

By Senator Cruz

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1 A bill to be entitled
2 An act relating to end-stage renal disease facility
3 emergency planning; amending s. 252.355, F.S.;
4 requiring end-stage renal disease facilities to
5 annually provide information to certain persons
6 regarding special needs shelter registration
7 procedures; requiring such facilities to assist
8 emergency management agencies by performing specified
9 duties; creating s. 252.3571, F.S.; requiring local
10 emergency management agencies to identify and include
11 in their county emergency management plans the health
12 care facilities for which electric and water utilities
13 must prioritize the emergency restoration of services;
14 creating s. 381.0305, F.S.; defining terms; requiring
15 end-stage renal disease facilities to adopt written
16 emergency preparedness and contingency operations
17 plans; providing requirements for such plans;
18 requiring such facilities to provide the plans to
19 certain entities upon request; requiring each end-
20 stage renal disease facility to develop and approve a
21 continuity of care plan for dialysis treatment during
22 emergencies or disasters; requiring such facilities to
23 provide the plan to patients within a specified
24 timeframe; providing requirements for the plan;
25 providing an exception from certain contract
26 requirements; requiring end-stage renal disease
27 facility staff to undergo specified annual training;
28 requiring specified coordination between end-stage
29 renal disease facilities and certain entities;

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30 requiring such facilities to adopt emergency
31 contingency plans for the continuity of essential
32 building systems during emergencies or disasters;
33 providing requirements for such plan; requiring the
34 Agency for Health Care Administration, in consultation
35 with the Division of Emergency Management, to adopt
36 rules; providing requirements for such rules;
37 providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

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41 Section 1. Paragraph (b) of subsection (2) of section
42 252.355, Florida Statutes, is amended to read:

43 252.355 Registry of persons with special needs; notice;
44 registration program.—

45 (2) In order to ensure that all persons with special needs
46 may register, the division shall develop and maintain a special
47 needs shelter registration program. During a public health
48 emergency in which physical distancing is necessary, as
49 determined by the State Health Officer, the division must
50 maintain information on special needs shelter options that
51 mitigate the threat of the spread of infectious diseases.

52 (b) To assist in identifying persons with special needs,
53 home health agencies, hospices, end-stage renal disease
54 facilities, nurse registries, home medical equipment providers,
55 the Department of Children and Families, the Department of
56 Health, the Agency for Health Care Administration, the
57 Department of Education, the Agency for Persons with
58 Disabilities, the Department of Elderly Affairs, and memory

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59 disorder clinics shall, and any physician licensed under chapter
60 458 or chapter 459 and any pharmacy licensed under chapter 465
61 may, annually provide registration information to all of their
62 special needs clients or their caregivers. The division shall
63 develop a brochure that provides information regarding special
64 needs shelter registration procedures. The brochure must be
65 easily accessible on the division's website. All appropriate
66 agencies and community-based service providers, including aging
67 and disability resource centers, memory disorder clinics, home
68 health care providers, hospices, end-stage renal disease
69 facilities, nurse registries, and home medical equipment
70 providers, shall, and any physician licensed under chapter 458
71 or chapter 459 may, assist emergency management agencies by
72 annually registering persons with special needs for special
73 needs shelters, collecting registration information for persons
74 with special needs as part of the program intake process, and
75 establishing programs to educate clients about the registration
76 process and disaster preparedness safety procedures. A client of
77 a state-funded or federally funded service program who has a
78 physical, mental, or cognitive impairment or sensory disability
79 and who needs assistance in evacuating, or when in a shelter,
80 must register as a person with special needs. The registration
81 program shall give persons with special needs the option of
82 preauthorizing emergency response personnel to enter their homes
83 during search and rescue operations if necessary to ensure their
84 safety and welfare following disasters.

85 Section 2. Section 252.3571, Florida Statutes, is created
86 to read:

87 252.3571 Emergency restoration of services for health care

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88 facilities by electric and water utilities.—Each local emergency
89 management agency shall identify and include in its county
90 emergency management plan the health care facilities, including
91 end-stage renal disease facilities as defined in s. 381.0305(1),
92 located within its jurisdiction for which electric and water
93 utilities must prioritize the emergency restoration of services
94 during a declared state of emergency or disaster.

95 Section 3. Section 381.0305, Florida Statutes, is created
96 to read:

97 381.0305 Emergency preparedness and contingency operations
98 planning for end-stage renal disease facilities.—

99 (1) DEFINITIONS.—As used in this section, the term:

100 (a) "Agency" means the Agency for Health Care
101 Administration.

102 (b) "Disaster" has the same meaning as in s. 252.34.

103 (c) "Emergency" means an incident likely to threaten the
104 health, welfare, or safety of end-stage renal disease facility
105 patients or staff or the public, including a fire, equipment
106 failure, power outage, flood, interruption in utility service,
107 medical emergency, or natural or other disaster.

108 (d) "End-stage renal disease facility" or "facility" means
109 a facility certified by the Centers for Medicare and Medicaid
110 Services which provides dialysis services under the supervision
111 of a licensed physician.

112 (e) "Local emergency management agency" has the same
113 meaning as in s. 252.34.

114 (2) EMERGENCY PREPAREDNESS AND CONTINGENCY OPERATIONS
115 PLAN.—

116 (a) In addition to the federal requirements in 42 C.F.R. s.

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117 494.62, each end-stage renal disease facility in this state
118 shall adopt a written emergency preparedness and contingency
119 operations plan to address providing care to patients during an
120 emergency or disaster. The plan must meet all of the following
121 requirements:

122 1. Be updated annually and approved by the facility's
123 management each time the plan is updated.

124 2. Include procedures for notifying each of the following
125 entities as soon as practicable regarding the closure or
126 reduction in hours of operation of the facility due to an
127 emergency or disaster:

128 a. Each hospital with which the facility has a transfer
129 agreement.

130 b. The local or regional trauma agency that serves the
131 geographic area in which the facility is located.

132 c. Each applicable local emergency management agency.

133 3. Except as provided in subsection (4), require the
134 facility to execute a contract with another end-stage renal
135 disease facility located within a 50-mile radius of the facility
136 which stipulates that the other end-stage renal disease facility
137 will provide dialysis treatment to facility patients who are
138 unable to receive scheduled dialysis treatment due to the
139 facility's closure or reduction in hours.

140 4. Include a documented patient communications plan that
141 establishes procedures for notifying a patient when that
142 patient's scheduled dialysis treatment is interrupted.

143 (b) Upon request, an end-stage renal disease facility must
144 provide its emergency preparedness and contingency operations
145 plan to each of the following entities:

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- 146 1. Each hospital with which the facility has a transfer
147 agreement.
- 148 2. The local or regional trauma agency that serves the
149 geographic area in which the facility is located.
- 150 3. Each applicable local emergency management agency.
- 151 (3) CONTINUITY OF CARE PLAN.—As part of the emergency
152 preparedness and contingency operations plan adopted pursuant to
153 paragraph (2) (a), each end-stage renal disease facility shall
154 develop, and the facility's management must approve, a
155 continuity of care plan for providing dialysis treatment to
156 facility patients during an emergency or disaster. The facility
157 must provide a copy of the plan to each patient within 30 days
158 before admission to the facility. The plan must include all of
159 the following:
- 160 (a) Procedures for distributing written materials to
161 facility patients which specifically describe the facility's
162 emergency preparedness and contingency operations plan.
- 163 (b) Based on the facility's patient population, detailed
164 procedures regarding the facility's contingency plan, including
165 transportation options, for patients to access dialysis
166 treatment at each end-stage renal disease facility with which
167 the facility has an agreement or has made advance preparations
168 to ensure that the facility's patients have the option to
169 receive dialysis treatment.
- 170 (4) EXCEPTION.—An end-stage renal disease facility is not
171 required to contract with another end-stage renal disease
172 facility pursuant to subparagraph (2) (a) 3. if all of the
173 following apply:
- 174 (a) An end-stage renal disease facility is not located

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175 within a 50-mile radius of the facility.

176 (b) The facility obtains written approval from the agency
177 exempting the facility from such requirement.

178 (5) TRAINING.—Each end-stage renal disease facility shall
179 provide annual training to facility staff on the facility's
180 emergency preparedness and contingency operations plan adopted
181 pursuant to this section.

182 (6) COORDINATION WITH OTHER ENTITIES.—Each end-stage renal
183 disease facility shall annually contact a representative from
184 local and state emergency management agencies, a local emergency
185 operations center, and a local or regional trauma agency to:

186 (a) Request feedback on whether the emergency preparedness
187 and contingency operations plan adopted by the facility pursuant
188 to paragraph (2) (a) should be modified.

189 (b) Ensure that local agencies, regional agencies, state
190 agencies, and hospitals are aware of the facility, the
191 facility's policy on providing life-saving treatment, the
192 facility's patient population and potential transportation
193 needs, and the anticipated number of patients affected.

194 (7) CONTINUITY OF ESSENTIAL BUILDING SYSTEMS.—Each end-
195 stage renal disease facility shall adopt an emergency
196 contingency plan for the continuity of essential building
197 systems during an emergency or disaster. As part of the plan,
198 the end-stage renal disease facility must contract with another
199 end-stage renal disease facility that is located within a 50-
200 mile radius of the facility which stipulates that the other end-
201 stage renal disease facility will provide emergency contingency
202 care to the facility's patients.

203 (8) RULEMAKING.—The agency, in consultation with the

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204 Division of Emergency Management, shall adopt rules to implement
205 this section. At a minimum, the rules must require that the
206 medical director of each emergency medical services provider
207 licensed under chapter 401 approve protocols that give
208 preference to the emergency transfer of a dialysis patient from
209 the patient's location directly to an outpatient end-stage renal
210 disease facility during a state of emergency declared by the
211 Governor pursuant to chapter 252 or a disaster declared by the
212 President of the United States pursuant to the Robert T.
213 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
214 ss. 5121 et seq.

215 Section 4. This act shall take effect July 1, 2022.