

Bill No. CS for CS for CS for CS for SB 1058

Barcode 474314

CHAMBER ACTION

Senate

House

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The Committee on Ways and Means (Atwater) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 252.355, Florida Statutes, is amended to read:

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

(1) In order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical, mental, cognitive impairment, or sensory disabilities, each local emergency management agency in the state shall maintain a registry of persons with special needs located within the jurisdiction of the local agency. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the local emergency management agency in identifying such persons, home health agencies,

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1 hospices, nurse registries, home medical equipment providers,
 2 the Department of Children and Family Services, Department of
 3 Health, Agency for Health Care Administration, Department of
 4 Education, Agency for Persons with Disabilities, ~~Labor and~~
 5 ~~Employment Security~~, and Department of Elderly Affairs shall
 6 provide registration information to all of their special needs
 7 clients and to all persons with special needs who receive
 8 services ~~incoming clients as a part of the intake process~~. The
 9 registry shall be updated annually. The registration program
 10 shall give persons with special needs the option of
 11 preauthorizing emergency response personnel to enter their
 12 homes during search and rescue operations if necessary to
 13 assure their safety and welfare following disasters.

14 (2) The Department of Community Affairs shall be the
 15 designated lead agency responsible for community education and
 16 outreach to the public, including special needs clients,
 17 regarding registration and special needs shelters and general
 18 information regarding shelter stays.

19 (3) A person with special needs must be allowed to
 20 bring his or her service animal into a special needs shelter
 21 in accordance with s. 413.08.

22 (4)(a)(2) On or before May 1 of each year each
 23 electric utility in the state shall annually notify
 24 residential customers in its service area of the availability
 25 of the registration program available through their local
 26 emergency management agency by:-

27 1. An initial notification upon the activation of new
 28 residential service with the electric utility, followed by one
 29 annual notification between January 1 and May 31; or

30 2. Two separate annual notifications between January 1
 31 and May 31.

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1 (b) The notification may be made by any available
 2 means, including, but not limited to, written, electronic, or
 3 verbal notification, and may be made concurrently with any
 4 other notification to residential customers required by law or
 5 rule.

6 ~~(5)(3)~~ All records, data, information, correspondence,
 7 and communications relating to the registration of persons
 8 with special needs as provided in subsection (1) are
 9 confidential and exempt from the provisions of s. 119.07(1),
 10 except that such information shall be available to other
 11 emergency response agencies, as determined by the local
 12 emergency management director. Local law enforcement agencies
 13 shall be given complete shelter roster information upon
 14 request.

15 ~~(6)(4)~~ All appropriate agencies and community-based
 16 service providers, including home health care providers,
 17 hospices, nurse registries, and home medical equipment
 18 providers, shall assist emergency management agencies by
 19 collecting registration information for persons with special
 20 needs as part of program intake processes, establishing
 21 programs to increase the awareness of the registration
 22 process, and educating clients about the procedures that may
 23 be necessary for their safety during disasters. Clients of
 24 state or federally funded service programs with physical,
 25 mental, cognitive impairment, or sensory disabilities who need
 26 assistance in evacuating, or when in shelters, must register
 27 as persons with special needs.

28 Section 2. Section 252.3568, Florida Statutes, is
 29 created to read:

30 252.3568 Emergency sheltering of persons with
 31 pets.--In accordance with s. 252.35, the division shall

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1 address strategies for the evacuation of persons with pets in
 2 the shelter component of the state comprehensive emergency
 3 management plan and shall include the requirement for similar
 4 strategies in its standards and requirements for local
 5 comprehensive emergency management plans. The Department of
 6 Agriculture and Consumer Services shall assist the division in
 7 determining strategies regarding this activity.

8 Section 3. Section 252.357, Florida Statutes, is
 9 created to read:

10 252.357 Monitoring of nursing homes and assisted
 11 living facilities during disaster.--The Florida Comprehensive
 12 Emergency Management Plan shall permit the Agency for Health
 13 Care Administration, working from the agency's offices or in
 14 the Emergency Operations Center, ESF-8, to make initial
 15 contact with each nursing home and assisted living facility in
 16 the disaster area. The agency, by July 15, 2006, and annually
 17 thereafter, shall publish on the Internet an emergency
 18 telephone number that may be used by nursing homes and
 19 assisted living facilities to contact the agency on a schedule
 20 established by the agency to report requests for assistance.
 21 The agency may also provide the telephone number to each
 22 facility when it makes the initial facility call.

23 Section 4. Subsections (2) and (4) of section 252.385,
 24 Florida Statutes, are amended to read:

25 252.385 Public shelter space.--
 26 (2)(a) The division shall administer a program to
 27 survey existing schools, universities, community colleges, and
 28 other state-owned, municipally owned, and county-owned public
 29 buildings and any private facility that the owner, in writing,
 30 agrees to provide for use as a public hurricane evacuation
 31 shelter to identify those that are appropriately designed and

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1 located to serve as such shelters. The owners of the
 2 facilities must be given the opportunity to participate in the
 3 surveys. The state university boards of trustees ~~Board of~~
 4 ~~Regents~~, district school boards, community college boards of
 5 trustees, and the Department of Education are responsible for
 6 coordinating and implementing the survey of public schools,
 7 universities, and community colleges with the division or the
 8 local emergency management agency.

9 **(b)** By January 31 of each even-numbered year, the
 10 division shall prepare and submit a statewide emergency
 11 shelter plan to the Governor and Cabinet for approval, subject
 12 to the requirements for approval in s. 1013.37(2). The plan
 13 shall identify the general location and square footage of
 14 special needs shelters, by regional planning council region,
 15 during the next 5 years. The plan shall also include
 16 information on the availability of shelters that accept pets.
 17 The Department of Health shall assist the division in
 18 determining the estimated need for special needs shelter
 19 space and the adequacy of facilities to meet the needs of
 20 persons with special needs based on information from the
 21 registries of persons with special needs and other
 22 information.

23 **(4)(a)** Public facilities, including schools,
 24 postsecondary education facilities, and other facilities owned
 25 or leased by the state or local governments, but excluding
 26 hospitals, hospice care facilities, assisted living
 27 facilities, and ~~or~~ nursing homes, which are suitable for use
 28 as public hurricane evacuation shelters shall be made
 29 available at the request of the local emergency management
 30 agencies. The local emergency management agency shall
 31 coordinate with these entities to ensure that designated

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1 facilities are ready to activate prior to a specific hurricane
 2 or disaster. Such agencies shall coordinate with the
 3 appropriate school board, university, community college, or
 4 local governing board when requesting the use of such
 5 facilities as public hurricane evacuation shelters.

6 (b) The Department of Management Services shall
 7 incorporate provisions for the use of suitable leased public
 8 facilities as public hurricane evacuation shelters into lease
 9 agreements for state agencies. Suitable leased public
 10 facilities include leased public facilities that are solely
 11 occupied by state agencies and have at least 2,000 square feet
 12 of net floor area in a single room or in a combination of
 13 rooms having a minimum of 400 square feet in each room. The
 14 net square footage of floor area shall ~~must~~ be determined by
 15 subtracting from the gross square footage the square footage
 16 of spaces such as mechanical and electrical rooms, storage
 17 rooms, open corridors, restrooms, kitchens, science or
 18 computer laboratories, shop or mechanical areas,
 19 administrative offices, records vaults, and crawl spaces.

20 (c) The Department of Management Services shall, in
 21 consultation with local and state emergency management
 22 agencies, assess Department of Management Services facilities
 23 to identify the extent to which each facility has public
 24 hurricane evacuation shelter space. The Department of
 25 Management Services shall submit proposed facility retrofit
 26 projects that incorporate hurricane protection enhancements to
 27 the department for assessment and inclusion in the annual
 28 report prepared in accordance with subsection (3).

29 Section 5. Section 381.0303, Florida Statutes, is
 30 amended to read:

31 (Substantial rewording of section. See

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1 s. 381.0303, F.S., for present text.)

2 381.0303 Special needs shelters.--

3 (1) PURPOSE.--The purpose of this section is to
4 provide for the operation and closure of special needs
5 shelters and to designate the Department of Health, through
6 its county health departments, as the lead agency for
7 coordination of the recruitment of health care practitioners,
8 as defined in s. 456.001(4), to staff special needs shelters
9 in times of emergency or disaster and to provide resources to
10 the department to carry out this responsibility. However,
11 nothing in this section prohibits a county health department
12 from entering into an agreement with a local emergency
13 management agency to assume the lead responsibility for
14 recruiting health care practitioners.

15 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY
16 ASSISTANCE.--If funds have been appropriated to support
17 disaster coordinator positions in county health departments:

18 (a) The department shall assume lead responsibility
19 for the coordination of local medical and health care
20 providers, the American Red Cross, and other interested
21 parties in developing a plan for the staffing and medical
22 management of special needs shelters. The local Children's
23 Medical Services offices shall assume lead responsibility for
24 the coordination of local medical and health care providers,
25 the American Red Cross, and other interested parties in
26 developing a plan for the staffing and medical management of
27 pediatric special needs shelters. Plans must conform to the
28 local comprehensive emergency management plan.

29 (b) County health departments shall, in conjunction
30 with the local emergency management agencies, have the lead
31 responsibility for coordination of the recruitment of health

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1 care practitioners to staff local special needs shelters.
 2 County health departments shall assign their employees to work
 3 in special needs shelters when those employees are needed to
 4 protect the health and safety of persons with special needs.
 5 County governments shall assist the department with nonmedical
 6 staffing and the operation of special needs shelters. The
 7 local health department and emergency management agency shall
 8 coordinate these efforts to ensure appropriate staffing in
 9 special needs shelters.

10 (c) The appropriate county health department,
 11 Children's Medical Services office, and local emergency
 12 management agency shall jointly decide who has responsibility
 13 for medical supervision in each special needs shelter.

14 (d) Local emergency management agencies shall be
 15 responsible for the designation and operation of special needs
 16 shelters during times of emergency or disaster and the closure
 17 of the facilities following an emergency or disaster. The
 18 local health department and emergency management agency shall
 19 coordinate these efforts to ensure the appropriate designation
 20 and operation of special needs shelters. County health
 21 departments shall assist the local emergency management agency
 22 with regard to the management of medical services in special
 23 needs shelters.

24 (e) The Secretary of Elderly Affairs, or his or her
 25 designee, shall convene, at any time that he or she deems
 26 appropriate and necessary, a multiagency special needs shelter
 27 discharge planning team to assist local areas that are
 28 severely impacted by a natural or manmade disaster that
 29 requires the use of special needs shelters. Multiagency
 30 special needs shelter discharge planning teams shall provide
 31 assistance to local emergency management agencies with the

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1 continued operation or closure of the shelters, as well as
 2 with the discharge of special needs clients to alternate
 3 facilities if necessary. Local emergency management agencies
 4 may request the assistance of a multiagency special needs
 5 shelter discharge planning team by alerting statewide
 6 emergency management officials of the necessity for additional
 7 assistance in their area. The Secretary of Elderly Affairs is
 8 encouraged to proactively work with other state agencies prior
 9 to any natural disasters for which warnings are provided to
 10 ensure that multiagency special needs shelter discharge
 11 planning teams are ready to assemble and deploy rapidly upon a
 12 determination by state emergency management officials that a
 13 disaster area requires additional assistance. The Secretary of
 14 Elderly Affairs may call upon any state agency or office to
 15 provide staff to assist a multiagency special needs shelter
 16 discharge planning team. Unless the secretary determines that
 17 the nature or circumstances surrounding the disaster do not
 18 warrant participation from a particular agency's staff, each
 19 multiagency special needs shelter discharge planning team
 20 shall include at least one representative from each of the
 21 following state agencies:

- 22 1. Department of Elderly Affairs.
- 23 2. Department of Health.
- 24 3. Department of Children and Family Services.
- 25 4. Department of Veterans' Affairs.
- 26 5. Department of Community Affairs.
- 27 6. Agency for Health Care Administration.
- 28 7. Agency for Persons with Disabilities.

29 (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND
 30 FACILITIES.--

31 (a) The department shall upon request reimburse, in

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1 accordance with paragraph (b):

2 1. Health care practitioners, as defined in s.
3 456.001, provided the practitioner is not providing care to a
4 patient under an existing contract, and emergency medical
5 technicians and paramedics licensed under chapter 401 for
6 medical care provided at the request of the department in
7 special needs shelters or at other locations during times of
8 emergency or a declared disaster. Reimbursement for health
9 care practitioners, except for physicians licensed under
10 chapter 458 or chapter 459, shall be based on the average
11 hourly rate that such practitioners were paid according to the
12 most recent survey of Florida hospitals conducted by the
13 Florida Hospital Association or other nationally recognized or
14 state-recognized data source.

15 2. Health care facilities, such as hospitals, nursing
16 homes, assisted living facilities, and community residential
17 homes, if, upon closure of a special needs shelter, a
18 multiagency special needs shelter discharge planning team
19 determines that it is necessary to discharge persons with
20 special needs to other health care facilities. The receiving
21 facilities are eligible for reimbursement for services
22 provided to the individuals for up to 90 days. A facility must
23 show proof of a written request from a representative of an
24 agency serving on the multiagency special needs shelter
25 discharge planning team that the individual for whom the
26 facility is seeking reimbursement for services rendered was
27 referred to that facility from a special needs shelter. The
28 department shall specify by rule which expenses are
29 reimbursable and the rate of reimbursement for each service.

30 (b) Reimbursement is subject to the availability of
31 federal funds and shall be requested on forms prepared by the

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1 department. If a Presidential Disaster Declaration has been
 2 issued, the department shall request federal reimbursement of
 3 eligible expenditures. The department may not provide
 4 reimbursement to facilities under this subsection for services
 5 provided to a person with special needs if, during the period
 6 of time in which the services were provided, the individual
 7 was enrolled in another state-funded program, such as Medicaid
 8 or another similar program, was covered under a policy of
 9 health insurance as defined in s. 624.603, or was a member of
 10 a health maintenance organization or prepaid health clinic as
 11 defined in chapter 641, which would otherwise pay for the same
 12 services. Travel expense and per diem costs shall be
 13 reimbursed pursuant to s. 112.061.

14 (4) HEALTH CARE PRACTITIONER REGISTRY.--The department
 15 may use the registries established in ss. 401.273 and 456.38
 16 when health care practitioners are needed to staff special
 17 needs shelters or to assist with other disaster-related
 18 activities.

19 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The
 20 Secretary of Health may establish a special needs shelter
 21 interagency committee and serve as, or appoint a designee to
 22 serve as, the committee's chair. The department shall provide
 23 any necessary staff and resources to support the committee in
 24 the performance of its duties. The committee shall address and
 25 resolve problems related to special needs shelters not
 26 addressed in the state comprehensive emergency medical plan
 27 and shall consult on the planning and operation of special
 28 needs shelters.

29 (a) The committee shall:

30 1. Develop, negotiate, and regularly review any
 31 necessary interagency agreements.

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

4 3. Submit recommendations to the Legislature as
5 necessary.

6 (b) The special needs shelter interagency committee
7 shall be composed of representatives of emergency management,
8 health, medical, and social services organizations. Membership
9 shall include, but shall not be limited to, representatives of
10 the Departments of Health, Community Affairs, Children and
11 Family Services, Elderly Affairs, and Education; the Agency
12 for Health Care Administration; the Florida Medical
13 Association; the Florida Osteopathic Medical Association;
14 Associated Home Health Industries of Florida, Inc.; the
15 Florida Nurses Association; the Florida Health Care
16 Association; the Florida Assisted Living Affiliation; the
17 Florida Hospital Association; the Florida Statutory Teaching
18 Hospital Council; the Florida Association of Homes for the
19 Aging; the Florida Emergency Preparedness Association; the
20 American Red Cross; Florida Hospices and Palliative Care,
21 Inc.; the Association of Community Hospitals and Health
22 Systems; the Florida Association of Health Maintenance
23 Organizations; the Florida League of Health Systems; the
24 Private Care Association; the Salvation Army; the Florida
25 Association of Aging Services Providers; the AARP; and the
26 Florida Renal Coalition.

27 (c) Meetings of the committee shall be held in
28 Tallahassee, and members of the committee shall serve at the
29 expense of the agencies or organizations they represent. The
30 committee shall make every effort to use teleconference or
31 video conference capabilities in order to ensure statewide

1 input and participation.

2 (6) RULES.--The department has the authority to adopt
3 rules necessary to implement this section. Rules shall
4 include:

5 (a) The definition of a "person with special needs,"
6 including eligibility criteria for individuals with physical,
7 mental, cognitive impairment, or sensory disabilities and the
8 services a person with special needs can expect to receive in
9 a special needs shelter.

10 (b) The process for special needs shelter health care
11 practitioners and facility reimbursement for services provided
12 in a disaster.

13 (c) Guidelines for special needs shelter staffing
14 levels to provide services.

15 (d) The definition of and standards for special needs
16 shelter supplies and equipment, including durable medical
17 equipment.

18 (e) Standards for the special needs shelter
19 registration process, including guidelines for addressing the
20 needs of unregistered persons in need of a special needs
21 shelter.

22 (f) Standards for addressing the needs of families
23 where only one dependent is eligible for admission to a
24 special needs shelter and the needs of adults with special
25 needs who are caregivers for individuals without special
26 needs.

27 (g) The requirement of the county health departments
28 to seek the participation of hospitals, nursing homes,
29 assisted living facilities, home health agencies, hospice
30 providers, nurse registries, home medical equipment providers,
31 dialysis centers, and other health and medical emergency

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1 preparedness stakeholders in pre-event planning activities.

2 (7) EMERGENCY MANAGEMENT PLANS.--The submission of
3 emergency management plans to county health departments by
4 home health agencies, nurse registries, hospice programs, and
5 home medical equipment providers is conditional upon receipt
6 of an appropriation by the department to establish disaster
7 coordinator positions in county health departments unless the
8 secretary of the department and a local county commission
9 jointly determine to require that such plans be submitted
10 based on a determination that there is a special need to
11 protect public health in the local area during an emergency.

12 Section 6. Section 400.492, Florida Statutes, is
13 amended to read:

14 400.492 Provision of services during an
15 emergency.--Each home health agency shall prepare and maintain
16 a comprehensive emergency management plan that is consistent
17 with the standards adopted by national or state accreditation
18 organizations and consistent with the local special needs
19 plan. The plan shall be updated annually and shall provide for
20 continuing home health services during an emergency that
21 interrupts patient care or services in the patient's home. The
22 plan shall include the means by which the home health agency
23 will continue to provide staff to perform the same type and
24 quantity of services to their patients who evacuate to special
25 needs shelters that were being provided to those patients
26 prior to evacuation. The plan shall describe how the home
27 health agency establishes and maintains an effective response
28 to emergencies and disasters, including: notifying staff when
29 emergency response measures are initiated; providing for
30 communication between staff members, county health
31 departments, and local emergency management agencies,

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1 including a backup system; identifying resources necessary to
2 continue essential care or services or referrals to other
3 organizations subject to written agreement; and prioritizing
4 and contacting patients who need continued care or services.

5 (1) Each patient record for patients who are listed in
6 the registry established pursuant to s. 252.355 shall include
7 a description of how care or services will be continued in the
8 event of an emergency or disaster. The home health agency
9 shall discuss the emergency provisions with the patient and
10 the patient's caregivers, including where and how the patient
11 is to evacuate, procedures for notifying the home health
12 agency in the event that the patient evacuates to a location
13 other than the shelter identified in the patient record, and a
14 list of medications and equipment which must either accompany
15 the patient or will be needed by the patient in the event of
16 an evacuation.

17 (2) Each home health agency shall maintain a current
18 prioritized list of patients who need continued services
19 during an emergency. The list shall indicate how services
20 shall be continued in the event of an emergency or disaster
21 for each patient and if the patient is to be transported to a
22 special needs shelter, and shall indicate if the patient is
23 receiving skilled nursing services and the patient's
24 medication and equipment needs. The list shall be furnished to
25 county health departments and to local emergency management
26 agencies, upon request.

27 (3) Home health agencies shall not be required to
28 continue to provide care to patients in emergency situations
29 that are beyond their control and that make it impossible to
30 provide services, such as when roads are impassable or when
31 patients do not go to the location specified in their patient

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1 records. Home health agencies may establish links to local
 2 emergency operations centers to determine a mechanism by which
 3 to approach specific areas within a disaster area in order for
 4 the agency to reach its clients. Home health agencies shall
 5 demonstrate a good faith effort to comply with the
 6 requirements of this subsection by documenting attempts of
 7 staff to follow procedures outlined in the home health
 8 agency's comprehensive emergency management plan, and by the
 9 patient's record, which support a finding that the provision
 10 of continuing care has been attempted for those patients who
 11 have been identified as needing care by the home health agency
 12 and registered under s. 252.355, in the event of an emergency
 13 or disaster under subsection (1).

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

18 Section 7. Subsection (8) of section 400.497, Florida
 19 Statutes, is amended to read:

20 400.497 Rules establishing minimum standards.--The
 21 agency shall adopt, publish, and enforce rules to implement
 22 this part, including, as applicable, ss. 400.506 and 400.509,
 23 which must provide reasonable and fair minimum standards
 24 relating to:

25 (8) Preparation of a comprehensive emergency
 26 management plan pursuant to s. 400.492.

27 (a) The Agency for Health Care Administration shall
 28 adopt rules establishing minimum criteria for the plan and
 29 plan updates, with the concurrence of the Department of Health
 30 and in consultation with the Department of Community Affairs.

31 (b) The rules must address the requirements in s.

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1 400.492. In addition, the rules shall provide for the
2 maintenance of patient-specific medication lists that can
3 accompany patients who are transported from their homes.

4 (c) The plan is subject to review and approval by the
5 county health department. During its review, the county health
6 department shall contact state and local health and medical
7 stakeholder when necessary. ~~ensure that the following~~
8 ~~agencies, at a minimum, are given the opportunity to review~~
9 ~~the plan:~~

- 10 1. ~~The local emergency management agency.~~
- 11 2. ~~The Agency for Health Care Administration.~~
- 12 3. ~~The local chapter of the American Red Cross or~~
13 ~~other lead sheltering agency.~~
- 14 4. ~~The district office of the Department of Children~~
15 ~~and Family Services.~~

16
17 The county health department shall complete its review to
18 ensure that the plan is in accordance with the criteria in the
19 Agency for Health Care Administration rules within 90 60 days
20 after receipt of the plan and shall either approve the plan or
21 advise the home health agency of necessary revisions. If the
22 home health agency fails to submit a plan or fails to submit
23 the requested information or revisions to the county health
24 department within 30 days after written notification from the
25 county health department, the county health department shall
26 notify the Agency for Health Care Administration. The agency
27 shall notify the home health agency that its failure
28 constitutes a deficiency, subject to a fine of \$5,000 per
29 occurrence. If the plan is not submitted, information is not
30 provided, or revisions are not made as requested, the agency
31 may impose the fine.

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1 (d) For any home health agency that operates in more
2 than one county, the Department of Health shall review the
3 plan, after consulting with state and local health and medical
4 stakeholders when necessary ~~all of the county health~~
5 ~~departments, the agency, and all the local chapters of the~~
6 ~~American Red Cross or other lead sheltering agencies in the~~
7 ~~areas of operation for that particular home health agency.~~ The
8 department ~~of Health~~ shall complete its review within 90 days
9 after receipt of the plan and shall ~~either~~ approve the plan or
10 advise the home health agency of necessary revisions. The
11 department ~~of Health~~ shall make every effort to avoid imposing
12 differing requirements on a home health agency that operates
13 in more than one county as a result of differing or
14 conflicting comprehensive plan requirements of the ~~based on~~
15 ~~differences between counties in which~~ ~~on~~ the home health
16 agency operates.

17 (e) The requirements in this subsection do not apply
18 to:

19 1. A facility that is certified under chapter 651 and
20 has a licensed home health agency used exclusively by
21 residents of the facility; or

22 2. A retirement community that consists of residential
23 units for independent living and either a licensed nursing
24 home or an assisted living facility, and has a licensed home
25 health agency used exclusively by the residents of the
26 retirement community, provided the comprehensive emergency
27 management plan for the facility or retirement community
28 provides for continuous care of all residents with special
29 needs during an emergency.

30 Section 8. Subsection (16) of section 400.506, Florida
31 Statutes, is amended to read:

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1 400.506 Licensure of nurse registries; requirements;
2 penalties.--

3 (16) Each nurse registry shall prepare and maintain a
4 comprehensive emergency management plan that is consistent
5 with the criteria in this subsection and with the local
6 special needs plan. The plan shall be updated annually. The
7 plan shall include the means by which the nurse registry will
8 continue to provide the same type and quantity of services to
9 its patients who evacuate to special needs shelters which were
10 being provided to those patients prior to evacuation. The plan
11 shall specify how the nurse registry shall facilitate the
12 provision of continuous care by persons referred for contract
13 to persons who are registered pursuant to s. 252.355 during an
14 emergency that interrupts the provision of care or services in
15 private residencies. Nurse registries may establish links to
16 local emergency operations centers to determine a mechanism by
17 which to approach specific areas within a disaster area in
18 order for a provider to reach its clients. Nurse registries
19 shall demonstrate a good-faith effort to comply with the
20 requirements of this subsection by documenting attempts of
21 staff to follow procedures outlined in the nurse registry's
22 comprehensive emergency management plan which support a
23 finding that the provision of continuing care has been
24 attempted for patients identified as needing care by the nurse
25 registry and registered under s. 252.355 in the event of an
26 emergency under s. 400.506(1).

27 (a) All persons referred for contract who care for
28 persons registered pursuant to s. 252.355 must include in the
29 patient record a description of how care will be continued
30 during a disaster or emergency that interrupts the provision
31 of care in the patient's home. It shall be the responsibility

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1 of the person referred for contract to ensure that continuous
2 care is provided.

3 (b) Each nurse registry shall maintain a current
4 prioritized list of patients in private residences who are
5 registered pursuant to s. 252.355 and are under the care of
6 persons referred for contract and who need continued services
7 during an emergency. This list shall indicate, for each
8 patient, if the client is to be transported to a special needs
9 shelter and if the patient is receiving skilled nursing
10 services. Nurse registries shall make this list available to
11 county health departments and to local emergency management
12 agencies upon request.

13 (c) Each person referred for contract who is caring
14 for a patient who is registered pursuant to s. 252.355 shall
15 provide a list of the patient's medication and equipment needs
16 to the nurse registry. Each person referred for contract shall
17 make this information available to county health departments
18 and to local emergency management agencies upon request.

19 (d) Each person referred for contract shall not be
20 required to continue to provide care to patients in emergency
21 situations that are beyond the person's control and that make
22 it impossible to provide services, such as when roads are
23 impassable or when patients do not go to the location
24 specified in their patient records.

25 (e) The comprehensive emergency management plan
26 required by this subsection is subject to review and approval
27 by the county health department. During its review, the county
28 health department shall contact state and local health and
29 medical stakeholders when necessary ~~ensure that, at a minimum,~~
30 ~~the local emergency management agency, the Agency for Health~~
31 ~~Care Administration, and the local chapter of the American Red~~

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1 ~~Cross or other lead sheltering agency are given the~~
2 ~~opportunity to review the plan.~~ The county health department
3 shall complete its review to ensure that the plan complies
4 with the criteria in the Agency for Health Care Administration
5 rules within 90 60 days after receipt of the plan and shall
6 either approve the plan or advise the nurse registry of
7 necessary revisions. If a nurse registry fails to submit a
8 plan or fails to submit requested information or revisions to
9 the county health department within 30 days after written
10 notification from the county health department, the county
11 health department shall notify the Agency for Health Care
12 Administration. The agency shall notify the nurse registry
13 that its failure constitutes a deficiency, subject to a fine
14 of \$5,000 per occurrence. If the plan is not submitted,
15 information is not provided, or revisions are not made as
16 requested, the agency may impose the fine.

17 (f) The Agency for Health Care Administration shall
18 adopt rules establishing minimum criteria for the
19 comprehensive emergency management plan and plan updates
20 required by this subsection, with the concurrence of the
21 Department of Health and in consultation with the Department
22 of Community Affairs.

23 Section 9. Subsection (1) of section 400.610, Florida
24 Statutes, is amended to read:

25 400.610 Administration and management of a hospice.--

26 (1) A hospice shall have a clearly defined organized
27 governing body, consisting of a minimum of seven persons who
28 are representative of the general population of the community
29 served. The governing body shall have autonomous authority and
30 responsibility for the operation of the hospice and shall meet
31 at least quarterly. The governing body shall:

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1 (a) Adopt an annual plan for the operation of the
2 hospice, which shall include a plan for providing for
3 uncompensated care and philanthropic community activities.

4 (b)1. Prepare and maintain a comprehensive emergency
5 management plan that provides for continuing hospice services
6 in the event of an emergency that is consistent with local
7 special needs plans. The plan shall include provisions for
8 ensuring continuing care to hospice patients who go to special
9 needs shelters. The plan shall include the means by which the
10 hospice provider will continue to provide staff to provide the
11 same type and quantity of services to their patients who
12 evacuate to special needs shelters which were being provided
13 to those patients prior to evacuation. The plan is subject to
14 review and approval by the county health department, except as
15 provided in subparagraph 2. During its review, the county
16 health department shall contact state and local health and
17 medical stakeholders when necessary ~~ensure that the~~
18 ~~department, the agency, and the local chapter of the American~~
19 ~~Red Cross or other lead sheltering agency have an opportunity~~
20 ~~to review and comment on the plan.~~ The county health
21 department shall complete its review to ensure that the plan
22 complies with criteria in rules of the Department of Elderly
23 Affairs within 90 60 days after receipt of the plan and shall
24 either approve the plan or advise the hospice of necessary
25 revisions. Hospice providers may establish links to local
26 emergency operations centers to determine a mechanism by which
27 to approach specific areas within a disaster area in order for
28 the provider to reach its clients. A hospice shall demonstrate
29 a good-faith effort to comply with the requirements of this
30 paragraph by documenting attempts of staff to follow
31 procedures as outlined in the hospice's comprehensive

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1 emergency management plan and to provide continuing care for
2 those hospice clients who have been identified as needing
3 alternative caregiver services in the event of an emergency.

4 2. For any hospice that operates in more than one
5 county, the Department of Health during its review shall
6 contact state and local health and medical stakeholders when
7 necessary ~~review the plan, after consulting with all of the~~
8 ~~county health departments, the agency, and all the local~~
9 ~~chapters of the American Red Cross or other lead sheltering~~
10 ~~agency in the areas of operation for that particular hospice.~~
11 The Department of Health shall complete its review to ensure
12 that the plan complies with criteria in rules of the
13 Department of Elderly Affairs within 90 days after receipt of
14 the plan and shall ~~either~~ approve the plan or advise the
15 hospice of necessary revisions. The Department of Health shall
16 make every effort to avoid imposing ~~on the hospice~~ differing
17 requirements on a hospice that operates in more than one
18 county as a result of differing or conflicting comprehensive
19 plan requirements of the ~~based on differences between~~ counties
20 in which the hospice operates.

21 (c) Adopt an annual budget.

22 (d) Appoint a director who shall be responsible for
23 the day-to-day management and operation of the hospice and who
24 shall serve as the liaison between the governing body and the
25 hospice staff.

26 (e) Undertake such additional activities as necessary
27 to ensure that the hospice is complying with the requirements
28 for hospice services as set forth in this part.

29 Section 10. Present subsections (13) through (16) of
30 section 400.925, Florida Statutes, are redesignated as
31 subsections (14) through (17) respectively, and a new

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1 subsection (13) is added to that section, to read:

2 400.925 Definitions.--As used in this part, the term:

3 (13) "Life-supporting or life-sustaining equipment"

4 means a device that is essential to, or that yields

5 information that is essential to, the restoration or

6 continuation of a bodily function important to the

7 continuation of human life. Life- supporting or

8 life-sustaining equipment includes apnea monitors, enteral

9 feeding pumps, infusion pumps, portable home dialysis

10 equipment, and ventilator equipment and supplies for all

11 related equipment, including oxygen equipment and related

12 respiratory equipment.

13 Section 11. Subsections (20), (21), and (22) are added
14 to section 400.934, Florida Statutes, to read:

15 400.934 Minimum standards.--As a requirement of
16 licensure, home medical equipment providers shall:

17 (20)(a) Prepare and maintain a comprehensive emergency

18 management plan that meets minimum criteria established by

19 agency rule under s. 400.935. The plan shall be updated

20 annually and shall provide for continuing home medical

21 equipment services for life-supporting or life-sustaining

22 equipment, as defined in 400.925, during an emergency that

23 interrupts home medical equipment services in a patient's

24 home. The plan shall include:

25 1. The means by which the home medical equipment

26 provider will continue to provide equipment to perform the

27 same type and quantity of services to its patients who

28 evacuate to special needs shelters which were being provided

29 to those patients prior to evacuation.

30 2. The means by which the home medical equipment

31 provider establishes and maintains an effective response to

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1 emergencies and disasters, including plans for:

2 a. Notification of staff when emergency response
3 measures are initiated.

4 b. Communication between staff members, county health
5 departments, and local emergency management agencies, which
6 includes provisions for a backup communications system.

7 c. Identification of resources necessary to continue
8 essential care or services or referrals to other organizations
9 subject to written agreement.

10 d. Contacting and prioritizing patients in need of
11 continued medical equipment services and supplies.

12 (b) The plan is subject to review and approval by the
13 county health department. During its review, the county health
14 department shall contact state and local health and medical
15 stakeholders when necessary. The county health department
16 shall complete its review to ensure that the plan is in
17 accordance with the criteria in the Agency for Health Care
18 Administration rules within 90 days after receipt of the plan.
19 If a home medical equipment provider fails to submit a plan or
20 fails to submit requested information or revisions to the
21 county health department within 30 days after written
22 notification from the county health department, the county
23 health department shall notify the Agency for Health Care
24 Administration. The agency shall notify the home medical
25 equipment provider that such failure constitutes a deficiency,
26 subject to a fine of \$5,000 per occurrence. If the plan is not
27 submitted, information is not provided, or revisions are not
28 made as requested, the agency may impose the fine.

29 (21) Each home medical equipment provider shall
30 maintain a current prioritized list of patients who need
31 continued services during an emergency. The list shall

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1 indicate the means by which services shall be continued for
 2 each patient in the event of an emergency or disaster, whether
 3 the patient is to be transported to a special needs shelter,
 4 and whether the patient has life-supporting or life-sustaining
 5 equipment, including the specific type of equipment and
 6 related supplies. The list shall be furnished to county health
 7 departments and local emergency management agencies upon
 8 request.

9 (22) Home medical equipment providers may establish
 10 links to local emergency operations centers to determine a
 11 mechanism by which to approach specific areas within a
 12 disaster area in order for the provider to reach its patients.

13 Section 12. Subsection (11) is added to section
 14 400.935, Florida Statutes, to read:

15 400.935 Rules establishing minimum standards.--The
 16 agency shall adopt, publish, and enforce rules to implement
 17 this part, which must provide reasonable and fair minimum
 18 standards relating to:

19 (11) Preparation of the comprehensive emergency
 20 management plan under s. 400.934 and the establishment of
 21 minimum criteria for the plan, including the maintenance of
 22 patient equipment and supply lists that can accompany patients
 23 who are transported from their homes. Such rules shall be
 24 formulated in consultation with the Department of Health and
 25 the Department of Community Affairs.

26 Section 13. Section 408.831, Florida Statutes, is
 27 amended to read:

28 408.831 Denial, suspension, or revocation of a
 29 license, registration, certificate, or application.--

30 (1) In addition to any other remedies provided by law,
 31 the agency may deny each application or suspend or revoke each

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1 license, registration, or certificate of entities regulated or
2 licensed by it:

3 (a) If the applicant, licensee, registrant, or
4 certificateholder, or, in the case of a corporation,
5 partnership, or other business entity, if any officer,
6 director, agent, or managing employee of that business entity
7 or any affiliated person, partner, or shareholder having an
8 ownership interest equal to 5 percent or greater in that
9 business entity, has failed to pay all outstanding fines,
10 liens, or overpayments assessed by final order of the agency
11 or final order of the Centers for Medicare and Medicaid
12 Services, not subject to further appeal, unless a repayment
13 plan is approved by the agency; or

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

15 (2) In reviewing any application requesting a change
16 of ownership or change of the licensee, registrant, or
17 certificateholder, the transferor shall, prior to agency
18 approval of the change, repay or make arrangements to repay
19 any amounts owed to the agency. Should the transferor fail to
20 repay or make arrangements to repay the amounts owed to the
21 agency, the issuance of a license, registration, or
22 certificate to the transferee shall be delayed until repayment
23 or until arrangements for repayment are made.

24 (3) An entity subject to this section may exceed its
25 licensed capacity to act as a receiving facility in accordance
26 with an emergency operations plan for clients of evacuating
27 providers from a geographic area where an evacuation order has
28 been issued by a local authority having jurisdiction. While in
29 an overcapacity status, each provider must furnish or arrange
30 for appropriate care and services to all clients. In addition,
31 the agency may approve requests for overcapacity beyond 15

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1 days, which approvals may be based upon satisfactory
2 justification and need as provided by the receiving and
3 sending facilities.

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

8 1. Suffered damage to its operation during that state
9 of emergency.

10 2. Is currently licensed.

11 3. Does not have a provisional license.

12 4. Will be temporarily unable to provide services but
13 is reasonably expected to resume services within 12 months.

14 (b) An inactive license may be issued for a period not
15 to exceed 12 months but may be renewed by the agency for up to
16 12 additional months upon demonstration to the agency of
17 progress toward reopening. A request by a licensee for an
18 inactive license or to extend the previously approved inactive
19 period must be submitted in writing to the agency, accompanied
20 by written justification for the inactive license, which
21 states the beginning and ending dates of inactivity and
22 includes a plan for the transfer of any clients to other
23 providers and appropriate licensure fees. Upon agency
24 approval, the licensee shall notify clients of any necessary
25 discharge or transfer as required by authorizing statutes or
26 applicable rules. The beginning of the inactive licensure
27 period shall be the date the provider ceases operations. The
28 end of the inactive period shall become the licensee
29 expiration date, and all licensure fees must be current, paid
30 in full, and may be prorated. Reactivation of an inactive
31 license requires the prior approval by the agency of a renewal

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1 application, including payment of licensure fees and agency
2 inspections indicating compliance with all requirements of
3 this part and applicable rules and statutes.

4 (5)(3) This section provides standards of enforcement
5 applicable to all entities licensed or regulated by the Agency
6 for Health Care Administration. This section controls over any
7 conflicting provisions of chapters 39, 381, 383, 390, 391,
8 393, 394, 395, 400, 408, 468, 483, and 641 or rules adopted
9 pursuant to those chapters.

10 Section 14. Emergency preparedness-prescription
11 medication refills.--All health insurers, managed care
12 organizations, and other entities that are licensed by the
13 Office of Insurance Regulation and provide prescription
14 medication coverage as part of a policy or contract shall
15 waive time restrictions on prescription medication refills,
16 which includes suspension of electronic "refill too soon"
17 edits to pharmacies, to enable insureds or subscribers to
18 refill prescriptions in advance, if there are authorized
19 refills remaining, and shall authorize payment to pharmacies
20 for at least a thirty day supply of any prescription
21 medication, regardless of the date upon which the prescription
22 had most recently been filled by a pharmacist, when the
23 following conditions occur:

24 (1) The person seeking the prescription medication
25 refill resides in a county that:

26 (a) Is under a hurricane warning issued by the
27 National Weather Service;

28 (b) Is declared to be under a state of emergency in an
29 executive order issued by the Governor; or

30 (c) Has activated its emergency operations center and
31 its emergency management plan.

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1 (2) The prescription medication refill is requested
2 within 30 days after the origination date of the conditions
3 stated in this section or until such conditions are terminated
4 by the issuing authority or no longer exists. The time period
5 for the waiver of prescription medication refills may be
6 extended in 15- or 30-day increments by emergency orders
7 issued by the Office of Insurance Regulation.

8
9 This section does not excuse or exempt an insured or
10 subscriber from compliance with all other terms of the policy
11 or contract providing prescription medication coverage.

12 Section 15. This act shall take effect July 1, 2006.

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 Delete everything before the enacting clause

19 and insert:

20 A bill to be entitled

21 An act relating to emergency management;
22 amending s. 252.355, F.S.; specifying
23 additional entities and agencies that are
24 required to provide registration information to
25 persons with disabilities or special needs for
26 purposes of inclusion within the registry of
27 persons with special needs maintained by local
28 emergency management agencies; providing that
29 the Department of Community Affairs is the
30 designated lead agency responsible for
31 community education and outreach to the general

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1 public, including persons with special needs,
2 regarding registration as a person with special
3 needs, special needs shelters, and general
4 information regarding shelter stays; providing
5 that special needs shelters must allow persons
6 with special needs to bring service animals
7 into special needs shelters; revising
8 provisions with respect to the required
9 notification of residential utility customers
10 of the availability of the special needs
11 registration program; providing that specified
12 confidential and exempt information relating to
13 the roster of persons with special needs in
14 special needs shelters be provided to local law
15 enforcement; creating s. 252.3568, F.S.;
16 requiring the Division of Emergency Management
17 to address strategies for the evacuation of
18 persons with pets in the shelter component of
19 the state comprehensive emergency management
20 plan; creating s. 252.357, F.S.; requiring the
21 Florida Comprehensive Emergency Management Plan
22 to permit the Agency for Health Care
23 Administration to make initial contact with
24 each nursing home and assisted living facility
25 in a disaster area; requiring the agency to
26 annually publish an emergency telephone number
27 that may be used by nursing homes and assisted
28 living facilities to contact the agency;
29 amending s. 252.385, F.S., relating to public
30 shelter space; requiring the Division of
31 Emergency Management of the Department of

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1 Community Affairs to biennially prepare and
2 submit a statewide emergency shelter plan to
3 the Governor and the Cabinet for approval;
4 providing plan requirements; requiring the
5 Department of Health to provide specified
6 assistance to the division; revising the list
7 of those facilities that are excluded as being
8 suitable for use as public hurricane evacuation
9 shelters; requiring local emergency management
10 agencies to coordinate with public facilities
11 to determine readiness prior to activation;
12 amending s. 381.0303, F.S.; providing for the
13 operation of special needs shelters; providing
14 that local Children's Medical Services offices
15 shall assume lead responsibility for specified
16 coordination with respect to the development of
17 a plan for the staffing and medical management
18 of pediatric special needs shelters; requiring
19 that such plans conform to the local
20 comprehensive emergency management plan;
21 requiring county governments to assist the
22 Department of Health with nonmedical staffing
23 and operation of special needs shelters;
24 requiring county health departments and
25 emergency management agencies to coordinate
26 such efforts to ensure appropriate staffing;
27 providing that the appropriate county health
28 department, Children's Medical Services office,
29 and local emergency management agency shall
30 jointly determine the responsibility for
31 medical supervision in a special needs shelter;

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1 providing notification requirements; requiring
2 the emergency management agency and the local
3 health department to coordinate efforts to
4 ensure appropriate designation, operation, and
5 closure of special needs shelters; requiring
6 the Secretary of Elderly Affairs to convene
7 multiagency special needs shelter discharge
8 planning teams to assist local areas that are
9 severely impacted by a natural or manmade
10 disaster that requires the use of special needs
11 shelters; providing duties and responsibilities
12 of such discharge planning teams; providing for
13 the inclusion of specified state agency
14 representatives on each discharge planning
15 team; revising provisions relating to
16 reimbursement of health care practitioners;
17 providing for eligibility of specified health
18 care facilities for reimbursement when a
19 multiagency special needs shelter discharge
20 planning team discharges persons with special
21 needs to such receiving facilities; providing
22 procedures and requirements with respect to
23 such reimbursement; requiring the department to
24 specify by rule expenses that are reimbursable
25 and the rate of reimbursement for services;
26 revising provisions that prescribe means of and
27 procedures for reimbursement; disallowing
28 specified reimbursements; revising provisions
29 with respect to the organization, role, duties,
30 and composition of the special needs shelter
31 interagency committee; requiring the department

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1 to adopt specified rules with respect to
2 special needs shelters; amending ss. 400.492,
3 400.497, 400.506, 400.610, and 400.934, F.S.;
4 revising requirements with respect to the
5 comprehensive emergency management plans of
6 home health agencies, nurse registries, and
7 hospices, and providing requirements with
8 respect to home medical equipment providers, to
9 include the means by which continuing services
10 will be provided to patients who evacuate to
11 special needs shelters; authorizing the
12 establishment of links to local emergency
13 operations centers for specified purposes;
14 revising requirements of a county health
15 department with respect to review of a
16 comprehensive emergency management plan
17 submitted by a home health agency, nurse
18 registry, or hospice; providing requirements
19 upon failure to submit a plan or requested
20 information to the department; providing for
21 imposition of a fine; revising requirements of
22 the Department of Health with respect to review
23 of the plan of a home health agency or hospice
24 that operates in more than one county;
25 providing that the preparation and maintenance
26 of a comprehensive emergency management plan by
27 a home medical equipment provider is a
28 requirement for licensure and must meet minimum
29 criteria established by the Agency for Health
30 Care Administration; providing plan
31 requirements; providing that the plan is

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1 subject to review and approval by the county
2 health department; requiring each home medical
3 equipment provider to maintain a current
4 prioritized list of patients who need continued
5 services during an emergency; amending s.
6 400.925, F.S.; defining "life-supporting or
7 life-sustaining equipment" for purposes of part
8 X of ch. 400, F.S., relating to home medical
9 equipment providers; amending s. 400.935, F.S.;
10 requiring the Agency for Health Care
11 Administration to adopt rules with respect to
12 the comprehensive emergency management plan
13 prepared by a home medical equipment services
14 provider; amending s. 408.831, F.S.; providing
15 that entities regulated or licensed by the
16 Agency for Health Care Administration may
17 exceed their licensed capacity to act as
18 receiving facilities under specified
19 circumstances; providing requirements while
20 such entities are in an overcapacity status;
21 providing for issuance of an inactive license
22 to such licensees under specified conditions;
23 providing requirements and procedures with
24 respect to the issuance and reactivation of an
25 inactive license; providing fees; requiring
26 certain health insurance companies to waive
27 restrictions on filling prescriptions during a
28 declared State of Emergency; providing an
29 effective date.

30
31