

By Senator Wise

5-483A-07

1 A bill to be entitled
2 An act relating to the personal care attendant
3 program; amending s. 413.402, F.S.; revising
4 provisions governing a program to provide
5 personal care attendants for persons who have
6 disabilities; directing the Florida Association
7 of Centers for Independent Living to administer
8 a program to provide such attendants to persons
9 who have severe and chronic disabilities;
10 removing a provision requiring interagency
11 memoranda of agreement; revising eligibility
12 requirements for persons to participate in the
13 personal care attendant program; removing
14 provisions concerning the training, selection,
15 and recruitment of personal care attendants;
16 providing for training of program participants
17 concerning hiring and managing an assistant;
18 providing for the review and revision of
19 program policies and procedures by the
20 association in cooperation with an oversight
21 group; providing for membership in the
22 oversight group to include, but not be limited
23 to, representatives from the Department of
24 Revenue, the Department of Children and Family
25 Services, the Agency for Health Care
26 Administration, the Department of Health, and
27 the Florida Endowment Foundation for Vocational
28 Rehabilitation; providing for automatic
29 enrollment in the program for certain persons;
30 providing an effective date.
31

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

2

3 Section 1. Section 413.402, Florida Statutes, is
4 amended to read:

5 413.402 Personal care attendant program.--The Florida
6 Association of Centers for Independent Living, ~~in conjunction~~
7 ~~with the Brain and Spinal Cord Injury Program in the~~
8 ~~Department of Health,~~ shall administer ~~develop~~ a program to
9 provide personal care attendants to persons who have severe
10 and chronic disabilities of all kinds and who are eligible
11 under ~~pursuant to~~ subsection (1). ~~The association and the~~
12 ~~Department of Health shall jointly develop memoranda of~~
13 ~~understanding with the Department of Revenue, the Florida~~
14 ~~Medicaid program in the Agency for Health Care Administration,~~
15 ~~the Florida Endowment Foundation for Vocational~~
16 ~~Rehabilitation, and the Division of Vocational Rehabilitation~~
17 ~~of the Department of Education.~~

18 (1) To be Persons eligible to participate in the
19 program a person must:

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

23 (b) Require a personal care attendant for assistance
24 with, or cueing and support for, at least two activities of
25 daily living such as bathing, dressing, bowel and bladder
26 management, grooming and hygiene, organization, and
27 transportation;

28 (c) Require a personal care attendant in order to
29 accept a job or maintain substantial gainful employment; and

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

1 ~~(c) Meet one of the following requirements:~~
2 1. ~~Live in a nursing home;~~
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)(a) The Florida Association of Centers for
11 Independent Living, ~~in cooperation with the Department of~~
12 ~~Health and the Florida Endowment Foundation for Vocational~~
13 ~~Rehabilitation,~~ shall develop a program to recruit, screen,
14 and select candidates to be trained as personal care
15 attendants.

16 ~~(b) The services of a nurse registry licensed pursuant~~
17 ~~to s. 400.506 may be utilized to recruit and screen candidates~~
18 ~~and to operate as a fiscal intermediary through which payments~~
19 ~~are made to individuals performing services as personal care~~
20 ~~attendants under the program. The Department of Health and the~~
21 ~~Agency for Health Care Administration shall seek any federal~~
22 ~~waivers necessary to implement this provision.~~

23 ~~(3) The association and the Department of Health, in~~
24 ~~cooperation with the Florida Endowment Foundation for~~
25 Vocational Rehabilitation, shall provide develop a training to
26 program participants on hiring and managing a personal care
27 attendant and, in cooperation with the oversight group
28 described in paragraph (b), review and revise the policies and
29 procedures governing the program.

30 (b) The oversight group shall include, but need not be
31 limited to, a member of the Florida Association of Centers for

1 Independent Living, a person who is participating in the
2 program, and one representative each from the Department of
3 Revenue, the Department of Children and Family Services, the
4 Division of Vocational Rehabilitation in the Department of
5 Education, the Florida Medicaid Program in the Agency for
6 Health Care Administration, the Florida Endowment Foundation
7 for Vocational Rehabilitation, and the Brain and Spinal Cord
8 Injury Program in the Department of Health. ~~program for~~
9 ~~personal care attendants.~~

10 ~~(4) The association, in cooperation with the~~
11 ~~Department of Health and the Florida Endowment Foundation for~~
12 ~~Vocational Rehabilitation, shall establish procedures for~~
13 ~~selecting persons eligible under subsection (1) to participate~~
14 ~~in the program.~~

15 ~~(5) The association, in cooperation with the~~
16 ~~Department of Revenue, the Brain and Spinal Cord Injury~~
17 ~~Program in the Department of Health, the Florida Medicaid~~
18 ~~program in the Agency for Health Care Administration, a~~
19 ~~representative from the state attorney's office in each of the~~
20 ~~judicial circuits participating in the program, the Florida~~
21 ~~Endowment Foundation for Vocational Rehabilitation, and the~~
22 ~~Division of Vocational Rehabilitation of the Department of~~
23 ~~Education, shall develop a plan for implementation of the~~
24 ~~program.~~

25 ~~(6) The Department of Health shall establish an~~
26 ~~oversight workgroup for the personal care attendant program to~~
27 ~~oversee the implementation and administration of the program.~~
28 ~~The workgroup shall be composed of one representative from the~~
29 ~~Brain and Spinal Cord Injury Program in the Department of~~
30 ~~Health, one representative from the Department of Revenue, one~~
31 ~~representative from the Florida Medicaid Program in the Agency~~

1 ~~for Health Care Administration, one representative from the~~
 2 ~~Florida Endowment Foundation for Vocational Rehabilitation,~~
 3 ~~one representative from the Florida Association of Centers for~~
 4 ~~Independent Living, one representative from the Division of~~
 5 ~~Vocational Rehabilitation of the Department of Education, and~~
 6 ~~two members who are persons with traumatic spinal cord~~
 7 ~~injuries or are family members of persons with traumatic~~
 8 ~~spinal cord injuries.~~

9 Section 2. Notwithstanding any other law, each person
 10 enrolled in the personal care attendant program under s.
 11 413.402, Florida Statutes, on June 30, 2007, is automatically
 12 eligible for and enrolled in the personal care attendant
 13 program, as amended by this act on July 1, 2007.

14 Section 3. This act shall take effect July 1, 2007.

15
 16 *****

17 SENATE SUMMARY

18 Revises provisions governing a program to provide
 19 personal care attendants to persons who have
 20 disabilities. Directs the Florida Association of Centers
 21 for Independent Living to administer a program to provide
 22 attendants to persons who have severe and chronic
 23 disabilities. Revises program eligibility requirements.
 24 Provides for training of program participants concerning
 25 hiring and managing an assistant. Provides for review and
 26 revision of program policies and procedures by the
 27 association in cooperation with an oversight group.
 28 Provides for membership in the oversight group to
 29 include, but not be limited to, representatives from the
 30 Department of Revenue, the Department of Children and
 31 Family Services, the Agency for Health Care
 Administration, the Department of Health, and the Florida
 Endowment Foundation for Vocational Rehabilitation.