

1                                   A bill to be entitled  
2           An act relating to health care disaster preparedness  
3           and response; amending s. 252.355, F.S.; directing the  
4           Department of Health, in coordination with the  
5           Division of Emergency Management and local emergency  
6           management agencies to maintain a statewide registry  
7           of persons with special needs; requiring the  
8           department to develop and maintain a statewide special  
9           needs shelter registration program; creating the  
10          Special Needs Shelter Registry Work Group; providing  
11          for membership and meetings; directing the work group  
12          to develop the uniform special needs registration form  
13          by a certain date; requiring local emergency  
14          management agencies to exclusively use the statewide  
15          registry to register persons for special needs  
16          shelters; requiring local emergency management  
17          agencies to enter into agreements with certain  
18          hospitals to shelter certain individuals; requiring  
19          the Department of Health to assist local emergency  
20          management agencies with developing alternative  
21          sheltering options for persons deemed ineligible for a  
22          special needs shelter; authorizing local emergency  
23          management agencies to coordinate with the Agency for  
24          Health Care Administration for placement of certain  
25          persons deemed ineligible for a special needs shelter

26 | in certain circumstances; creating s. 252.3591, F.S.;

27 | requiring local emergency management agencies to

28 | establish a procedure for authorizing employees of

29 | health care facilities to enter and remain in curfew

30 | areas during a declared emergency or disaster;

31 | authorizing a law enforcement officer to specify a

32 | permissible route of ingress or egress for an

33 | authorized person; amending s. 381.0303, F.S.;

34 | directing the department to recruit faculty and

35 | students from state university and college health care

36 | programs to staff special needs shelters; authorizing

37 | certain employees of state agencies, universities, and

38 | colleges to staff local special needs shelters;

39 | requiring the department to reimburse a state agency,

40 | university, or college employee who staffs a special

41 | needs shelters at the request of the department;

42 | deleting a provision specifying that the submission of

43 | emergency management plans to county health

44 | departments is contingent upon a specified

45 | appropriation by the department; amending s. 393.0651,

46 | F.S.; requiring the Agency for Persons with

47 | Disabilities to develop a personal disaster plan for

48 | each client receiving services under the home and

49 | community-based services Medicaid waiver program and

50 | update such plan annually; amending s. 393.067, F.S.;

51 requiring the agency to determine compliance with  
52 specified requirements by entities licensed by the  
53 agency; directing the agency to require facilities  
54 licensed under ch. 393, F.S., to include additional  
55 components in their comprehensive emergency management  
56 plans; requiring a facility to provide information  
57 regarding its plan and any changes thereto to  
58 designated individuals, the agency, and the local  
59 emergency management agency within a specified  
60 timeframe; requiring a facility to conduct specified  
61 staff training on the policies and procedures for  
62 implementing the plan; requiring the agency to  
63 communicate before the disaster impacts the area which  
64 service provision requirements may be waived during  
65 the emergency; amending s. 393.0673, F.S.; authorizing  
66 the agency to discipline or refuse to issue or renew a  
67 facility's license for failure to comply with the  
68 requirements of the comprehensive emergency management  
69 plan or to follow the policies or procedures in the  
70 plan during a disaster; amending s. 393.0675, F.S.;  
71 authorizing the agency to pursue injunctive  
72 proceedings against a facility for failure to comply  
73 with the requirements of the comprehensive emergency  
74 management plan or to follow the policies or  
75 procedures in the plan during a disaster; amending s.

76 | 400.102, F.S.; providing additional grounds for action  
77 | by the agency against a licensee; amending s. 400.19,  
78 | F.S.; requiring the Agency for Health Care  
79 | Administration to conduct certain unannounced  
80 | inspections of any facility licensed under part II of  
81 | ch. 400, F.S., a district nursing home unit in a  
82 | hospital, and certain freestanding facilities licensed  
83 | under ch. 395, F.S., to determine compliance with  
84 | comprehensive emergency management plan requirements;  
85 | amending s. 400.23, F.S.; directing the agency to  
86 | require facilities licensed under part II of ch. 400,  
87 | F.S., to include additional components in their  
88 | comprehensive emergency management plans; requiring a  
89 | facility to provide information regarding its plan and  
90 | any changes thereto to designated individuals, the  
91 | agency, and the local emergency management agency  
92 | within a specified timeframe; amending s. 400.492,  
93 | F.S.; revising requirements with respect to the  
94 | comprehensive emergency management plans of home  
95 | health agencies to include the means by which  
96 | continuing services will be provided to patients in  
97 | private residences, assisted living facilities, or  
98 | adult family care homes and patients who evacuate to  
99 | special needs shelters; providing requirements for  
100 | notification of patients and designated interested

101 parties; requiring the list of patients needing  
102 continued home health agency care to include certain  
103 patients; requiring home health agencies to  
104 demonstrate a good faith effort to attempt to provide  
105 services by documenting staff attempts to follow  
106 procedures outlined in the comprehensive emergency  
107 management plan; amending s. 400.497, F.S.; providing  
108 deadlines for submission and approval of a home health  
109 agency's comprehensive emergency management plan;  
110 authorizing the Agency for Health Care Administration  
111 to impose a fine on a home health agency for failure  
112 to comply with plan requirements and submission  
113 deadlines; amending s. 400.506, F.S.; revising  
114 requirements with respect to the comprehensive  
115 emergency management plans of nurse registries to  
116 include the means by which continuing services will be  
117 provided to certain patients who remain at home or in  
118 an assisted living facility or adult family care home  
119 or who evacuate to a special needs shelter; requiring  
120 a nurse registry to document efforts to comply with  
121 plan requirements; providing requirements for  
122 notification of patients and designated interested  
123 parties; requiring the list of patients needing  
124 continued care to include certain patients; providing  
125 additional responsibilities of a nurse registry;

126 providing deadlines for plan submission and approval;  
127 amending s. 408.813, F.S.; authorizing the agency to  
128 impose a fine on a health care provider regulated  
129 under part II of ch. 408, F.S., for failure to have an  
130 approved comprehensive emergency management plan and  
131 for failure to have certain agreements after a certain  
132 date; amending s. 408.821, F.S.; requiring licensees  
133 required by authorizing statutes to have an emergency  
134 operations plan to conduct annual staff training on  
135 the policies and procedures for implementing the  
136 emergency operations plan within a specified  
137 timeframe; providing for agency action for failure to  
138 comply; amending s. 429.14, F.S.; authorizing the  
139 agency to deny or revoke the license of an assisted  
140 living facility for failure to comply with  
141 comprehensive emergency management plan requirements;  
142 amending s. 429.28, F.S.; revising the assisted living  
143 facility resident bill of rights to include a  
144 requirement that the agency determine compliance with  
145 the facility's comprehensive emergency management plan  
146 and conduct followup inspections to monitor compliance  
147 under certain circumstances; amending s. 429.41, F.S.;  
148 directing the agency to require facilities licensed  
149 under ch. 429, F.S., to include additional components  
150 in their comprehensive emergency management plans;

151 requiring a facility to provide information regarding  
 152 its plan and any changes thereto to designated  
 153 individuals, the agency, and the local emergency  
 154 management agency within a specified timeframe;  
 155 providing an effective date.

156  
 157 Be It Enacted by the Legislature of the State of Florida:

158  
 159 Section 1. Section 252.355, Florida Statutes, is amended to  
 160 read:

161 252.355 Registry of persons with special needs; notice;  
 162 registration program.—

163 (1) In order to meet the special needs of persons who  
 164 would need assistance during evacuations and sheltering because  
 165 of physical, mental, cognitive impairment, or sensory  
 166 disabilities, the Department of Health ~~division~~, in coordination  
 167 with the division and each local emergency management agency in  
 168 the state, shall maintain a statewide registry of persons with  
 169 special needs ~~located within the jurisdiction of the local~~  
 170 ~~agency. The registration shall identify those persons in need of~~  
 171 ~~assistance and plan for resource allocation to meet those~~  
 172 ~~identified needs.~~

173 (2) ~~In order to ensure that all persons with special needs~~  
 174 ~~may register,~~ The Department of Health ~~division~~ shall develop  
 175 and maintain a statewide special needs shelter registration

176 | program. ~~The registration program must be developed by January~~  
 177 | ~~1, 2015, and fully implemented by March 1, 2015.~~

178 |       (a) The statewide special needs shelter registration  
 179 | program shall:

180 |           1. Identify those persons in need of assistance and plan  
 181 | for resource allocation to meet those identified needs.

182 |           2. Include, at a minimum, a uniform registration form and  
 183 | a database for uploading and storing submitted registration  
 184 | forms that may be accessed by the Department of Health, the  
 185 | division, and local emergency management agencies.

186 |       (b) The registration program must be developed by January  
 187 | 1, 2019, and fully implemented by March 1, 2019.

188 |       ~~(a) The registration program shall include, at a minimum,~~  
 189 | ~~a uniform electronic registration form and a database for~~  
 190 | ~~uploading and storing submitted registration forms that may be~~  
 191 | ~~accessed by the appropriate local emergency management agency.~~  
 192 | ~~The link to the registration form shall be easily accessible on~~  
 193 | ~~each local emergency management agency's website. Upon receipt~~  
 194 | ~~of a paper registration form, the local emergency management~~  
 195 | ~~agency shall enter the person's registration information into~~  
 196 | ~~the database.~~

197 |       (3) The Department of Health shall develop the uniform  
 198 | registration form based upon recommendations of the Special  
 199 | Needs Shelter Registry Work Group.

200 |       (a) The Special Needs Shelter Registry Work Group is



201 created within the Department of Health for the purpose of  
202 making recommendations for the development of the uniform  
203 registration form. The Department of Health shall use existing  
204 and available resources to administer and support the activities  
205 of the work group. Members of the work group shall serve without  
206 compensation and are not entitled to reimbursement for per diem  
207 or travel expenses. Meetings may be conducted in person, by  
208 teleconference, or by other electronic means.

209 (b) The work group shall consist of 12 members:

210 1. The State Surgeon General or a designee, who shall  
211 serve as the chair of the work group.

212 2. The Director of the Division of Emergency Management or  
213 a designee.

214 3. The Secretary of the Agency for Health Care  
215 Administration or a designee.

216 4. The Secretary of the Department of Children and  
217 Families or a designee.

218 5. The Secretary of the Department of Elder Affairs or a  
219 designee.

220 6. The Director of the Agency for Persons with  
221 Disabilities or a designee.

222 7. Five representatives of local emergency management  
223 agencies appointed by the Florida Association of Counties.

224 8. The Chief Executive Officer of the Arc of Florida or a  
225 designee.

226 (c) The Special Needs Shelter Registry Work Group shall  
227 submit its recommendations to the Department of Health on or  
228 before October 31, 2018.

229 (d) This subsection expires January 1, 2019.

230 (4) Each local emergency management agency shall  
231 exclusively use the statewide special needs shelter registry to  
232 register individuals for special needs shelters and may not use  
233 local special needs registries. Each local emergency management  
234 agency, in coordination with its local county health department,  
235 shall establish eligibility requirements for sheltering in a  
236 local special needs shelter and publish these requirements and a  
237 link to the uniform registration form for the statewide special  
238 needs shelter registry on its website. Each local emergency  
239 management agency shall also make paper registration forms  
240 available and establish procedures for submitting a paper  
241 registration form and entering into the statewide special needs  
242 shelter registry.

243 (a) A local emergency management agency shall notify a  
244 registrant in writing within 10 days after submission of a  
245 registration form whether he or she is eligible to shelter in a  
246 local special needs shelter and designate his or her eligibility  
247 status in the registry.

248 (b) The Department of Health shall assist local emergency  
249 management agencies with developing alternative sheltering  
250 options for any ineligible registrant. Each local emergency

251 management agency and each general hospital licensed under  
252 chapter 395 located within the local emergency management  
253 agency's jurisdiction shall enter into agreements to shelter  
254 individuals during a declared emergency, whose medical  
255 complexity or reliance on life support devices or other medical  
256 equipment exceeds the capabilities of special needs shelters. A  
257 local emergency management agency may coordinate with the Agency  
258 for Health Care Administration to facilitate placement in a  
259 health care facility for any individual who registers during a  
260 declared emergency or disaster and is deemed ineligible to  
261 shelter in a local special needs shelter.

262 (5) The Department of Health, in conjunction with the  
263 division, shall be the designated lead agency responsible for  
264 community education and outreach to the public, including  
265 special needs clients, regarding registration and special needs  
266 shelters and general information regarding shelter stays. The  
267 Department of Health shall develop a brochure that provides  
268 information regarding special needs shelter registration  
269 procedures. The Department of Health, the division, and each  
270 local management agency shall make the brochure easily  
271 accessible on their websites.

272 (6) ~~(b)~~ To assist in identifying persons with special  
273 needs, home health agencies, hospices, nurse registries, home  
274 medical equipment providers, the Department of Children and  
275 Families, the Department of Health, the Agency for Health Care

276 Administration, the Department of Education, the Agency for  
277 Persons with Disabilities, the Department of Elderly Affairs,  
278 and memory disorder clinics shall, and any physician or  
279 physician assistant licensed under chapter 458 or chapter 459,  
280 any advanced registered nurse practitioner licensed under  
281 chapter 464, and any pharmacy licensed under chapter 465 may,  
282 annually provide registration information to all of their  
283 special needs clients or their caregivers. ~~The division shall~~  
284 ~~develop a brochure that provides information regarding special~~  
285 ~~needs shelter registration procedures. The brochure must be~~  
286 ~~easily accessible on the division's website.~~ All appropriate  
287 agencies and community-based service providers, including aging  
288 and disability resource centers, memory disorder clinics, home  
289 health care providers, hospices, nurse registries, and home  
290 medical equipment providers, shall, and any physician or  
291 physician assistant licensed under chapter 458 or chapter 459  
292 and any advanced registered nurse practitioner licensed under  
293 chapter 464 may, assist emergency management agencies by  
294 annually registering persons with special needs for special  
295 needs shelters, collecting registration information for persons  
296 with special needs as part of the program intake process, and  
297 establishing programs to educate clients about the registration  
298 process and disaster preparedness safety procedures. A client of  
299 a state-funded or federally funded service program who has a  
300 physical, mental, or cognitive impairment or sensory disability

301 and who needs assistance in evacuating, or when in a shelter,  
302 must register as a person with special needs. The registration  
303 program shall give persons with special needs the option of  
304 preauthorizing emergency response personnel to enter their homes  
305 during search and rescue operations if necessary to ensure their  
306 safety and welfare following disasters.

307 ~~(c) The division shall be the designated lead agency~~  
308 ~~responsible for community education and outreach to the public,~~  
309 ~~including special needs clients, regarding registration and~~  
310 ~~special needs shelters and general information regarding shelter~~  
311 ~~stays.~~

312 (7) ~~(d)~~ On or before May 31 of each year, each electric  
313 utility in the state shall annually notify residential customers  
314 in its service area of the availability of the registration  
315 program available through their local emergency management  
316 agency by:

317 (a) ~~1.~~ An initial notification upon the activation of new  
318 residential service with the electric utility, followed by one  
319 annual notification between January 1 and May 31; or

320 (b) ~~2.~~ Two separate annual notifications between January 1  
321 and May 31.

322  
323 The notification may be made by any available means, including,  
324 but not limited to, written, electronic, or verbal notification,  
325 and may be made concurrently with any other notification to

326 residential customers required by law or rule.

327 ~~(8)(3)~~ A local emergency management agency shall allow a  
328 person with special needs ~~must be allowed~~ to bring his or her  
329 service animal into a special needs shelter in accordance with  
330 s. 413.08.

331 ~~(9)(4)~~ All records, data, information, correspondence, and  
332 communications relating to the registration of persons with  
333 special needs as provided in subsection (1) are confidential and  
334 exempt from s. 119.07(1), except that such information shall be  
335 available to other emergency response agencies, as determined by  
336 the local emergency management director. Local law enforcement  
337 agencies shall be given complete shelter roster information upon  
338 request.

339 Section 2. Section 252.3591, Florida Statutes, is created  
340 to read:

341 252.3591 Ensuring access to care.—

342 (1) Each local emergency management agency shall establish  
343 a procedure for authorizing employees of a facility licensed  
344 under chapter 393 or subject to part II of chapter 408 to enter  
345 and remain in a curfew area during a declared emergency or  
346 disaster.

347 (2) Notwithstanding any curfew, a person authorized under  
348 subsection (1) may enter or remain in a curfew area for the  
349 limited purpose of implementing a licensed facility's emergency  
350 management plan and providing services authorized under chapter

351 393 or chapter 408.

352 (3) This section does not prohibit a law enforcement  
 353 officer from specifying the permissible route of ingress or  
 354 egress for a person authorized under this section.

355 Section 3. Section 381.0303, Florida Statutes, is amended  
 356 to read:

357 381.0303 Special needs shelters.—

358 (1) PURPOSE.—The purpose of this section is to provide for  
 359 the operation and closure of special needs shelters and to  
 360 designate the Department of Health, through its county health  
 361 departments, as the lead agency for coordination of the  
 362 recruitment of health care practitioners, as defined in s.  
 363 456.001(4), to staff special needs shelters in times of  
 364 emergency or disaster and to provide resources to the department  
 365 to carry out this responsibility. However, nothing in this  
 366 section prohibits a county health department from entering into  
 367 an agreement with a local emergency management agency to assume  
 368 the lead responsibility for recruiting health care  
 369 practitioners.

370 (2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY  
 371 ASSISTANCE.—~~If funds have been appropriated to support disaster~~  
 372 ~~coordinator positions in county health departments:~~

373 (a) The department shall assume lead responsibility for  
 374 the coordination of local medical and health care providers, the  
 375 American Red Cross, and other interested parties in developing a

376 | plan for the staffing and medical management of special needs  
377 | shelters. The local Children's Medical Services offices shall  
378 | assume lead responsibility for the coordination of local medical  
379 | and health care providers, the American Red Cross, and other  
380 | interested parties in developing a plan for the staffing and  
381 | medical management of pediatric special needs shelters. Plans  
382 | must conform to the local comprehensive emergency management  
383 | plan.

384 |       (b) County health departments shall, in conjunction with  
385 | the local emergency management agencies, have the lead  
386 | responsibility for coordination of the recruitment of health  
387 | care practitioners, including faculty and students from state  
388 | university and college health care programs, to staff local  
389 | special needs shelters. ~~County health departments shall assign~~  
390 | ~~their employees to work in special needs shelters when those~~  
391 | ~~employees are needed to protect the health and safety of persons~~  
392 | ~~with special needs. County governments shall assist the~~  
393 | ~~department with nonmedical staffing and the operation of special~~  
394 | ~~needs shelters. The local health department and emergency~~  
395 | ~~management agency shall coordinate these efforts to ensure~~  
396 | ~~appropriate staffing in special needs shelters, including a~~  
397 | ~~staff member who is familiar with the needs of persons with~~  
398 | ~~Alzheimer's disease.~~

399 |       (c) State agencies, universities, and colleges shall  
400 | authorize employees that are health care practitioners as



401 defined in s. 456.001(4) to staff local special needs shelters,  
 402 unless such employees have a designated emergency duty for their  
 403 agency, university, or college. Each state agency, university,  
 404 and college shall submit a roster of such employees to the  
 405 department by January 31 of each year and submit an amended  
 406 roster, if necessary, by May 31 of each year ~~The appropriate~~  
 407 ~~county health department, Children's Medical Services office,~~  
 408 ~~and local emergency management agency shall jointly decide who~~  
 409 ~~has responsibility for medical supervision in each special needs~~  
 410 ~~shelter.~~

411 (d) County health departments shall assign their  
 412 employees, and state employees pursuant to paragraph (c), to  
 413 work in special needs shelters when such employees are needed to  
 414 protect the health and safety of persons with special needs.  
 415 County governments shall assist the department with nonmedical  
 416 staffing and the operation of special needs shelters. The local  
 417 health department and emergency management agency shall  
 418 coordinate these efforts to ensure appropriate staffing in  
 419 special needs shelters, including a staff member who is familiar  
 420 with the needs of persons with Alzheimer's disease.

421 (e) The appropriate county health department and local  
 422 emergency management agency shall jointly decide who has  
 423 responsibility for medical supervision in each special needs  
 424 shelter.

425 (f) ~~(d)~~ Local emergency management agencies shall be

426 responsible for the designation and operation of special needs  
427 shelters during times of emergency or disaster and the closure  
428 of the facilities following an emergency or disaster. The local  
429 health department and emergency management agency shall  
430 coordinate these efforts to ensure the appropriate designation  
431 and operation of special needs shelters. County health  
432 departments shall assist the local emergency management agency  
433 with regard to the management of medical services in special  
434 needs shelters.

435 (g)~~(e)~~ The Secretary of Elderly Affairs, or his or her  
436 designee, shall convene, at any time that he or she deems  
437 appropriate and necessary, a multiagency special needs shelter  
438 discharge planning team to assist local areas that are severely  
439 impacted by a natural or manmade disaster that requires the use  
440 of special needs shelters. Multiagency special needs shelter  
441 discharge planning teams shall provide assistance to local  
442 emergency management agencies with the continued operation or  
443 closure of the shelters, as well as with the discharge of  
444 special needs clients to alternate facilities if necessary.  
445 Local emergency management agencies may request the assistance  
446 of a multiagency special needs shelter discharge planning team  
447 by alerting statewide emergency management officials of the  
448 necessity for additional assistance in their area. The Secretary  
449 of Elderly Affairs shall ~~is encouraged to proactively~~ work with  
450 other state agencies prior to any natural disasters for which

451 warnings are provided to ensure that multiagency special needs  
452 shelter discharge planning teams are ready to assemble and  
453 deploy rapidly upon a determination by state emergency  
454 management officials that a disaster area requires additional  
455 assistance. The Secretary of Elderly Affairs may call upon any  
456 state agency or office to provide staff to assist a multiagency  
457 special needs shelter discharge planning team. Unless the  
458 secretary determines that the nature or circumstances  
459 surrounding the disaster do not warrant participation from a  
460 particular agency's staff, each multiagency special needs  
461 shelter discharge planning team shall include at least one  
462 representative from each of the following state agencies:

- 463 1. Department of Elderly Affairs.
- 464 2. Department of Health.
- 465 3. Department of Children and Families.
- 466 4. Department of Veterans' Affairs.
- 467 5. Division of Emergency Management.
- 468 6. Agency for Health Care Administration.
- 469 7. Agency for Persons with Disabilities.

470 (h) Each local emergency management agency shall collect  
471 intake and discharge information from each person who shelters  
472 in a special needs shelter during an emergency or disaster,  
473 including information regarding whether a person is a patient or  
474 resident of a licensee under chapter 393, chapter 400, or  
475 chapter 429. Each local emergency management agency shall use a

476 form developed by the Department of Health to collect this  
477 information.

478 (3) SPECIAL CARE FOR PERSONS WITH ALZHEIMER'S DISEASE OR  
479 RELATED FORMS OF DEMENTIA.—All special needs shelters must  
480 establish designated shelter areas for persons with Alzheimer's  
481 disease or related forms of dementia to enable those persons to  
482 maintain their normal habits and routines to the greatest extent  
483 possible.

484 (4) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS AND  
485 FACILITIES.—

486 (a) The department shall, upon request, reimburse in  
487 accordance with paragraph (b):

488 1. Health care practitioners, as defined in s. 456.001,  
489 provided the practitioner is not providing care to a patient  
490 under an existing contract, and emergency medical technicians  
491 and paramedics licensed under chapter 401 for medical care  
492 provided at the request of the department in special needs  
493 shelters or at other locations during times of emergency or a  
494 declared disaster. Reimbursement for health care practitioners,  
495 except for physicians licensed under chapter 458 or chapter 459,  
496 shall be based on the average hourly rate that such  
497 practitioners were paid according to the most recent survey of  
498 Florida hospitals conducted by the Florida Hospital Association  
499 or other nationally recognized or state-recognized data source.

500 2. Health care facilities, such as hospitals, nursing

501 homes, assisted living facilities, and community residential  
502 homes, if, upon closure of a special needs shelter, a  
503 multiagency special needs shelter discharge planning team  
504 determines that it is necessary to discharge persons with  
505 special needs to other health care facilities. The receiving  
506 facilities are eligible for reimbursement for services provided  
507 to the individuals for up to 90 days. A facility must show proof  
508 of a written request from a representative of an agency serving  
509 on the multiagency special needs shelter discharge planning team  
510 that the individual for whom the facility is seeking  
511 reimbursement for services rendered was referred to that  
512 facility from a special needs shelter. The department shall  
513 specify by rule which expenses are reimbursable and the rate of  
514 reimbursement for each service.

515 (b) Reimbursement is subject to the availability of  
516 federal funds and shall be requested on forms prepared by the  
517 department. If a Presidential Disaster Declaration has been  
518 issued, the department shall request federal reimbursement of  
519 eligible expenditures. The department may not provide  
520 reimbursement to facilities under this subsection for services  
521 provided to a person with special needs if, during the period of  
522 time in which the services were provided, the individual was  
523 enrolled in another state-funded program, such as Medicaid or  
524 another similar program, was covered under a policy of health  
525 insurance as defined in s. 624.603, or was a member of a health

526 maintenance organization or prepaid health clinic as defined in  
527 chapter 641, which would otherwise pay for the same services.  
528 Travel expense and per diem costs shall be reimbursed pursuant  
529 to s. 112.061.

530 (5) HEALTH CARE PRACTITIONER REGISTRY.—The department may  
531 use the registries established in ss. 401.273 and 456.38 when  
532 health care practitioners are needed to staff special needs  
533 shelters or to assist with other disaster-related activities.

534 (6) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
535 Surgeon General may establish a special needs shelter  
536 interagency committee and serve as, or appoint a designee to  
537 serve as, the committee's chair. The department shall provide  
538 any necessary staff and resources to support the committee in  
539 the performance of its duties. The committee shall address and  
540 resolve problems related to special needs shelters not addressed  
541 in the state comprehensive emergency medical plan and shall  
542 consult on the planning and operation of special needs shelters.

543 (a) The committee shall develop, negotiate, and regularly  
544 review any necessary interagency agreements, and undertake other  
545 such activities as the department deems necessary to facilitate  
546 the implementation of this section.

547 (b) The special needs shelter interagency committee shall  
548 be composed of representatives of emergency management, health,  
549 medical, and social services organizations. Membership shall  
550 include, but shall not be limited to, representatives of the

551 Departments of Health, Children and Families, Elderly Affairs,  
552 and Education; the Agency for Health Care Administration; the  
553 Division of Emergency Management; the Florida Medical  
554 Association; the Florida Osteopathic Medical Association;  
555 Associated Home Health Industries of Florida, Inc.; the Florida  
556 Nurses Association; the Florida Health Care Association; the  
557 Florida Assisted Living Affiliation; the Florida Hospital  
558 Association; the Florida Statutory Teaching Hospital Council;  
559 the Florida Association of Homes for the Aging; the Florida  
560 Emergency Preparedness Association; the American Red Cross;  
561 Florida Hospices and Palliative Care, Inc.; the Association of  
562 Community Hospitals and Health Systems; the Florida Association  
563 of Health Maintenance Organizations; the Florida League of  
564 Health Systems; the Private Care Association; the Salvation  
565 Army; the Florida Association of Aging Services Providers; the  
566 AARP; and the Florida Renal Coalition.

567 (c) Meetings of the committee shall be held in  
568 Tallahassee, and members of the committee shall serve at the  
569 expense of the agencies or organizations they represent. The  
570 committee shall make every effort to use teleconference or  
571 videoconference capabilities in order to ensure statewide input  
572 and participation.

573 (7) RULES.—The department, in coordination with the  
574 Division of Emergency Management, has the authority to adopt  
575 rules necessary to implement this section. Rules shall include:

576 (a) The definition of a "person with special needs,"  
577 including eligibility criteria for individuals with physical,  
578 mental, cognitive impairment, or sensory disabilities and the  
579 services a person with special needs can expect to receive in a  
580 special needs shelter.

581 (b) The process for special needs shelter health care  
582 practitioners and facility reimbursement for services provided  
583 in a disaster.

584 (c) Guidelines for special needs shelter staffing levels  
585 to provide services.

586 (d) The definition of and standards for special needs  
587 shelter supplies and equipment, including durable medical  
588 equipment.

589 (e) Standards for the special needs shelter registration  
590 program, including all necessary forms and guidelines for  
591 addressing the needs of unregistered persons in need of a  
592 special needs shelter.

593 (f) Standards for addressing the needs of families where  
594 only one dependent is eligible for admission to a special needs  
595 shelter and the needs of adults with special needs who are  
596 caregivers for individuals without special needs.

597 (g) The requirement of the county health departments to  
598 seek the participation of hospitals, nursing homes, assisted  
599 living facilities, home health agencies, hospice providers,  
600 nurse registries, home medical equipment providers, dialysis



601 centers, and other health and medical emergency preparedness  
602 stakeholders in pre-event planning activities.

603 ~~(8) EMERGENCY MANAGEMENT PLANS. The submission of~~  
604 ~~emergency management plans to county health departments by home~~  
605 ~~health agencies, nurse registries, hospice programs, and home~~  
606 ~~medical equipment providers is conditional upon receipt of an~~  
607 ~~appropriation by the department to establish disaster~~  
608 ~~coordinator positions in county health departments unless the~~  
609 ~~State Surgeon General and a local county commission jointly~~  
610 ~~determine to require that such plans be submitted based on a~~  
611 ~~determination that there is a special need to protect public~~  
612 ~~health in the local area during an emergency.~~

613 Section 4. Subsection (9) is added to section 393.0651,  
614 Florida Statutes, to read:

615 393.0651 Family or individual support plan.—The agency  
616 shall provide directly or contract for the development of a  
617 family support plan for children ages 3 to 18 years of age and  
618 an individual support plan for each client. The client, if  
619 competent, the client's parent or guardian, or, when  
620 appropriate, the client advocate, shall be consulted in the  
621 development of the plan and shall receive a copy of the plan.  
622 Each plan must include the most appropriate, least restrictive,  
623 and most cost-beneficial environment for accomplishment of the  
624 objectives for client progress and a specification of all  
625 services authorized. The plan must include provisions for the

626 most appropriate level of care for the client. Within the  
627 specification of needs and services for each client, when  
628 residential care is necessary, the agency shall move toward  
629 placement of clients in residential facilities based within the  
630 client's community. The ultimate goal of each plan, whenever  
631 possible, shall be to enable the client to live a dignified life  
632 in the least restrictive setting, be that in the home or in the  
633 community. For children under 6 years of age, the family support  
634 plan shall be developed within the 45-day application period as  
635 specified in s. 393.065(1); for all applicants 6 years of age or  
636 older, the family or individual support plan shall be developed  
637 within the 60-day period as specified in that subsection.

638 (9) A personal disaster plan should be completed for each  
639 client enrolled in any home and community-based services  
640 Medicaid waiver program administered by the agency and updated  
641 annually, to include, at a minimum:

642 (a) Evacuation shelter selection as appropriate.

643 (b) Documented special needs shelter registration as  
644 appropriate.

645 (c) A staffing plan for the client in the shelter, if  
646 necessary.

647 Section 5. Subsections (2), (8) and (9) of section 393.067,  
648 Florida Statutes, are amended to read:

649 393.067 Facility licensure.—

650 (2) The agency shall conduct annual inspections and

651 reviews of facilities and programs licensed under this section.  
652 The agency shall determine compliance by foster care facilities,  
653 group home facilities, residential habilitation centers, and  
654 comprehensive transitional education programs with the  
655 applicable provisions of this chapter and rules adopted pursuant  
656 hereto, including the requirements for the comprehensive  
657 emergency management plan.

658 (8) (a) The agency, after consultation with the Division of  
659 Emergency Management, shall adopt rules for foster care  
660 facilities, group home facilities, and residential habilitation  
661 centers which establish minimum standards for the preparation  
662 and annual update of a comprehensive emergency management plan.

663 1. At a minimum, the rules must provide for plan  
664 components that address:

665 a. Emergency evacuation transportation;

666 b. Adequate sheltering arrangements;

667 c. Postdisaster activities, including emergency power,  
668 food, and water;

669 d. Postdisaster transportation;

670 e. Supplies;

671 f. Hardening;

672 g. Staffing, including which staff are responsible for  
673 implementing each element of the plan, how the facility will  
674 maintain staffing during emergencies, and whether and how the  
675 facility will accommodate family members of staff;

676            h. Emergency equipment;

677            i. Individual identification of residents and transfer of

678 records; and

679            j. Responding to family inquiries.

680            2. Facilities must include information in their plans

681 about:

682            a. Whether the facility is located in an evacuation zone;

683            b. Whether the facility intends to shelter in place or

684 relocate to another facility;

685            c. Whether the facility has an emergency power source;

686            d. How the facility will inform residents and the

687 resident's designated family member, legal representative, or

688 guardian when the emergency management plan has been activated;

689 and

690            e. A working phone number for the facility for use by the

691 resident's designated family member, legal representative, or

692 guardian to make contact postdisaster.

693            3. A facility must provide to the agency, its residents,

694 and the resident's designated family member, legal

695 representative, or guardian the information specified in

696 subparagraph 2., an overview of the facility's comprehensive

697 emergency management plan, and a description of the evacuation

698 plan, if appropriate. Any changes to this information must be

699 provided to the agency, the facility's residents, and the

700 resident's designated family member, legal representative, or

701 guardian within 30 days after the change takes effect.

702 (b) The comprehensive emergency management plan for all  
703 comprehensive transitional education programs and for homes  
704 serving individuals who have complex medical conditions is  
705 subject to review and approval by the local emergency management  
706 agency.

707 1. A facility must submit its plan to the local emergency  
708 management agency within 90 days after licensure or change of  
709 ownership and must notify the agency within 30 days after  
710 submission of the plan.

711 2. Such plan must be submitted annually and within 30 days  
712 after any modification to a previously approved plan.

713 3. During its review, the local emergency management  
714 agency shall ensure that the agency and the Division of  
715 Emergency Management, at a minimum, are given the opportunity to  
716 review the plan. Also, appropriate volunteer organizations must  
717 be given the opportunity to review the plan.

718 4. The local emergency management agency shall complete  
719 its review within 60 days and either approve the plan or advise  
720 the facility of necessary revisions. A facility must submit the  
721 requested revisions to the local emergency management agency  
722 within 30 days after receiving written notification from the  
723 local emergency management agency.

724 5. A facility must notify the agency within 30 days after  
725 approval of its plan by the local emergency management agency.

726 (c) A facility must conduct annual staff training on the  
727 policies and procedures for implementing the emergency  
728 management plan within 2 months before the start of the  
729 hurricane season, including testing of the implementation of the  
730 plan, either in a planned drill or in response to a disaster or  
731 an emergency. New staff must receive such training within 30  
732 days after commencement of employment. Documentation of the  
733 training and testing, including evaluation of the outcome of the  
734 training and testing and modifications to the plan to address  
735 deficiencies must be provided to the agency within 30 days after  
736 the training and testing is finished. The evaluation must  
737 include a survey of staff to determine their familiarity with  
738 the plan.

739 (d) In the event of a declared emergency, the agency shall  
740 communicate before the disaster impacts the area which  
741 requirements for providing services to clients in shelters and  
742 other facilities may be waived during the emergency. The agency  
743 may waive additional requirements following the initial impact  
744 of the disaster, if appropriate.

745 (9) The agency may conduct unannounced inspections to  
746 determine compliance by foster care facilities, group home  
747 facilities, residential habilitation centers, and comprehensive  
748 transitional education programs with the applicable provisions  
749 of this chapter and the rules adopted pursuant hereto, including  
750 the requirements for the comprehensive emergency management plan

751 and the rules adopted for training staff of a facility or a  
 752 program to detect, report, and prevent sexual abuse, abuse,  
 753 neglect, exploitation, and abandonment, as defined in ss. 39.01  
 754 and 415.102, of residents and clients. The agency shall conduct  
 755 periodic followup inspections as necessary to monitor facility  
 756 compliance with the requirements for the comprehensive emergency  
 757 management plan. The facility or program shall make copies of  
 758 inspection reports available to the public upon request.

759 Section 6. Paragraph (a) of subsection (1) and paragraph  
 760 (a) of subsection (2) of section 393.0673, Florida Statutes, are  
 761 amended to read:

762 393.0673 Denial, suspension, or revocation of license;  
 763 moratorium on admissions; administrative fines; procedures.—

764 (1) The agency may revoke or suspend a license or impose  
 765 an administrative fine, not to exceed \$1,000 per violation per  
 766 day, if:

767 (a) The licensee has:

768 1. Falsely represented or omitted a material fact in its  
 769 license application submitted under s. 393.067;

770 2. Had prior action taken against it under the Medicaid or  
 771 Medicare program; ~~or~~

772 3. Failed to comply with the applicable requirements of  
 773 this chapter or rules applicable to the licensee; ~~or~~

774 4. Failed to comply with the requirements for the  
 775 comprehensive emergency management plan under this part; or

776        5. Failed to follow the policies and procedures in the  
777 comprehensive emergency management plan. However, the agency  
778 shall consider the facility's efforts to follow the plan and  
779 circumstances beyond the facility's control that caused the  
780 failure. In determining the penalty, the agency shall evaluate  
781 the potential or actual harm to the client's health, safety, and  
782 security caused by the failure.

783        (2) The agency may deny an application for licensure  
784 submitted under s. 393.067 if:

785        (a) The applicant has:

786        1. Falsely represented or omitted a material fact in its  
787 license application submitted under s. 393.067;

788        2. Had prior action taken against it under the Medicaid or  
789 Medicare program;

790        3. Failed to comply with the applicable requirements of  
791 this chapter or rules applicable to the applicant; ~~or~~

792        4. Failed to comply with the requirements for the  
793 comprehensive emergency management plan under this chapter;

794        5. Failed to follow the policies and procedures in the  
795 comprehensive emergency management plan. However, the agency  
796 shall consider the facility's efforts to follow the plan and  
797 circumstances beyond the facility's control that caused the  
798 failure. In determining the penalty, the agency shall evaluate  
799 the potential or actual harm to the client's health, safety, and  
800 security caused by the failure; or



801        ~~6.4.~~ Previously had a license to operate a residential  
802 facility revoked by the agency, the Department of Children and  
803 Families, or the Agency for Health Care Administration; or  
804 (b) The Department of Children and Families has verified that  
805 the applicant is responsible for the abuse, neglect, or  
806 abandonment of a child or the abuse, neglect, or exploitation of  
807 a vulnerable adult.

808        Section 7. Subsection (1) of section 393.0675, Florida  
809 Statutes, is amended to read:

810        393.0675 Injunctive proceedings authorized.—

811        (1) The agency may institute injunctive proceedings in a  
812 court of competent jurisdiction to:

813        (a) Enforce the provisions of this chapter or any minimum  
814 standard, rule, regulation, or order issued or entered pursuant  
815 thereto; or

816        (b) Terminate the operation of facilities licensed  
817 pursuant to this chapter when any of the following conditions  
818 exist:

819        1. Failure by the facility to take preventive or  
820 corrective measures in accordance with any order of the agency.

821        2. Failure by the facility to abide by any final order of  
822 the agency once it has become effective and binding.

823        3. Any violation by the facility constituting an emergency  
824 requiring immediate action as provided in s. 393.0673.

825        4. Failed to comply with the requirements for the

826 comprehensive emergency management plan under this chapter.

827 5. Failed to follow the policies and procedures in the  
 828 comprehensive emergency management plan. However, the agency  
 829 shall consider the facility's efforts to follow the plan and  
 830 circumstances beyond the facility's control that caused the  
 831 failure. In determining the penalty, the agency shall evaluate  
 832 the potential or actual harm to the client's health, safety, and  
 833 security caused by the failure.

834 Section 8. Section 400.102, Florida Statutes, is amended  
 835 to read:

836 400.102 Action by agency against licensee; grounds.—In  
 837 addition to the grounds listed in part II of chapter 408, any of  
 838 the following conditions shall be grounds for action by the  
 839 agency against a licensee:

840 (1) An intentional or negligent act materially affecting  
 841 the health or safety of residents of the facility;

842 (2) Misappropriation or conversion of the property of a  
 843 resident of the facility;

844 (3) Failure to follow the criteria and procedures provided  
 845 under part I of chapter 394 relating to the transportation,  
 846 voluntary admission, and involuntary examination of a nursing  
 847 home resident; ~~or~~

848 (4) Fraudulent altering, defacing, or falsifying any  
 849 medical or nursing home records, or causing or procuring any of  
 850 these offenses to be committed; or

851           (5) Failure to comply with the requirements for the  
852 comprehensive emergency management plan under this part or s.  
853 408.821.

854           Section 9. Subsection (3) of section 400.19, Florida  
855 Statutes, is amended to read:

856           400.19 Right of entry and inspection.—

857           (3) The agency shall every 15 months conduct at least one  
858 unannounced inspection to determine compliance by the licensee  
859 with statutes, and with rules promulgated under the provisions  
860 of those statutes, governing minimum standards of construction,  
861 requirements for the comprehensive emergency management plan,  
862 quality and adequacy of care, and rights of residents. The  
863 survey shall be conducted every 6 months for the next 2-year  
864 period if the facility has been cited for a class I deficiency,  
865 has been cited for two or more class II deficiencies arising  
866 from separate surveys or investigations within a 60-day period,  
867 or has had three or more substantiated complaints within a 6-  
868 month period, each resulting in at least one class I or class II  
869 deficiency. In addition to any other fees or fines in this part,  
870 the agency shall assess a fine for each facility that is subject  
871 to the 6-month survey cycle. The fine for the 2-year period  
872 shall be \$6,000, one-half to be paid at the completion of each  
873 survey. The agency may adjust this fine by the change in the  
874 Consumer Price Index, based on the 12 months immediately  
875 preceding the increase, to cover the cost of the additional

876 surveys. The agency shall verify through subsequent inspection  
877 that any deficiency identified during inspection is corrected.  
878 However, the agency may verify the correction of a class III or  
879 class IV deficiency unrelated to resident rights or resident  
880 care without reinspecting the facility if adequate written  
881 documentation has been received from the facility, which  
882 provides assurance that the deficiency has been corrected. The  
883 giving or causing to be given of advance notice of such  
884 unannounced inspections by an employee of the agency to any  
885 unauthorized person shall constitute cause for suspension of not  
886 fewer than 5 working days according to the provisions of chapter  
887 110.

888 Section 10. Paragraph (g) of subsection (2) of section  
889 400.23, Florida Statutes, is amended to read:

890 400.23 Rules; evaluation and deficiencies; licensure  
891 status.—

892 (2) Pursuant to the intention of the Legislature, the  
893 agency, in consultation with the Department of Health and the  
894 Department of Elderly Affairs, shall adopt and enforce rules to  
895 implement this part and part II of chapter 408, which shall  
896 include reasonable and fair criteria in relation to:

897 (g) The preparation and annual update of a comprehensive  
898 emergency management plan. The agency shall adopt rules  
899 establishing minimum criteria for the plan after consultation  
900 with the Division of Emergency Management.

- 901        1. At a minimum, the rules must provide for plan  
 902 components that address:
- 903        a. Emergency evacuation transportation;
  - 904        b. Adequate sheltering arrangements;
  - 905        c. Postdisaster activities, including emergency power,  
 906 food, and water;
  - 907        d. Postdisaster transportation;
  - 908        e. Supplies;
  - 909        f. Hardening;
  - 910        g. Staffing, including which staff are responsible for  
 911 implementing each element of the plan, how the facility will  
 912 maintain staffing during emergencies, and whether and how the  
 913 facility will accommodate family members of staff;
  - 914        h. Emergency equipment;
  - 915        i. Individual identification of residents and transfer of  
 916 records; and
  - 917        j. Responding to family inquiries.
- 918        2. Facilities must include information in their plans  
 919 about:
- 920        a. Whether the facility is located in an evacuation zone;
  - 921        b. Whether the facility intends to shelter in place or  
 922 relocate to another facility;
  - 923        c. Whether the facility has an emergency power source;
  - 924        d. How the facility will inform residents and the  
 925 resident's designated family member, legal representative, or

926 guardian when the emergency management plan has been activated;  
927 and

928 e. A working phone number for the facility for use by the  
929 resident's designated family member, legal representative, or  
930 guardian to make contact postdisaster.

931 3. A facility must provide to the agency, its residents,  
932 and the resident's designated family member, legal  
933 representative, or guardian the information in subparagraph 2.  
934 and an overview of the facility's comprehensive emergency  
935 management plan and, if appropriate, a description of the  
936 evacuation plan. The agency must post this information on its  
937 consumer information website. Any changes to this information  
938 must be provided to the agency, the facility's residents, and  
939 the resident's designated family member, legal representative,  
940 or guardian within 30 days after the change takes effect.

941 4. The comprehensive emergency management plan is subject  
942 to review and approval by the local emergency management agency.

943 a. A facility must submit its plan to the local emergency  
944 management agency within 90 days after licensure or change of  
945 ownership and must notify the agency within 30 days after  
946 submission of the plan.

947 b. Such plan must be submitted annually or within 30 days  
948 after any modification to a previously approved plan.

949 c. During its review, the local emergency management  
950 agency shall ensure that the following agencies, at a minimum,

951 are given the opportunity to review the plan: the Department of  
952 Elderly Affairs, the Department of Health, the Agency for Health  
953 Care Administration, and the Division of Emergency Management.  
954 Also, appropriate volunteer organizations must be given the  
955 opportunity to review the plan.

956 d. The local emergency management agency shall complete  
957 its review within 60 days and either approve the plan or advise  
958 the facility of necessary revisions. A facility must submit the  
959 requested revisions to the local emergency management agency  
960 within 30 days after receiving written notification from the  
961 local emergency management agency.

962 e. A facility must notify the agency within 30 days after  
963 approval of its plan by the local emergency management agency.

964 Section 11. Section 400.492, Florida Statutes, is amended  
965 to read:

966 400.492 Provision of services during an emergency.—Each  
967 home health agency shall prepare and maintain a comprehensive  
968 emergency management plan that is consistent with the standards  
969 adopted by national or state accreditation organizations, the  
970 requirements set forth in this section, and ~~consistent with the~~  
971 local special needs plan. The home health agency plan shall be  
972 submit the plan to the county health department for review and  
973 approval within 90 days after the home health agency is licensed  
974 or there is a change of ownership. The plan must be submitted  
975 updated annually or within 30 days after modification to a

976 | previously approved plan. The plan and shall document how the  
 977 | agency will continue to provide for continuing home health  
 978 | services during an emergency that interrupts patient care or  
 979 | services in the patient's private residence, assisted living  
 980 | facility, or adult family care home. The plan shall include  
 981 | identification of the staff ~~the means by which~~ the home health  
 982 | agency will continue to provide in the special needs shelter  
 983 | staff to perform the same type and quantity of services for to  
 984 | their patients who evacuate to special needs shelters as that  
 985 | were being provided to those patients before ~~prior to~~  
 986 | evacuation. The plan shall describe how the home health agency  
 987 | establishes and maintains an effective response to emergencies  
 988 | and disasters, including, but not limited to, ~~+~~ notifying staff  
 989 | when emergency response measures are initiated; providing for  
 990 | communication between staff members, county health departments,  
 991 | and local emergency management agencies, including a backup  
 992 | system; identifying resources necessary to continue essential  
 993 | care or services or referrals to other organizations, subject to  
 994 | written agreement; and prioritizing and contacting patients who  
 995 | need continued care or services that are provided by agency  
 996 | staff or by designated family members or other nonhome health  
 997 | agency caregivers; and how services will be provided to patients  
 998 | in the event the home health agency cannot continue to provide  
 999 | services or ceases operation due to the emergency.

1000 | (1) The home health agency shall inform each patient and



1001 the patient's legal representative, designated family member, or  
1002 guardian of the special needs registry established pursuant to  
1003 s. 252.355 and how to register the patient. The home health  
1004 agency shall collect and submit to the local emergency  
1005 management office a list of registered patients who will need  
1006 continuing care or services during an emergency. Each ~~patient~~  
1007 record for a patient who is registered under ~~patients who are~~  
1008 ~~listed in the registry established pursuant to~~ s. 252.355 shall  
1009 include a description of how care or services will be continued  
1010 in the event of an emergency or disaster and identify designated  
1011 staff who will provide such services. The home health agency  
1012 shall discuss with the patient and the patient's legal  
1013 representative, designated family member, guardian, or nonhome  
1014 health agency caregiver and document in his or her record how  
1015 the home health agency will continue to provide the same type  
1016 and quantity of services, including staffing, to the patient in  
1017 his or her private residence, assisted living facility, or adult  
1018 family care home, or in the special needs shelter if the patient  
1019 evacuates to the special needs shelter, which were being  
1020 provided before the emergency or evacuation. The patient's  
1021 record shall contain ~~the emergency provisions with the patient~~  
1022 ~~and the patient's caregivers, including where and how the~~  
1023 ~~patient is to evacuate,~~ procedures for notifying the home health  
1024 agency in the event that the patient evacuates to a location  
1025 other than the shelter identified in the patient record, and a

1026 list of medications and equipment which must either accompany  
1027 the patient or will be needed by the patient in the event of an  
1028 evacuation.

1029 (2) If the home health agency's patient is a resident of  
1030 an assisted living facility or an adult family care home, the  
1031 home health agency must contact the assisted living facility or  
1032 adult family care home administrator to determine the plans for  
1033 evacuation and document the resident's plans in his or her  
1034 record.

1035 (3)~~(2)~~ Each home health agency shall create and maintain a  
1036 current ~~prioritized~~ list of patients who need continued agency  
1037 services during an emergency. The list shall include patients to  
1038 be evacuated to a shelter, in private residences, assisted  
1039 living facilities, and adult family care homes who require  
1040 continued home health agency services. The list shall indicate  
1041 how services will ~~shall~~ be continued in the event of an  
1042 emergency or disaster for each patient, and if the patient is  
1043 remaining in the home or is to be transported to a special needs  
1044 shelter, if the patient is listed in the registry established  
1045 pursuant to s. 252.355, and shall indicate if the patient is  
1046 receiving skilled nursing services, and the patient's medication  
1047 and equipment needs. The list shall be furnished to county  
1048 health departments and to local emergency management agencies as  
1049 part of the home health agency's comprehensive emergency  
1050 management plan, upon request. The list shall be updated

1051 annually or each time a patient is identified as needing  
 1052 services.  
 1053 (4)-(3) A home health agency is ~~agencies shall~~ not be  
 1054 required to continue to provide care to patients in emergency  
 1055 situations that are beyond its ~~their~~ control and that make it  
 1056 impossible to provide services, such as when roads are  
 1057 impassable or when the patient does ~~patients do~~ not go to the  
 1058 location specified in the patient's record ~~their patient~~  
 1059 ~~records~~. If a home health agency is unable to continue to  
 1060 provide services or ceases operation due to situations beyond  
 1061 its control, the home health agency must notify the patient  
 1062 whose services will be discontinued during the emergency and the  
 1063 local emergency operations center as soon as possible. If the  
 1064 home health agency is providing services to residents of  
 1065 assisted living facilities and adult family care homes, the home  
 1066 health agency must make arrangements for continuation of  
 1067 services and notify the local emergency operations center of  
 1068 such arrangements. Home health agencies shall ~~may~~ establish  
 1069 links to local emergency operations centers to determine a  
 1070 mechanism by which to approach specific areas within a disaster  
 1071 area in order for the agency to reach its clients. When a home  
 1072 health agency is unable to continue providing services during an  
 1073 emergency, the home health agency ~~agencies~~ shall document its  
 1074 efforts ~~demonstrate a good faith effort~~ to comply with the  
 1075 requirements of its comprehensive emergency management plan and

1076 | this subsection, including ~~by documenting~~ attempts ~~by~~ of staff  
 1077 | to contact the patient and the patient's designated family  
 1078 | member, legal representative, guardian, or nonhome health agency  
 1079 | caregiver, if applicable; contact the resident's assisted living  
 1080 | facility or adult family care home, if applicable; contact the  
 1081 | local emergency operations centers to obtain assistance in  
 1082 | contacting patients; and contact other agencies that may be able  
 1083 | to provide temporary services. The home health agency must also  
 1084 | document attempts by staff to follow procedures outlined in the  
 1085 | home health agency's comprehensive emergency management plan, ~~and~~  
 1086 | in ~~by~~ the patient's record, ~~which support a finding that the~~  
 1087 | provision of continuing care has been attempted for those  
 1088 | patients who have been identified as needing care by the home  
 1089 | health agency in his or her private residence, assisted living  
 1090 | facility, or adult family care home and the patients who are  
 1091 | registered under s. 252.355, in the event of an emergency or  
 1092 | disaster under subsection (1). The agency shall review the  
 1093 | documentation required by this section during any inspection  
 1094 | conducted under part II of this chapter to determine the home  
 1095 | health agency's compliance with its emergency plan.

1096 |       ~~(5)(4)~~ Notwithstanding the provisions of s. 400.464(2) or  
 1097 | any other provision of law to the contrary, a home health agency  
 1098 | may provide services in a special needs shelter located in any  
 1099 | county.

1100 |       Section 12. Subsection (10) of section 400.497, Florida

1101 Statutes, is amended to read:

1102       400.497 Rules establishing minimum standards.—The agency  
 1103 shall adopt, publish, and enforce rules to implement part II of  
 1104 chapter 408 and this part, including, as applicable, ss. 400.506  
 1105 and 400.509, which must provide reasonable and fair minimum  
 1106 standards relating to:

1107       (10) Preparation of and compliance with a comprehensive  
 1108 emergency management plan pursuant to s. 400.492.

1109       (a) The Agency for Health Care Administration shall adopt  
 1110 rules establishing minimum criteria for the plan and plan  
 1111 updates, with the concurrence of the Department of Health and in  
 1112 consultation with the Division of Emergency Management.

1113       (b) The rules must address the requirements in s. 400.492.  
 1114 In addition, the rules shall provide for the maintenance of  
 1115 patient-specific medication lists that can accompany patients  
 1116 who are transported from their private residence, assisted  
 1117 living facility, or adult family care home ~~homes~~.

1118       (c) The plan is subject to review and approval by the  
 1119 county health department. During its review, the county health  
 1120 department shall contact state and local health and medical  
 1121 stakeholders when necessary. The county health department shall  
 1122 complete its review to ensure that the plan is in accordance  
 1123 with the criteria in the Agency for Health Care Administration  
 1124 rules within 90 days after the home health agency is licensed or  
 1125 within 90 days after receipt of the annual plan and shall

1126 | approve the plan or advise the home health agency of necessary  
1127 | revisions. If the home health agency fails to submit a plan or  
1128 | fails to submit the requested information or revisions to the  
1129 | county health department within 30 days after written  
1130 | notification from the county health department, the county  
1131 | health department shall, within 10 days after the home health  
1132 | agency's failure to comply, notify the Agency for Health Care  
1133 | Administration. The agency shall notify the home health agency  
1134 | that its failure constitutes a deficiency, subject to a fine of  
1135 | \$5,000 per occurrence. If either the initial or annual ~~the~~ plan  
1136 | is not submitted, information is not provided, or revisions are  
1137 | not made as requested, the agency may impose the fine. If the  
1138 | fine is not imposed against the home health agency, the agency  
1139 | must document in the home health agency's file the reason the  
1140 | fine was not imposed.

1141 | (d) For any home health agency that operates in more than  
1142 | one county, the home health agency must submit its plan to the  
1143 | Department of Health. The department shall review the plan,  
1144 | after consulting with state and local health and medical  
1145 | stakeholders when necessary. The department shall complete its  
1146 | review within 90 days after the home health agency is licensed  
1147 | in the county or within 90 days after receipt of the annual plan  
1148 | and shall approve the plan or advise the home health agency of  
1149 | necessary revisions. The department shall make every effort to  
1150 | avoid imposing differing requirements on a home health agency

1151 that operates in more than one county as a result of differing  
1152 or conflicting comprehensive plan requirements of the counties  
1153 in which the home health agency operates. If the home health  
1154 agency fails to submit a plan or fails to submit requested  
1155 information or revisions to the Department of Health within 30  
1156 days after written notification from the department, the  
1157 department must notify the Agency for Health Care Administration  
1158 within 10 days after the home health agency's failure to comply.  
1159 The agency shall notify the home health agency that its failure  
1160 constitutes a deficiency, subject to a fine of \$5,000 per  
1161 occurrence. If the plan is not submitted, information is not  
1162 provided, or revisions are not made as requested, the agency may  
1163 impose the fine. If the fine is not imposed against the home  
1164 health agency, the agency must document in the home health  
1165 agency's file the reason the fine was not imposed.

1166 (e) The requirements in this subsection do not apply to:

1167 1. A facility that is certified under chapter 651 and has  
1168 a licensed home health agency used exclusively by residents of  
1169 the facility; or

1170 2. A retirement community that consists of residential  
1171 units for independent living and either a licensed nursing home  
1172 or an assisted living facility, and has a licensed home health  
1173 agency used exclusively by the residents of the retirement  
1174 community, provided the comprehensive emergency management plan  
1175 for the facility or retirement community provides for continuous

1176 care of all residents with special needs during an emergency.

1177 Section 13. Subsection (12) of section 400.506, Florida  
1178 Statutes, is amended to read:

1179 400.506 Licensure of nurse registries; requirements;  
1180 penalties.—

1181 (12) Each nurse registry shall prepare and maintain a  
1182 comprehensive emergency management plan that is consistent with  
1183 the criteria in this subsection and with the local special needs  
1184 plan. The plan shall be submitted to the county health  
1185 department for review and approval within 90 days after the  
1186 nurse registry is licensed or there is a change of ownership.  
1187 The plan must be updated annually or within 30 days after  
1188 modification to a previously approved plan. The plan shall  
1189 document how ~~include the means by which~~ the nurse registry will  
1190 continue to provide the same type and quantity of services to  
1191 each patient who remains in his or her private residence,  
1192 assisted living facility, or adult family care home or who  
1193 evacuates its patients who evacuate to special needs shelters  
1194 which were being provided to ~~those patients~~ before the emergency  
1195 prior to evacuation. The plan shall specify how the nurse  
1196 registry shall provide staff and continuous services to each  
1197 such patient ~~facilitate the provision of continuous care by~~  
1198 ~~persons referred for contract to persons who are registered~~  
1199 ~~pursuant to s. 252.355 during an emergency that interrupts the~~  
1200 ~~provision of care or services in private residences.~~ Nurse



1201 registries shall ~~may~~ establish links to local emergency  
 1202 operations centers to determine a mechanism by which to approach  
 1203 specific areas within a disaster area in order for a provider to  
 1204 reach its clients. A nurse registry shall document its efforts  
 1205 ~~registries shall demonstrate a good faith effort to comply with~~  
 1206 the requirements of its comprehensive emergency management plan  
 1207 and this subsection in the patient's records, including by  
 1208 ~~documenting~~ attempts by ~~of~~ staff to contact the patient and the  
 1209 patient's designated family member, legal representative,  
 1210 guardian, or other person who provides care; contact the  
 1211 resident's assisted living facility or adult family care home,  
 1212 if applicable; contact the local emergency operations centers to  
 1213 obtain assistance in contacting patients; and contact other  
 1214 agencies that may be able to provide temporary services. The  
 1215 nurse registry must also document attempts by staff to follow  
 1216 procedures outlined in the nurse registry's comprehensive  
 1217 emergency management plan which support a finding that the  
 1218 provision of continuing care has been attempted for patients  
 1219 identified as needing care by the nurse registry either in home  
 1220 or in a special needs shelter ~~and registered under s. 252.355 in~~  
 1221 the event of an emergency under this subsection.

1222 (a) All persons referred for contract who care for  
 1223 patients ~~persons~~ registered pursuant to s. 252.355 must include  
 1224 in the patient record a description of how the nurse registry  
 1225 will continue to provide the same type and quantity of services

1226 to the patient, including identification of staff to provide  
 1227 such services, ~~care will be continued~~ during a disaster or  
 1228 emergency that interrupts the provision of care ~~in the patient's~~  
 1229 ~~home~~. It shall be the responsibility of the person referred for  
 1230 contract to ensure that continuous care is provided.

1231 (b) A ~~Each~~ nurse registry shall create and maintain a  
 1232 current ~~prioritized~~ list of patients in private residences,  
 1233 assisted living facilities, or adult family care homes who are  
 1234 registered pursuant to s. 252.355 and are under the care of  
 1235 persons referred for contract and who need continued services  
 1236 during an emergency. This list shall indicate, for each patient,  
 1237 if the client is to be transported to a special needs shelter  
 1238 and if the patient is receiving skilled nursing services. A  
 1239 nurse registry ~~registries~~ shall make this list available to  
 1240 county health departments and to local emergency management  
 1241 agencies as part of its comprehensive emergency management plan  
 1242 ~~upon request~~. The list shall be updated annually or each time a  
 1243 patient is identified as needing services.

1244 (c) A ~~Each~~ person referred for contract who is caring for  
 1245 a patient who is registered pursuant to s. 252.355 shall provide  
 1246 a list of the patient's medication and equipment needs to the  
 1247 nurse registry. Each person referred for contract shall make  
 1248 this information available to county health departments and to  
 1249 local emergency management agencies ~~upon request~~.

1250 (d) A ~~Each~~ person referred for contract is ~~shall~~ not ~~be~~

1251 required to continue to provide care to patients in emergency  
1252 situations that are beyond the person's control and that make it  
1253 impossible to provide services, such as when roads are  
1254 impassable or when patients do not go to the location specified  
1255 in their patient records. It is the responsibility of the nurse  
1256 registry to contact another person available for referral to  
1257 provide care for the patient. If the nurse registry is unable to  
1258 continue to provide services or ceases operation due to  
1259 situations beyond its control, the nurse registry must notify  
1260 the patient whose services will be discontinued during the  
1261 emergency and the local emergency management operations center  
1262 as soon as possible. If the nurse registry is providing services  
1263 to residents of assisted living facilities or adult family care  
1264 homes, it must make arrangements for continuation of services  
1265 and notify the local emergency operations center of such  
1266 arrangement. When a nurse registry is unable to continue to  
1267 provide services during the emergency, the nurse registry shall  
1268 document its efforts to comply with the requirements of its  
1269 comprehensive emergency management plan and this subsection by  
1270 documenting attempts of the registry or its staff to contact the  
1271 patient and the patient's designated family member, legal  
1272 representative, guardian, or other caregiver, if applicable;  
1273 contact the resident's assisted living facility or adult family  
1274 care home, if applicable; contact the local emergency operations  
1275 centers to obtain assistance in contacting patients and contact

1276 other agencies that may be able to provide temporary services.  
1277 The agency shall review the documentation required by this  
1278 section during any inspection conducted pursuant to part II of  
1279 this chapter to determine the nurse registry's compliance with  
1280 its emergency plan.

1281 (e) The comprehensive emergency management plan required  
1282 by this subsection is subject to review and approval by the  
1283 county health department. During its review, the county health  
1284 department shall contact state and local health and medical  
1285 stakeholders when necessary. The county health department shall  
1286 complete its review to ensure that the plan complies with the  
1287 criteria in this section and the Agency for Health Care  
1288 Administration rules within 90 days after the nurse registry is  
1289 licensed or within 90 days after receipt of the annual plan and  
1290 shall either approve the plan or advise the nurse registry of  
1291 necessary revisions. If a nurse registry fails to submit a plan  
1292 or fails to submit requested information or revisions to the  
1293 county health department within 30 days after written  
1294 notification from the county health department, the county  
1295 health department shall, within 10 days after the nurse  
1296 registry's failure to comply, notify the Agency for Health Care  
1297 Administration. The agency shall notify the nurse registry that  
1298 its failure constitutes a deficiency, subject to a fine of  
1299 \$5,000 per occurrence. If either the initial or annual plan is  
1300 not submitted, information is not provided, or revisions are not

1301 made as requested, the agency may impose the fine. If the fine  
1302 is not imposed against the nurse registry, the agency must  
1303 document in the nurse registry's file the reason the fine was  
1304 not imposed.

1305 (f) The Agency for Health Care Administration shall adopt  
1306 rules establishing minimum criteria for the comprehensive  
1307 emergency management plan and plan updates required by this  
1308 subsection, with the concurrence of the Department of Health and  
1309 in consultation with the Division of Emergency Management.

1310 Section 14. Subsection (3) of section 408.813, Florida  
1311 Statutes, is amended to read:

1312 408.813 Administrative fines; violations.—As a penalty for  
1313 any violation of this part, authorizing statutes, or applicable  
1314 rules, the agency may impose an administrative fine.

1315 (3) The agency may impose an administrative fine for a  
1316 violation that is not designated as a class I, class II, class  
1317 III, or class IV violation. Unless otherwise specified by law,  
1318 the amount of the fine may not exceed \$500 for each violation.

1319 Unclassified violations include:

1320 (a) Violating any term or condition of a license.

1321 (b) Violating any provision of this part, authorizing  
1322 statutes, or applicable rules.

1323 (c) Exceeding licensed capacity.

1324 (d) Providing services beyond the scope of the license.

1325 (e) Violating a moratorium imposed pursuant to s. 408.814.

1326 (f) Failure to have an approved comprehensive emergency  
 1327 management plan as required by authorizing statutes.

1328 (g) Failure to enter into and maintain agreements required  
 1329 by s. 252.355(4) (b) by July 1, 2019.

1330 Section 15. Section 408.821, Florida Statutes, is amended  
 1331 to read:

1332 408.821 Emergency management planning; emergency  
 1333 operations; inactive license.—

1334 (1) A licensee required by authorizing statutes to have an  
 1335 emergency operations plan must designate a safety liaison to  
 1336 serve as the primary contact for emergency operations.

1337 (2) A licensee required by authorizing statutes to have an  
 1338 emergency operations plan must conduct annual staff training on  
 1339 the policies and procedures for implementing the emergency  
 1340 operations plan within 2 months before the start of hurricane  
 1341 season, including testing of the implementation of the plan,  
 1342 either in a planned drill or in response to a disaster or an  
 1343 emergency. New staff must receive such training within 30 days  
 1344 after commencement of employment. Documentation of the training  
 1345 and testing, including evaluation of the outcome of the training  
 1346 and testing and modifications to the plan to address  
 1347 deficiencies must be provided to the agency and the local  
 1348 emergency management agency within 30 days after the training  
 1349 and testing is finished. The evaluation must include a survey of  
 1350 staff to determine their familiarity with the plan.

1351        (3) Failure to follow the policies and procedures in the  
 1352 licensee's emergency operations plan is grounds for action by  
 1353 the agency against a licensee. The agency shall consider the  
 1354 licensee's efforts to follow the plan and circumstances beyond  
 1355 the licensee's control that caused the failure. In determining  
 1356 the penalty, the agency shall evaluate the potential or actual  
 1357 harm to the client's health, safety, and security caused by the  
 1358 failure.

1359        (4)~~(2)~~ An entity subject to this part may temporarily  
 1360 exceed its licensed capacity to act as a receiving provider in  
 1361 accordance with an approved emergency operations plan for up to  
 1362 15 days. While in an overcapacity status, each provider must  
 1363 furnish or arrange for appropriate care and services to all  
 1364 clients. In addition, the agency may approve requests for  
 1365 overcapacity in excess of 15 days, which approvals may be based  
 1366 upon satisfactory justification and need as provided by the  
 1367 receiving and sending providers.

1368        (5)~~(3)~~(a) An inactive license may be issued to a licensee  
 1369 subject to this section when the provider is located in a  
 1370 geographic area in which a state of emergency was declared by  
 1371 the Governor if the provider:

- 1372            1. Suffered damage to its operation during the state of
- 1373 emergency.
- 1374            2. Is currently licensed.
- 1375            3. Does not have a provisional license.

1376 4. Will be temporarily unable to provide services but is  
1377 reasonably expected to resume services within 12 months.

1378 (b) An inactive license may be issued for a period not to  
1379 exceed 12 months but may be renewed by the agency for up to 12  
1380 additional months upon demonstration to the agency of progress  
1381 toward reopening. A request by a licensee for an inactive  
1382 license or to extend the previously approved inactive period  
1383 must be submitted in writing to the agency, accompanied by  
1384 written justification for the inactive license, which states the  
1385 beginning and ending dates of inactivity and includes a plan for  
1386 the transfer of any clients to other providers and appropriate  
1387 licensure fees. Upon agency approval, the licensee shall notify  
1388 clients of any necessary discharge or transfer as required by  
1389 authorizing statutes or applicable rules. The beginning of the  
1390 inactive licensure period shall be the date the provider ceases  
1391 operations. The end of the inactive period shall become the  
1392 license expiration date, and all licensure fees must be current,  
1393 must be paid in full, and may be prorated. Reactivation of an  
1394 inactive license requires the prior approval by the agency of a  
1395 renewal application, including payment of licensure fees and  
1396 agency inspections indicating compliance with all requirements  
1397 of this part and applicable rules and statutes.

1398 (6)~~(4)~~ The agency may adopt rules relating to emergency  
1399 management planning, communications, and operations. Licensees  
1400 providing residential or inpatient services must utilize an



1401 | online database established and maintained ~~approved~~ by the  
 1402 | agency to report information to the agency regarding the  
 1403 | provider's emergency status, planning, or operations. The agency  
 1404 | may adopt rules requiring other providers to use the online  
 1405 | database for reporting the provider's emergency status,  
 1406 | planning, or operations.

1407 |       Section 16. Paragraph (1) is added to subsection (1) of  
 1408 | section 429.14, Florida Statutes, to read:

1409 |           429.14 Administrative penalties.—

1410 |           (1) In addition to the requirements of part II of chapter  
 1411 | 408, the agency may deny, revoke, and suspend any license issued  
 1412 | under this part and impose an administrative fine in the manner  
 1413 | provided in chapter 120 against a licensee for a violation of  
 1414 | any provision of this part, part II of chapter 408, or  
 1415 | applicable rules, or for any of the following actions by a  
 1416 | licensee, any person subject to level 2 background screening  
 1417 | under s. 408.809, or any facility staff:

1418 |           (1) Failure to comply with the requirements for the  
 1419 | comprehensive emergency management plan under this part or s.  
 1420 | 408.821.

1421 |       Section 17. Subsection (3) of section 429.28, Florida  
 1422 | Statutes, is amended to read:

1423 |           429.28 Resident bill of rights.—

1424 |           (3) (a) The agency shall conduct a survey to determine  
 1425 | general compliance with facility standards, requirements for the

1426 comprehensive emergency management plan, and compliance with  
1427 residents' rights as a prerequisite to initial licensure or  
1428 licensure renewal. The agency shall adopt rules for uniform  
1429 standards and criteria that will be used to determine compliance  
1430 with facility standards, requirements for the comprehensive  
1431 emergency management plan, and compliance with residents'  
1432 rights.

1433 (b) In order to determine whether the facility is  
1434 adequately protecting residents' rights, the biennial survey  
1435 shall include private informal conversations with a sample of  
1436 residents and consultation with the ombudsman council in the  
1437 district in which the facility is located to discuss residents'  
1438 experiences within the facility.

1439 (c) During any calendar year in which no survey is  
1440 conducted, the agency shall conduct at least one monitoring  
1441 visit of each facility cited in the previous year for a class I  
1442 or class II violation, or more than three uncorrected class III  
1443 violations.

1444 (d) The agency may conduct periodic followup inspections  
1445 as necessary to monitor the compliance of facilities with a  
1446 history of any class I, class II, or class III violations that  
1447 threaten the health, safety, or security of residents.

1448 (e) The agency may conduct complaint investigations as  
1449 warranted to investigate any allegations of noncompliance with  
1450 requirements required under this part or rules adopted under

1451 | this part.

1452 |       (f) The agency shall conduct periodic followup inspections  
1453 | as necessary to monitor the compliance of facilities with a  
1454 | history of any violations related to the requirements for the  
1455 | comprehensive emergency management plan.

1456 |       Section 18. Paragraph (b) of subsection (1) of section  
1457 | 429.41, Florida Statutes, is amended to read:

1458 |       429.41 Rules establishing standards.—

1459 |       (1) It is the intent of the Legislature that rules  
1460 | published and enforced pursuant to this section shall include  
1461 | criteria by which a reasonable and consistent quality of  
1462 | resident care and quality of life may be ensured and the results  
1463 | of such resident care may be demonstrated. Such rules shall also  
1464 | ensure a safe and sanitary environment that is residential and  
1465 | noninstitutional in design or nature. It is further intended  
1466 | that reasonable efforts be made to accommodate the needs and  
1467 | preferences of residents to enhance the quality of life in a  
1468 | facility. Uniform firesafety standards for assisted living  
1469 | facilities shall be established by the State Fire Marshal  
1470 | pursuant to s. 633.206. The agency, in consultation with the  
1471 | department, may adopt rules to administer the requirements of  
1472 | part II of chapter 408. In order to provide safe and sanitary  
1473 | facilities and the highest quality of resident care  
1474 | accommodating the needs and preferences of residents, the  
1475 | department, in consultation with the agency, the Department of

1476 Children and Families, and the Department of Health, shall adopt  
1477 rules, policies, and procedures to administer this part, which  
1478 must include reasonable and fair minimum standards in relation  
1479 to:

1480 (b) The preparation and annual update of a comprehensive  
1481 emergency management plan. Such standards must be included in  
1482 the rules adopted by the department after consultation with the  
1483 Division of Emergency Management.

1484 1. At a minimum, the rules must provide for plan  
1485 components that address:

1486 a. Emergency evacuation transportation;

1487 b. Adequate sheltering arrangements;

1488 c. Postdisaster activities, including provision of  
1489 emergency power, food, and water;

1490 d. Postdisaster transportation;

1491 e. Supplies;

1492 f. Hardening;

1493 g. Staffing, including which staff are responsible for  
1494 implementing each element of the plan, how the facility will  
1495 maintain staffing during emergencies, and whether and how the  
1496 facility will accommodate family members of staff;

1497 h. Emergency equipment;

1498 i. Individual identification of residents and transfer of  
1499 records;

1500 j. Communication with families; and

1501            k. Responses to family inquiries.

1502            2. Facilities must include information in their plans

1503 about:

1504            a. Whether the facility is located in an evacuation zone;

1505            b. Whether the facility intends to shelter in place or

1506 relocate to another facility;

1507            c. Whether the facility has an emergency power source;

1508            d. How the facility will inform residents and the

1509 resident's designated family member, legal representative, or

1510 guardian when the emergency management plan has been activated;

1511 and

1512            e. A working phone number for the facility for use by the

1513 resident's designated family member, legal representative, or

1514 guardian to make contact postdisaster.

1515            3. A facility must provide to the agency, its residents,

1516 and the resident's designated family member, legal

1517 representative, or guardian the information in subparagraph 2.

1518 and an overview of the facility's comprehensive emergency

1519 management plan and, if appropriate, a description of the

1520 evacuation plan. The agency must post this information on its

1521 consumer information website. Any changes to this information

1522 must be provided to the agency, the facility's residents, and

1523 the resident's designated family member, legal representative,

1524 or guardian within 30 days after the change takes effect.

1525            4. The comprehensive emergency management plan is subject

1526 to review and approval by the local emergency management agency.

1527 a. A facility must submit its plan to the local emergency  
1528 management agency within 90 days after licensure and change of  
1529 ownership and must notify the agency within 30 days after  
1530 submission of the plan.

1531 b. Such plan must be submitted annually or within 30 days  
1532 after any modification to a previously approved plan.

1533 c. During its review, the local emergency management  
1534 agency shall ensure that the following agencies, at a minimum,  
1535 are given the opportunity to review the plan: the Department of  
1536 Elderly Affairs, the Department of Health, the Agency for Health  
1537 Care Administration, and the Division of Emergency Management.  
1538 Also, appropriate volunteer organizations must be given the  
1539 opportunity to review the plan.

1540 d. The local emergency management agency shall complete  
1541 its review within 60 days and either approve the plan or advise  
1542 the facility of necessary revisions. A facility must submit the  
1543 requested revisions to the local emergency management agency  
1544 within 30 days after receiving written notification from the  
1545 local emergency management agency.

1546 e. A facility must notify the agency within 30 days after  
1547 approval of its plan by the local emergency management agency.

1548 Section 19. This act shall take effect July 1, 2018.