

CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

20  
21 Be It Enacted by the Legislature of the State of Florida:  
22

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23 Section 1. Paragraph (c) of subsection (10) of section  
24 400.506, Florida Statutes, is amended to read:

25 400.506 Licensure of nurse registries; requirements;  
26 penalties.--

27 (10)

28 ~~(c) A registered nurse shall make monthly visits to the~~  
29 ~~patient's home to assess the patient's condition and quality of~~  
30 ~~care being provided by the certified nursing assistant or home~~  
31 ~~health aide. Any condition which in the professional judgment of~~  
32 ~~the nurse requires further medical attention shall be reported~~  
33 ~~to the attending physician and the nurse registry. The~~  
34 ~~assessment shall become a part of the patient's file with the~~  
35 ~~nurse registry and may be reviewed by the agency during their~~  
36 ~~survey procedure.~~

37 Section 2. Section 413.402, Florida Statutes, is amended  
38 to read:

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

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51 (1) Persons eligible to participate in the ~~pilot~~ program  
52 must:

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

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

59 (c) Require a personal care attendant to maintain  
60 substantial gainful employment;

61 (d) Be able to hire and supervise a personal care  
62 attendant; and

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

64 1. Live in a nursing home; ~~or~~

65 2. Have moved out of a nursing home within the preceding  
66 180 days due to participation in a Medicaid home and community-  
67 based waiver program targeted to persons with brain or spinal  
68 cord injuries; ~~or-~~

69 3. Presently be employed but, because of a loss of a  
70 caregiver, will lose employment and potentially return to a  
71 nursing home.

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

76 ~~(2)~~~~(3)~~(a) The association, in cooperation with the  
77 Department of Health and the Florida Endowment Foundation for  
78 Vocational Rehabilitation, shall develop a program to recruit,

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79 | screen, and select candidates to be trained as personal care  
80 | attendants.

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

88 |       ~~(3)(4)~~ The association and the Department of Health, in  
89 | cooperation with the Florida Endowment Foundation for Vocational  
90 | Rehabilitation, shall develop a training program for personal  
91 | care attendants.

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

97 |       ~~(6)~~ ~~The association, in cooperation with the Division of~~  
98 | ~~Vocational Rehabilitation of the Department of Education, shall~~  
99 | ~~assess the selected participants and make recommendations for~~  
100 | ~~their placement into appropriate work-related training programs.~~

101 |       ~~(5)(7)~~ The association, in cooperation with the Department  
102 | of Revenue, the Brain and Spinal Cord Injury Program in the  
103 | Department of Health, the Florida Medicaid program in the Agency  
104 | for Health Care Administration, a representative from the state  
105 | attorney's office in each of the judicial circuits ~~counties~~  
106 | participating in the ~~pilot~~ program, the Florida Endowment

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107 Foundation for Vocational Rehabilitation, and the Division of  
 108 Vocational Rehabilitation of the Department of Education, shall  
 109 develop a plan for implementation of the ~~pilot~~ program.

110 (6)(8) The Department of Health shall establish an  
 111 oversight workgroup for the personal care attendant program to  
 112 oversee the implementation and administration of the program.  
 113 The workgroup shall be composed of one representative from the  
 114 Brain and Spinal Cord Injury Program in the Department of  
 115 Health, one representative from the Department of Revenue, one  
 116 representative from the Florida Medicaid Program in the Agency  
 117 for Health Care Administration, one representative from the  
 118 Florida Endowment Foundation for Vocational Rehabilitation, one  
 119 representative from the Florida Association of Centers for  
 120 Independent Living, one representative from the Division of  
 121 Vocational Rehabilitation of the Department of Education, and  
 122 two members who are persons with traumatic spinal cord injuries  
 123 or are family members of persons with traumatic spinal cord  
 124 injuries. No later than March 1, 2003, the association shall  
 125 present to the President of the Senate and to the Speaker of the  
 126 House of Representatives the implementation plan for the pilot  
 127 program, a timeline for implementation, estimates of the number  
 128 of participants to be served, and cost projections for each  
 129 component of the pilot program. The pilot program shall be  
 130 implemented beginning July 1, 2003, unless there is specific  
 131 legislative action to the contrary.

132 Section 3. Section 413.4021, Florida Statutes, is amended  
 133 to read:

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

148 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~  
 149 percent of the revenues collected from the tax collection  
 150 enforcement diversion program shall be deposited into the  
 151 operating account of the Florida Endowment Foundation for  
 152 Vocational Rehabilitation, to be used to administer ~~implement~~  
 153 the personal care attendant ~~pilot~~ program and to contract with  
 154 the state attorneys participating in the tax collection  
 155 enforcement diversion program in an amount of not more than  
 156 \$50,000 for each state attorney.

157 (2) The ~~pilot~~ program shall operate only from funds  
 158 deposited into the operating account of the Florida Endowment  
 159 Foundation for Vocational Rehabilitation. The Florida Endowment  
 160 Foundation for Vocational Rehabilitation shall select the entity  
 161 to administer the personal care attendant program.

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

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

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