency response team or teams. Unless the secretary
272 determines that the nature or circumstances surrounding the
273 disaster do not warrant participation from a particular agency's
274 staff, each multiagency response team shall include at least one
275 representative from each of the following state agencies:
276 1. Department of Elderly Affairs.
277 2. Department of Health.
278 3. Department of Children and Family Services.

279 4. Department of Veterans' Affairs.

280 5. Department of Community Affairs.

281 6. Agency for Health Care Administration.

282 7. Agency for Persons with Disabilities.

283 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 284 FACILITIES.--

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

301 (b) Hospitals and nursing homes that are used to shelter
 302 special needs clients during or after an evacuation may submit
 303 invoices for reimbursement to the department. The department
 304 shall develop a form for reimbursement and shall specify by rule
 305 which expenses are reimbursable and the rate of reimbursement

306 for each service. Reimbursement for the services described in
307 this paragraph shall be paid as specified in paragraph (d).

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

323 (d) If a Presidential Disaster Declaration has been issued
324 ~~made~~, and the Federal Government makes funds available, the
325 department shall use those ~~such~~ funds for reimbursement of
326 eligible expenditures. In other situations, or if federal funds
327 do not fully compensate the department for reimbursements
328 permissible under ~~reimbursement made pursuant to~~ this section,
329 the department shall submit to the Cabinet or the Legislature,
330 as appropriate, a budget amendment to obtain reimbursement from
331 the working capital fund. The department shall not provide
332 reimbursement to facilities under this subsection for services
333 provided to a special needs client if, during the period of time

334 in which the services were provided, the client was enrolled in
 335 another state-funded program, such as Medicaid or another
 336 similar program, which would otherwise pay for the same
 337 services. Travel expense and per diem costs shall be reimbursed
 338 pursuant to s. 112.061.

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

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

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

355 1. Develop and negotiate any necessary interagency
 356 agreements.

357 2. Undertake other such activities as the department deems
 358 necessary to facilitate the implementation of this section.

359 3. Submit recommendations to the Legislature as necessary.
 360 Such recommendations shall include, but not be limited to, the
 361 following:

- 362 | a. Defining "special needs shelter."
- 363 | b. Defining "special needs client."
- 364 | c. Development of a uniform registration form for special
- 365 | needs clients.
- 366 | d. Improving public awareness regarding the registration
- 367 | process.
- 368 | e. Improving overall communications with special needs
- 369 | clients both before and after a disaster.
- 370 | f. Recommending the construction or designation of
- 371 | additional special needs shelters in underserved areas of the
- 372 | state and the necessity of upgrading, modifying, or retrofitting
- 373 | existing special needs shelters.
- 374 | g. Recommending guidelines to establish a statewide
- 375 | database designed to collect and disseminate timely and
- 376 | appropriate special needs registration information.
- 377 | (b) The special needs shelter interagency committee shall
- 378 | be composed of representatives of emergency management, health,
- 379 | medical, and social services organizations. Membership shall
- 380 | include, but shall not be limited to, representatives of the
- 381 | Departments of Health, Community Affairs, Children and Family
- 382 | Services, Elderly Affairs, ~~Labor and Employment Security~~, and
- 383 | Education; the Agency for Health Care Administration; the
- 384 | Florida Medical Association; the Florida Osteopathic Medical
- 385 | Association; Associated Home Health Industries of Florida, Inc.;
- 386 | the Florida Nurses Association; the Florida Health Care
- 387 | Association; the Florida Assisted Living Affiliation
- 388 | ~~Association~~; the Florida Hospital Association; the Florida
- 389 | Statutory Teaching Hospital Council; the Florida Association of

390 Homes for the Aging; the Florida Emergency Preparedness
 391 Association; the American Red Cross; Florida Hospices and
 392 Palliative Care, Inc.; the Association of Community Hospitals
 393 and Health Systems; the Florida Association of Health
 394 Maintenance Organizations; the Florida League of Health Systems;
 395 Private Care Association; ~~and~~ the Salvation Army; the Florida
 396 Association of Aging Services Providers; and the AARP.

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

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

411 (a) Staffing levels for provision of services to assist
 412 individuals with activities of daily living.

413 (b) Provision of transportation services.

414 (c) Compliance with applicable service animal laws.

415 (d) Eligibility criteria that includes individuals with
 416 physical, cognitive, and psychiatric disabilities.

417 (e) Provision of support and services for individuals with
418 physical, cognitive, and psychiatric disabilities.

419 (f) Standardized applications that include specific
420 eligibility criteria and the services an individual with special
421 needs can expect to receive.

422 (g) Procedures for addressing the needs of unregistered
423 individuals in need of shelter.

424 (h) Requirements that the special needs shelter location
425 meets the Florida Accessibility Code for Building Construction.
426 If the location fails to meet the standards, a plan must be
427 provided describing how compliance will be achieved.

428 (i) Procedures for addressing the needs of families that
429 are eligible for special needs shelter services. Specific
430 procedures shall be developed to address the needs of families
431 with multiple dependents where only one dependent is eligible
432 for the special needs shelter. Specific procedures shall be
433 developed to address the needs of adults with special needs who
434 are caregivers for individuals without special needs.

435 (j) Standards for special needs shelters, including
436 staffing, onsite emergency power, transportation services,
437 supplies, including durable medical equipment, and any other
438 recommendations for minimum standards as determined by the
439 committee.

440 (7) ~~REVIEW OF~~ EMERGENCY MANAGEMENT PLANS; CONTINUITY OF
441 CARE.--Each emergency management plan submitted to a county
442 health department by a home health agency pursuant to s.
443 400.497, by a nurse registry pursuant to s. 400.506, or by a
444 hospice pursuant to s. 400.610, shall specify the organization's

445 functional staffing plan for special needs shelters to ensure
 446 continuity of care and services to its clients during and after
 447 the disaster or emergency situation. ~~The submission of Emergency~~
 448 ~~management plans to county health departments by home health~~
 449 ~~agencies pursuant to s. 400.497(8)(c) and (d) and by nurse~~
 450 ~~registries pursuant to s. 400.506(16)(e) and by hospice programs~~
 451 ~~pursuant to s. 400.610(1)(b) is conditional upon the receipt of~~
 452 ~~an appropriation by the department to establish medical services~~
 453 ~~disaster coordinator positions in county health departments~~
 454 ~~unless the secretary of the department and a local county~~
 455 ~~commission jointly determine to require such plans to be~~
 456 ~~submitted based on a determination that there is a special need~~
 457 ~~to protect public health in the local area during an emergency.~~

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

460 252.385 Public shelter space.--

461 (2) (a) The division shall administer a program to survey
 462 existing schools, universities, community colleges, and other
 463 state-owned, municipally owned, and county-owned public
 464 buildings and any private facility that the owner, in writing,
 465 agrees to provide for use as a public hurricane evacuation
 466 shelter to identify those that are appropriately designed and
 467 located to serve as such shelters. The owners of the facilities
 468 must be given the opportunity to participate in the surveys. The
 469 Board of Regents, district school boards, community college
 470 boards of trustees, and the Department of Education are
 471 responsible for coordinating and implementing the survey of

472 public schools, universities, and community colleges with the
473 division or the local emergency management agency.

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

485 (4) (a) Public facilities, including schools, postsecondary
486 education facilities, and other facilities owned or leased by
487 the state or local governments, but excluding hospitals or
488 nursing homes, which are suitable for use as public hurricane
489 evacuation shelters shall be made available at the request of
490 the local emergency management agencies. The local emergency
491 management agency shall inspect a designated facility to
492 determine its readiness prior to activating such facility for a
493 specific hurricane or disaster. Such agencies shall coordinate
494 with the appropriate school board, university, community
495 college, or local governing board when requesting the use of
496 such facilities as public hurricane evacuation shelters.

497 (b) The Department of Management Services shall
498 incorporate provisions for the use of suitable leased public
499 facilities as public hurricane evacuation shelters into lease

500 | agreements for state agencies. Suitable leased public facilities
501 | include leased public facilities that are solely occupied by
502 | state agencies and have at least 2,000 square feet of net floor
503 | area in a single room or in a combination of rooms having a
504 | minimum of 400 square feet in each room. The net square footage
505 | of floor area must be determined by subtracting from the gross
506 | square footage the square footage of spaces such as mechanical
507 | and electrical rooms, storage rooms, open corridors, restrooms,
508 | kitchens, science or computer laboratories, shop or mechanical
509 | areas, administrative offices, records vaults, and crawl spaces.

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

519 | Section 4. Section 400.492, Florida Statutes, is amended
520 | to read:

521 | 400.492 Provision of services during an emergency.--Each
522 | home health agency, nurse registry, hospice, or durable medical
523 | equipment provider shall prepare and maintain a comprehensive
524 | emergency management plan that is consistent with the standards
525 | adopted by national accreditation organizations and consistent
526 | with the local special needs plan. The plan shall be updated
527 | annually and shall provide for continuing home health, nurse

528 registry, hospice, or durable medical equipment services during
529 an emergency that interrupts patient care or services in the
530 patient's home. The plan shall describe how the home health
531 agency, nurse registry, hospice, or durable medical equipment
532 provider establishes and maintains an effective response to
533 emergencies and disasters, including: notifying staff when
534 emergency response measures are initiated; providing for
535 communication between staff members, county health departments,
536 and local emergency management agencies, including a backup
537 system; identifying resources necessary to continue essential
538 care or services or referrals to other organizations subject to
539 written agreement; and prioritizing and contacting patients who
540 need continued care or services.

541 (1) Each patient record for patients who are listed in the
542 registry established pursuant to s. 252.355 shall include a
543 description of how care or services will be continued in the
544 event of an emergency or disaster. The home health agency shall
545 discuss the emergency provisions with the patient and the
546 patient's caregivers, including where and how the patient is to
547 evacuate, procedures for notifying the home health agency in the
548 event that the patient evacuates to a location other than the
549 shelter identified in the patient record, and a list of
550 medications and equipment which must either accompany the
551 patient or will be needed by the patient in the event of an
552 evacuation.

553 (2) Each home health agency shall maintain a current
554 prioritized list of patients who need continued services during
555 an emergency. The list shall indicate how services shall be

556 continued in the event of an emergency or disaster for each
557 patient and if the patient is to be transported to a special
558 needs shelter, and shall indicate if the patient is receiving
559 skilled nursing services and the patient's medication and
560 equipment needs. The list shall be furnished to county health
561 departments and to local emergency management agencies, upon
562 request.

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

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

582 Section 5. Section 408.831, Florida Statutes, is amended
583 to read:

584 408.831 Denial, suspension, or revocation of a license,
 585 registration, certificate, or application.--

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

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

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

602 (2) In reviewing any application requesting a change of
 603 ownership or change of the licensee, registrant, or
 604 certificateholder, the transferor shall, prior to agency
 605 approval of the change, repay or make arrangements to repay any
 606 amounts owed to the agency. Should the transferor fail to repay
 607 or make arrangements to repay the amounts owed to the agency,
 608 the issuance of a license, registration, or certificate to the
 609 transferee shall be delayed until repayment or until
 610 arrangements for repayment are made.

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

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

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

631 (b) Is currently licensed.

632 (c) Does not have a provisional license.

633 (d) Will be temporarily unable to provide services but is
634 reasonably expected to resume services within 12 months.

635
636 An inactive license may be issued for a period not to exceed 12
637 months but may be renewed by the agency for up to 6 additional
638 months upon demonstration to the agency of progress toward

639 reopening. A request by a licensee for an inactive license or to
640 extend the previously approved inactive period must be submitted
641 in writing to the agency, accompanied by written justification
642 for the inactive license which states the beginning and ending
643 dates of inactivity and includes a plan for the transfer of any
644 clients to other providers and appropriate licensure fees. Upon
645 agency approval, the licensee shall notify clients of any
646 necessary discharge or transfer as required by authorizing
647 statutes or applicable rules. The beginning of the inactive
648 licensure period shall be the date the provider ceases
649 operations. The end of the inactive period shall become the
650 licensee expiration date and all licensure fees must be current,
651 paid in full, and may be prorated. Reactivation of an inactive
652 license requires the prior approval by the agency of a renewal
653 application, including payment of licensure fees and agency
654 inspections indicating compliance with all requirements of this
655 part and applicable rules and statutes.

656 (5)~~(3)~~ This section provides standards of enforcement
657 applicable to all entities licensed or regulated by the Agency
658 for Health Care Administration. This section controls over any
659 conflicting provisions of chapters 39, 381, 383, 390, 391, 393,
660 394, 395, 400, 408, 468, 483, and 641 or rules adopted pursuant
661 to those chapters.

662 Section 6. Section 252.357, Florida Statutes, is created
663 to read:

664 252.357 Monitoring of nursing homes during disaster.--The
665 Florida Comprehensive Emergency Management Plan shall permit the
666 Agency for Health Care Administration, working from the agency's

667 offices or in the Emergency Operations Center, ESF-8, to make
668 initial contact with each nursing home in the disaster area. The
669 agency, by July 15, 2005, and annually thereafter, shall publish
670 on the Internet an emergency telephone number that can be used
671 by nursing homes to contact the agency on a schedule established
672 by the agency to report requests for assistance. The agency may
673 also provide the telephone number to each facility when it makes
674 the initial facility call.

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