

By the Committee on Health Policy; and Senator Albritton

588-03089-20

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1                   A bill to be entitled  
2       An act relating to long-term care; amending s.  
3       409.979, F.S.; requiring aging resource center  
4       personnel to annually rescreen certain individuals  
5       with high priority scores for purposes of the  
6       statewide wait list for enrollment for home and  
7       community-based services; authorizing such personnel  
8       to administer rescreening for certain individuals with  
9       low priority scores; requiring the Department of  
10      Elderly Affairs to maintain contact information for  
11      individuals with low priority scores for rescreening  
12      purposes; requiring aging resource center personnel to  
13      inform such individuals of community resources;  
14      amending s. 430.205, F.S.; authorizing community-care-  
15      for-the-elderly services providers to dispute certain  
16      referrals; providing that a referral decision by adult  
17      protective service prevails; providing an effective  
18      date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

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22       Section 1. Paragraphs (a) and (b) of subsection (3) of  
23      section 409.979, Florida Statutes, are amended to read:

24       409.979 Eligibility.—

25       (3) WAIT LIST, RELEASE, AND OFFER PROCESS.—The Department  
26      of Elderly Affairs shall maintain a statewide wait list for  
27      enrollment for home and community-based services through the  
28      long-term care managed care program.

29       (a) The Department of Elderly Affairs shall prioritize

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30 individuals for potential enrollment for home and community-  
31 based services through the long-term care managed care program  
32 using a frailty-based screening tool that results in a priority  
33 score. The priority score is used to set an order for releasing  
34 individuals from the wait list for potential enrollment in the  
35 long-term care managed care program. If capacity is limited for  
36 individuals with identical priority scores, the individual with  
37 the oldest date of placement on the wait list shall receive  
38 priority for release.

39 1. Pursuant to s. 430.2053, aging resource center personnel  
40 certified by the Department of Elderly Affairs shall perform the  
41 screening for each individual requesting enrollment for home and  
42 community-based services through the long-term care managed care  
43 program. The Department of Elderly Affairs shall request that  
44 the individual or the individual's authorized representative  
45 provide alternate contact names and contact information.

46 2. The individual requesting the long-term care services,  
47 or the individual's authorized representative, must participate  
48 in an initial screening or rescreening for placement on the wait  
49 list. The screening or rescreening must be completed in its  
50 entirety before placement on the wait list.

51 3. Pursuant to s. 430.2053, aging resource center personnel  
52 shall administer rescreening annually or upon notification of a  
53 significant change in an individual's circumstances for an  
54 individual with a high priority score. Aging resource center  
55 personnel may administer rescreening annually or upon  
56 notification of a significant change in an individual's  
57 circumstances for an individual with a low priority score.

58 4. The Department of Elderly Affairs shall adopt by rule a

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59 screening tool that generates the priority score, and shall make  
60 publicly available on its website the specific methodology used  
61 to calculate an individual's priority score.

62 (b) Upon completion of the screening or rescreening  
63 process, the Department of Elderly Affairs shall notify the  
64 individual or the individual's authorized representative that  
65 the individual has been placed on the wait list, unless the  
66 individual has a low priority score. The Department of Elderly  
67 Affairs must maintain contact information for each individual  
68 with a low priority score for purposes of any future  
69 rescreening. Aging resource center personnel shall inform  
70 individuals with low priority scores of community resources  
71 available to assist them and inform them that they may contact  
72 the aging resource center for a new assessment at any time if  
73 they experience a change in circumstances.

74 Section 2. Paragraph (a) of subsection (5) of section  
75 430.205, Florida Statutes, is amended to read:

76 430.205 Community care service system.—

77 (5) Any person who has been classified as a functionally  
78 impaired elderly person is eligible to receive community-care-  
79 for-the-elderly core services.

80 (a) Those elderly persons who are determined by protective  
81 investigations to be vulnerable adults in need of services,  
82 pursuant to s. 415.104(3)(b), or to be victims of abuse,  
83 neglect, or exploitation who are in need of immediate services  
84 to prevent further harm and are referred by the adult protective  
85 services program, shall be given primary consideration for  
86 receiving community-care-for-the-elderly services. As used in  
87 this paragraph, "primary consideration" means that an assessment

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88 and services must commence within 72 hours after referral to the  
89 department or as established in accordance with department  
90 contracts by local protocols developed between department  
91 service providers and the adult protective services program.  
92 Regardless, a community-care-for-the-elderly services provider  
93 may dispute a referral under this paragraph by requesting that  
94 adult protective services negotiate the referral placement of,  
95 and the services to be provided to, a vulnerable adult or victim  
96 of abuse, neglect, or exploitation. If an agreement cannot be  
97 reached with adult protective services for modification of the  
98 referral decision, the determination by adult protective  
99 services shall prevail.

100 Section 3. This act shall take effect July 1, 2020.