

By Senator Wise

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A bill to be entitled

An act relating to health care; amending s.
400.506, F.S.; deleting the requirement that a
registered nurse referred by a nurse registry
make monthly visits to a patient; amending ss.
413.402 and 413.4021, F.S.; making permanent
the program for personal care attendants for
spinal cord injury victims; providing powers
and duties of the Department of Health with
respect to the program; providing criteria for
participation in the program; providing for an
oversight workgroup; increasing the percentage
of revenues collected from persons who fail to
remit sales tax which shall be deposited into
the Florida Endowment Foundation for Vocational
Rehabilitation for the purpose of administering
the program; providing an effective date.

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

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

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

(10)

~~(c) A registered nurse shall make monthly visits to
the patient's home to assess the patient's condition and
quality of care being provided by the certified nursing
assistant or home health aide. Any condition which in the
professional judgment of the nurse requires further medical
attention shall be reported to the attending physician and the~~

1 ~~nurse registry. The assessment shall become a part of the~~
2 ~~patient's file with the nurse registry and may be reviewed by~~
3 ~~the agency during their survey procedure.~~

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

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

19 (1) Persons eligible to participate in the ~~pilot~~
20 program must:

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

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

28 (c) Require a personal care attendant to maintain
29 substantial gainful employment;

30 (d) Be able to hire and supervise a personal care
31 attendant; and

1 ~~(e)(c)~~ Meet one of the following requirements ~~Either:~~

- 2 1. Live in a nursing home; ~~or~~
- 3 2. Have moved out of a nursing home within the
- 4 preceding 180 days due to participation in a Medicaid home and
- 5 community-based waiver program targeted to persons with brain
- 6 or spinal cord injuries; or-
- 7 3. Presently be employed but, because of a loss of a
- 8 caregiver, will lose employment and potentially return to a
- 9 nursing home.

10 ~~(2)~~ ~~The association shall develop a training program~~

11 ~~for training persons selected to participate in the pilot~~

12 ~~program that will prepare each person to manage his or her own~~

13 ~~personal care attendant.~~

14 ~~(2)(3)~~(a) The association, in cooperation with the

15 Department of Health and the Florida Endowment Foundation for

16 Vocational Rehabilitation, shall develop a program to recruit,

17 screen, and select candidates to be trained as personal care

18 attendants.

19 (b) The services of a nurse registry licensed pursuant

20 to s. 400.506 may be utilized to recruit and screen candidates

21 and to operate as a fiscal intermediary through which payments

22 are made to individuals performing services as personal care

23 attendants under the ~~pilot~~ program. The Department of Health

24 and the Agency for Health Care Administration shall seek any

25 federal waivers necessary to implement this provision.

26 ~~(3)(4)~~ The association and the Department of Health,

27 in cooperation with the Florida Endowment Foundation for

28 Vocational Rehabilitation, shall develop a training program

29 for personal care attendants.

30 ~~(4)(5)~~ The association, in cooperation with the

31 Department of Health and the Florida Endowment Foundation for

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

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

9 ~~(5)(7)~~ The association, in cooperation with the
10 Department of Revenue, the Brain and Spinal Cord Injury
11 Program in the Department of Health, the Florida Medicaid
12 program in the Agency for Health Care Administration, a
13 representative from the state attorney's office in each of the
14 judicial circuits ~~counties~~ participating in the ~~pilot~~ program,
15 the Florida Endowment Foundation for Vocational
16 Rehabilitation, and the Division of Vocational Rehabilitation
17 of the Department of Education, shall develop a plan for
18 implementation of the ~~pilot~~ program.

19 ~~(6)(8)~~ The Department of Health shall establish an
20 oversight workgroup for the personal care attendant program to
21 oversee the implementation and administration of the program.
22 The workgroup shall be composed of one representative from the
23 Brain and Spinal Cord Injury Program in the Department of
24 Health, one representative from the Department of Revenue, one
25 representative from the Florida Medicaid Program in the Agency
26 for Health Care Administration, one representative from the
27 Florida Endowment Foundation for Vocational Rehabilitation,
28 one representative from the Florida Association of Centers for
29 Independent Living, one representative from the Division of
30 Vocational Rehabilitation of the Department of Education, and
31 two members who are persons with traumatic spinal cord

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

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

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

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

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

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

12 (4) ~~Fifty For the 2004-2005 fiscal year only and~~
13 ~~notwithstanding the provisions of subsection (1), 50 percent~~
14 of the revenues collected from the tax collection enforcement
15 diversion program shall be deposited into the operating
16 account of the Florida Endowment Foundation for Vocational
17 Rehabilitation, to be used to administer ~~implement~~ the
18 personal care attendant ~~pilot~~ program and to contract with the
19 state attorneys participating in the tax collection
20 enforcement diversion program in an amount of not more than
21 \$50,000 for each state attorney. ~~This subsection expires July~~
22 ~~1, 2005.~~

23 Section 4. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Makes permanent the pilot program for the provision of personal care assistants to certain persons disabled due to traumatic spinal cord injuries. Revises standards for participation in the program. Assigns the Department of Health, through its Brain and Spinal Cord Injury Program, joint program authority with the Florida Association of Centers for Independent Living. Requires the establishment of a program oversight workgroup within the department and specifies its membership. Provides for the program to be conducted across participating judicial circuits.