

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 regarding special needs  
6           shelter registration procedures to certain persons;  
7           requiring such facilities to assist emergency  
8           management agencies by performing specified duties;  
9           creating s. 252.3571, F.S.; requiring local emergency  
10          management agencies to identify and include in their  
11          county emergency management plans the health care  
12          facilities for which electric and water utilities must  
13          prioritize the emergency restoration of services;  
14          creating s. 381.0305, F.S.; providing definitions;  
15          requiring end-stage renal disease facilities to adopt  
16          written emergency preparedness and contingency  
17          operations plans; providing requirements for such  
18          plans; requiring that the facilities provide their  
19          plans to certain entities upon request; requiring each  
20          end-stage renal disease facility to develop and  
21          approve a continuity of care plan for dialysis  
22          treatment during emergencies or disasters; requiring  
23          that such facility provide the plan to patients within  
24          a specified period; providing requirements for such  
25          plan; providing an exception; requiring certain annual

26 training of end-stage renal disease facility staff;  
 27 requiring specified coordination between end-stage  
 28 renal disease facilities and certain entities;  
 29 requiring that such facilities adopt emergency  
 30 contingency plans for the continuity of essential  
 31 building systems during emergencies or disasters;  
 32 requiring the Agency for Health Care Administration,  
 33 in consultation with the Division of Emergency  
 34 Management, to adopt rules; providing an effective  
 35 date.

36  
 37 Be It Enacted by the Legislature of the State of Florida:

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 39 Section 1. Paragraph (b) of subsection (2) of section  
 40 252.355, Florida Statutes, is amended to read:

41 252.355 Registry of persons with special needs; notice;  
 42 registration program.—

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

50 (b) To assist in identifying persons with special needs,

51 | home health agencies, hospices, end-stage renal disease  
52 | facilities, nurse registries, home medical equipment providers,  
53 | the Department of Children and Families, the Department of  
54 | Health, the Agency for Health Care Administration, the  
55 | Department of Education, the Agency for Persons with  
56 | Disabilities, the Department of Elderly Affairs, and memory  
57 | disorder clinics shall, and any physician licensed under chapter  
58 | 458 or chapter 459 and any pharmacy licensed under chapter 465  
59 | may, annually provide registration information to all of their  
60 | special needs clients or their caregivers. The division shall  
61 | develop a brochure that provides information regarding special  
62 | needs shelter registration procedures. The brochure must be  
63 | easily accessible on the division's website. All appropriate  
64 | agencies and community-based service providers, including aging  
65 | and disability resource centers, memory disorder clinics, home  
66 | health care providers, hospices, end-stage renal disease  
67 | facilities, nurse registries, and home medical equipment  
68 | providers, shall, and any physician licensed under chapter 458  
69 | or chapter 459 may, assist emergency management agencies by  
70 | annually registering persons with special needs for special  
71 | needs shelters, collecting registration information for persons  
72 | with special needs as part of the program intake process, and  
73 | establishing programs to educate clients about the registration  
74 | process and disaster preparedness safety procedures. A client of  
75 | a state-funded or federally funded service program who has a

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76 physical, mental, or cognitive impairment or sensory disability  
77 and who needs assistance in evacuating, or when in a shelter,  
78 must register as a person with special needs. The registration  
79 program shall give persons with special needs the option of  
80 preauthorizing emergency response personnel to enter their homes  
81 during search and rescue operations if necessary to ensure their  
82 safety and welfare following disasters.

83 Section 2. Section 252.3571, Florida Statutes, is created  
84 to read:

85 252.3571 Emergency restoration of services for health care  
86 facilities by electric and water utilities.—Each local emergency  
87 management agency shall identify and include in its county  
88 emergency management plan the health care facilities, including,  
89 but not limited to, end-stage renal disease facilities as  
90 defined in s. 381.0305(1), located within its jurisdiction for  
91 which electric and water utilities must prioritize the emergency  
92 restoration of services during a declared state of emergency or  
93 disaster.

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

96 381.0305 Emergency preparedness and contingency operations  
97 planning for end-stage renal disease facilities.—

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

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

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

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

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

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

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

115 (a) In addition to the federal requirements in 42 C.F.R.  
 116 s. 494.62, each end-stage renal disease facility in the state  
 117 shall adopt a written emergency preparedness and contingency  
 118 operations plan to address providing care to patients during an  
 119 emergency or disaster. The plan must meet all of the following  
 120 requirements:

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

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

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126 emergency or disaster:

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

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

131 c. Each applicable local emergency management agency.

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

139 4. Consist of a documented patient communications plan  
140 that includes procedures for notifying a patient when that  
141 patient's scheduled dialysis treatment is interrupted.

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

145 1. Each hospital with which the facility has a transfer  
146 agreement.

147 2. The local or regional trauma agency that serves the  
148 geographic area in which the facility is located.

149 3. Each applicable local emergency management agency.

150 (3) CONTINUITY OF CARE PLAN.—As part of the emergency

151 preparedness and contingency operations plan adopted pursuant to  
152 paragraph (2)(a), each end-stage renal disease facility shall  
153 develop, and the facility's management must approve, a  
154 continuity of care plan for providing dialysis treatment to  
155 facility patients during an emergency or disaster. The facility  
156 must provide a copy of the plan to each patient within 30 days  
157 before admission to the facility. The plan must include all of  
158 the following:

159 (a) Procedures for distributing written materials to  
160 facility patients that specifically describe the facility's  
161 emergency preparedness and contingency operations plan.

162 (b) Based on the facility's patient population, detailed  
163 procedures regarding the facility's contingency plans, including  
164 transportation options, for patients to access dialysis  
165 treatment at each end-stage renal disease facility with which  
166 the facility has an agreement or has made advance preparations  
167 to ensure that the facility's patients have the option to  
168 receive dialysis treatment.

169 (4) EXCEPTION.—An end-stage renal disease facility is not  
170 required to contract with another end-stage renal disease  
171 facility pursuant to subparagraph (2)(a)3. if all of the  
172 following apply:

173 (a) An end-stage renal disease facility is not located  
174 within a 50-mile radius of the facility.

175 (b) The facility obtains written approval from the agency

176 exempting the facility from such requirement.

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

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

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

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

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



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201 contingency care to the facility's patients.

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

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