

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

16  
 17   Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1. Paragraph (c) of subsection (10) of section  
 20   400.506, Florida Statutes, is amended to read:

21           400.506   Licensure of nurse registries; requirements;  
 22   penalties.--

23           (10)

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

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

29 ~~to the attending physician and the nurse registry. The~~  
 30 ~~assessment shall become a part of the patient's file with the~~  
 31 ~~nurse registry and may be reviewed by the agency during their~~  
 32 ~~survey procedure.~~

33 Section 2. Section 413.402, Florida Statutes, is amended  
 34 to read:

35 413.402 Personal care attendant ~~pilot~~ program.--The  
 36 Florida Association of Centers for Independent Living, in  
 37 conjunction with the Brain and Spinal Cord Injury Program in the  
 38 Department of Health, shall develop a ~~pilot~~ program to provide  
 39 personal care attendants to persons who are eligible pursuant to  
 40 subsection (1). The association and the Department of Health  
 41 shall jointly develop memoranda of understanding with the  
 42 Department of Revenue, ~~the Brain and Spinal Cord Injury Program~~  
 43 ~~in the Department of Health~~, the Florida Medicaid program in the  
 44 Agency for Health Care Administration, the Florida Endowment  
 45 Foundation for Vocational Rehabilitation, and the Division of  
 46 Vocational Rehabilitation of the Department of Education.

47 (1) Persons eligible to participate in the ~~pilot~~ program  
 48 must:

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

51 (b) Require a personal care attendant for bathing,  
 52 dressings, bowel and bladder management, and transportation; ~~Have~~  
 53 ~~been determined eligible for training services from the Division~~  
 54 ~~of Vocational Rehabilitation of the Department of Education;~~ and

55 (c) Require a personal care attendant to maintain  
 56 substantial gainful employment;

57 (d) Be able to hire and supervise a personal care  
 58 attendant; and

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

- 60 1. Live in a nursing home; ~~or~~
- 61 2. Have moved out of a nursing home within the preceding
- 62 180 days due to participation in a Medicaid home and community-
- 63 based waiver program targeted to persons with brain or spinal
- 64 cord injuries; or-

65 3. Presently be employed but, because of a loss of a  
 66 caregiver, will lose employment and potentially return to a  
 67 nursing home.

68 ~~(2) The association shall develop a training program for~~  
 69 ~~training persons selected to participate in the pilot program~~  
 70 ~~that will prepare each person to manage his or her own personal~~  
 71 ~~care attendant.~~

72 (2)(3)(a) The association, in cooperation with the  
 73 Department of Health and the Florida Endowment Foundation for  
 74 Vocational Rehabilitation, shall develop a program to recruit,  
 75 screen, and select candidates to be trained as personal care  
 76 attendants.

77 (b) The services of a nurse registry licensed pursuant to  
 78 s. 400.506 may be utilized to recruit and screen candidates and  
 79 to operate as a fiscal intermediary through which payments are  
 80 made to individuals performing services as personal care  
 81 attendants under the ~~pilot~~ program. The Department of Health and  
 82 the Agency for Health Care Administration shall seek any federal  
 83 wavers necessary to implement this provision.

84 (3)(4) The association and the Department of Health, in

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85 cooperation with the Florida Endowment Foundation for Vocational  
 86 Rehabilitation, shall develop a training program for personal  
 87 care attendants.

88 (4)~~(5)~~ The association, in cooperation with the Department  
 89 of Health and the Florida Endowment Foundation for Vocational  
 90 Rehabilitation, shall establish procedures for selecting persons  
 91 eligible under subsection (1) to participate in the ~~pilot~~  
 92 program.

93 ~~(6) The association, in cooperation with the Division of~~  
 94 ~~Vocational Rehabilitation of the Department of Education, shall~~  
 95 ~~assess the selected participants and make recommendations for~~  
 96 ~~their placement into appropriate work-related training programs.~~

97 (5)~~(7)~~ The association, in cooperation with the Department  
 98 of Revenue, the Brain and Spinal Cord Injury Program in the  
 99 Department of Health, the Florida Medicaid program in the Agency  
 100 for Health Care Administration, a representative from the state  
 101 attorney's office in each of the judicial circuits ~~counties~~  
 102 participating in the ~~pilot~~ program, the Florida Endowment  
 103 Foundation for Vocational Rehabilitation, and the Division of  
 104 Vocational Rehabilitation of the Department of Education, shall  
 105 develop a plan for implementation of the ~~pilot~~ program.

106 (6)~~(8)~~ The Department of Health shall establish an  
 107 oversight workgroup for the personal care attendant program to  
 108 oversee the implementation and administration of the program.  
 109 The workgroup shall be composed of one representative from the  
 110 Brain and Spinal Cord Injury Program in the Department of  
 111 Health, one representative from the Department of Revenue, one  
 112 representative from the Florida Medicaid Program in the Agency

113 for Health Care Administration, one representative from the  
 114 Florida Endowment Foundation for Vocational Rehabilitation, one  
 115 representative from the Florida Association of Centers for  
 116 Independent Living, one representative from the Division of  
 117 Vocational Rehabilitation of the Department of Education, and  
 118 two members who are persons with traumatic spinal cord injuries  
 119 or are family members of persons with traumatic spinal cord  
 120 injuries. ~~No later than March 1, 2003, the association shall~~  
 121 ~~present to the President of the Senate and to the Speaker of the~~  
 122 ~~House of Representatives the implementation plan for the pilot~~  
 123 ~~program, a timeline for implementation, estimates of the number~~  
 124 ~~of participants to be served, and cost projections for each~~  
 125 ~~component of the pilot program. The pilot program shall be~~  
 126 ~~implemented beginning July 1, 2003, unless there is specific~~  
 127 ~~legislative action to the contrary.~~

128 Section 3. Section 413.4021, Florida Statutes, is amended  
 129 to read:

130 413.4021 ~~Pilot~~ Program participant ~~county~~ selection; tax  
 131 collection enforcement diversion program.--The Department of  
 132 Revenue, in coordination with the Florida Association of Centers  
 133 for Independent Living and the Florida Prosecuting Attorneys  
 134 Association, shall select judicial circuits ~~four counties~~ in  
 135 which to operate the ~~pilot~~ program. The association and the  
 136 state attorneys' offices ~~in Duval County and the four pilot~~  
 137 ~~program counties~~ shall develop and implement a tax collection  
 138 enforcement diversion program, which shall collect revenue due  
 139 from persons who have not remitted their collected sales tax.  
 140 The criteria for referral to the tax collection enforcement

141 diversion program shall be determined cooperatively between the  
 142 state attorneys' offices ~~in those counties~~ and the Department of  
 143 Revenue.

144 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~  
 145 percent of the revenues collected from the tax collection  
 146 enforcement diversion program shall be deposited into the  
 147 operating account of the Florida Endowment Foundation for  
 148 Vocational Rehabilitation, to be used to administer ~~implement~~  
 149 the personal care attendant ~~pilot~~ program.

150 (2) The ~~pilot~~ program shall operate only from funds  
 151 deposited into the operating account of the Florida Endowment  
 152 Foundation for Vocational Rehabilitation. The Florida Endowment  
 153 Foundation for Vocational Rehabilitation shall select the entity  
 154 to administer the personal care attendant program.

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

158 (4) Fifty ~~For the 2004-2005 fiscal year only and~~  
 159 ~~notwithstanding the provisions of subsection (1),~~ 50 percent of  
 160 the revenues collected from the tax collection enforcement  
 161 diversion program shall be deposited into the operating account  
 162 of the Florida Endowment Foundation for Vocational  
 163 Rehabilitation, to be used to administer ~~implement~~ the personal  
 164 care attendant ~~pilot~~ program and to contract with the state  
 165 attorneys participating in the tax collection enforcement  
 166 diversion program in an amount of not more than \$50,000 for each  
 167 state attorney. ~~This subsection expires July 1, 2005.~~

168 Section 4. This act shall take effect July 1, 2005.