

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Health and Human Services Appropriations Committee

BILL: CS/SB 2630

SPONSOR: Children and Families Committee and Senator Crist

SUBJECT: Caregivers for Adults

DATE: April 22, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Whiddon	CF	<b>Fav/CS</b>
2.	Peters	Peters	HA	<b>Favorable</b>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The committee substitute for SB 2630 authorizes the Department of Elderly Affairs (DOEA) to establish a pilot program beginning in the 2005-2006 fiscal year and continuing for a period of no longer than three years. The pilot is to be supported by the resources of the Senior Community Service Employment Program to the fullest extent allowed by federal law. The committee substitute provides the following purposes for the pilot program:

- To foster the development of training and employment opportunities for economically disadvantaged workers 55 years of age and older
- To encourage the use of economically disadvantaged workers 55 years of age or older in providing community-based and institutional care for frail and vulnerable adults who live in the community.
- To assist in meeting the growing demand for in-home companion care services and personal care services and to prevent costly premature institutional placement.
- To become a direct referral resource for DOEA.

The community substitute requires DOEA to submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2008 if the pilot is established. The report is to include the status of the implementation of the program, the number of economically disadvantaged workers trained to provide community-based care for frail and vulnerable older adults who live in the community, the number of frail and vulnerable older adults who have received such services, and recommendations for further legislation, including a recommendation regarding extending the pilot throughout the state.

This committee substitute creates an unnumbered section of the Florida Statutes.

## II. Present Situation:

The Senior Community Service Employment Program (SCSEP) currently exists within DOEA. This program serves unemployed, low-income persons who are 55 and older and who have poor employment prospects by placing them in part-time community service positions and by assisting them to transition to unsubsidized employment.

The purposes of SCSEP are:

- To foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years of age and older and have poor employment prospects;
- To foster individual economic self-sufficiency; and
- To increase the number of older persons who may enjoy the benefits of unsubsidized employment in both the public and private sectors.

This program is funded under Title V of the Older Americans Act and is administered by the U.S. Department of Labor. While it provides employment opportunities for qualifying older adults,<sup>1</sup> these opportunities are not specifically directed to having those adults serve as caregivers and avoiding institutionalization for other older or disabled persons.

Participants in SCSEP receive orientation, training opportunities, and information about the availability of a free physical examination. They are also given assessments of their previous work history, skills and interests, talents, occupational preferences, potential for performing community service assignments and potential for transition to unsubsidized employment. Participants usually work up to 20 hours weekly and receive the federal minimum wage and limited benefits for time working in the assigned community service position. According to DOEA, Florida currently has 3548 SCSEP positions, which are allocated equitably across counties.

“Companion” and “personal care” are defined in s. 400.462, F.S. A “companion” or “sitter” is defined as “a person who cares for an elderly, handicapped, or convalescent individual and accompanies such individual on trips and outings and may prepare and serve meals to such individual. A companion may not provide hands-on personal care to a client,” s. 400.462(5), F.S. “Personal care” means “assistance to a patient in the activities of daily living, such as dressing, bathing, eating, or personal hygiene, and assistance in physical transfer, ambulation, and in administering medications as permitted by rule,” s. 400.462(18), F.S.<sup>2</sup>

Companion care and personal care services may be provided by either organizations or individuals. Organizations providing personal care services are required to be licensed by the Agency for Health Care Administration (AHCA), s. 400.464, F.S. Organizations providing companion care are exempt from licensure but must be registered with AHCA, s. 400.509, F.S.

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<sup>1</sup> Qualifications include an age of at least 55 years and a household income that is not more than 125 percent of the family income levels prepared by the Department of Health and Human Services and approved by the federal Office of Management and Budget. Persons with disabilities may be treated as a “family of one” for income eligibility purposes.

<sup>2</sup> Both “patient” and “client” are defined in this same statutory section as being recipients of services **in the home**. The difference between the definitions appears to be that a “client” is an “elderly, handicapped, or convalescent” person while a “patient” is “any person,” s. 400.462(4), (17), F.S..

Individuals providing personal care are exempt from licensure so long as they are not affiliated with an organization which is required to be licensed, s. 400.464(5)(e), F.S. Home health services provided directly or through contract with DOEA are also exempt from licensure, s. 400.464(5)(b), F.S. There is no requirement for registration of individuals providing companion care so long as the individuals are not part of organizations which are required to be registered. There are no statutory training requirements for individuals providing personal care so long as those individuals operate solely in their individual capacity and none for individuals providing companion care, whether acting individually or under the sponsorship of an organization. Using unlicensed, unregistered individuals who are operating in their individual capacity to provide companion care or personal care is generally considered to be the lowest cost option for those services.

### III. Effect of Proposed Changes:

**Section 1.** Authorizes the Department of Elderly Affairs (DOEA) to establish a pilot program beginning in the 2005-2006 fiscal year and continuing for a period of no longer than three years. The pilot is to be supported by the resources of the Senior Community Service Employment Program to the fullest extent allowed by federal law. The committee substitute provides the following purposes for the pilot program:

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- To assist in meeting the growing demand for in-home companion care services and personal care services and to prevent costly premature institutional placement.
- To become a direct referral resource for DOEA.

Requires DOEA to submit a report to the President of the Senate and the Speaker of the House of Representatives by January 1, 2008 if the pilot is established. The report is to include the status of the implementation of the program, the number of economically disadvantaged workers trained to provide community-based care for frail and vulnerable older adults who live in the community, the number of frail and vulnerable older adults who have received such services, and recommendations for further legislation, including a recommendation regarding extending the pilot throughout the state.

**Section 2.** Provides an effective date of July, 1 2005.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The committee substitute may provide additional employment opportunities for economically disadvantaged workers 55 years of age or older. The committee substitute may also prevent some premature institutional placements of persons who will be able to remain in their homes with the assistance of the workers affected by the committee substitute.

**C. Government Sector Impact:**

The bill requires the department to use the resources of the Senior Community Services Employment Program to support the pilot program. According to the department, there are currently no excess funds within the SCSEP to operate a new pilot program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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