

By the Committee on Health and Human Services Appropriations;
and Senator Wise

603-2226-05

1 A bill to be entitled

2 An act relating to health care; amending s.

3 400.506, F.S.; deleting the requirement that a

4 registered nurse referred by a nurse registry

5 make monthly visits to a patient; amending ss.

6 413.402 and 413.4021, F.S.; making permanent

7 the program for personal care attendants for

8 spinal cord injury victims; providing powers

9 and duties of the Department of Health with

10 respect to the program; providing criteria for

11 participation in the program; providing for an

12 oversight workgroup; increasing the percentage

13 of revenues collected from persons who fail to

14 remit sales tax which shall be deposited into

15 the Florida Endowment Foundation for Vocational

16 Rehabilitation for the purpose of administering

17 the program; deleting obsolete provisions to

18 conform; providing an effective date.

19

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

21

22 Section 1. Paragraph (c) of subsection (10) of section

23 400.506, Florida Statutes, is amended to read:

24 400.506 Licensure of nurse registries; requirements;

25 penalties.--

26 (10)

27 ~~(c) A registered nurse shall make monthly visits to~~

28 ~~the patient's home to assess the patient's condition and~~

29 ~~quality of care being provided by the certified nursing~~

30 ~~assistant or home health aide. Any condition which in the~~

31 ~~professional judgment of the nurse requires further medical~~

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 ~~attention shall be reported to the attending physician and the~~
2 ~~nurse registry. The assessment shall become a part of the~~
3 ~~patient's file with the nurse registry and may be reviewed by~~
4 ~~the agency during their survey procedure.~~

5 Section 2. Section 413.402, Florida Statutes, is
6 amended to read:

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

20 (1) Persons eligible to participate in the ~~pilot~~
21 program must:

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

24 (b) Require a personal care attendant for bathing,
25 dressing, bowel and bladder management, and transportation;
26 ~~Have been determined eligible for training services from the~~
27 ~~Division of Vocational Rehabilitation of the Department of~~
28 ~~Education; and~~

29 (c) Require a personal care attendant to maintain
30 substantial gainful employment;

31

1 (d) Be able to hire and supervise a personal care
2 attendant; and

3 ~~(e)(c)~~ Meet one of the following requirements ~~Either:~~

4 1. Live in a nursing home; ~~or~~

5 2. Have moved out of a nursing home within the
6 preceding 180 days due to participation in a Medicaid home and
7 community-based waiver program targeted to persons with brain
8 or spinal cord injuries; or-

9 3. Presently be employed but, because of a loss of a
10 caregiver, will lose employment and potentially return to a
11 nursing home.

12 ~~(2) The association shall develop a training program~~
13 ~~for training persons selected to participate in the pilot~~
14 ~~program that will prepare each person to manage his or her own~~
15 ~~personal care attendant.~~

16 ~~(2)(3)~~(a) The association, in cooperation with the
17 Department of Health and the Florida Endowment Foundation for
18 Vocational Rehabilitation, shall develop a program to recruit,
19 screen, and select candidates to be trained as personal care
20 attendants.

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

28 ~~(3)(4)~~ The association and the Department of Health,
29 in cooperation with the Florida Endowment Foundation for
30 Vocational Rehabilitation, shall develop a training program
31 for personal care attendants.

1 ~~(4)(5)~~ The association, in cooperation with the
2 Department of Health and the Florida Endowment Foundation for
3 Vocational Rehabilitation, shall establish procedures for
4 selecting persons eligible under subsection (1) to participate
5 in the ~~pilot~~ program.

6 ~~(6)~~ ~~The association, in cooperation with the Division~~
7 ~~of Vocational Rehabilitation of the Department of Education,~~
8 ~~shall assess the selected participants and make~~
9 ~~recommendations for their placement into appropriate~~
10 ~~work related training programs.~~

11 ~~(5)(7)~~ The association, in cooperation with the
12 Department of Revenue, the Brain and Spinal Cord Injury
13 Program in the Department of Health, the Florida Medicaid
14 program in the Agency for Health Care Administration, a
15 representative from the state attorney's office in each of the
16 judicial circuits ~~counties~~ participating in the ~~pilot~~ program,
17 the Florida Endowment Foundation for Vocational
18 Rehabilitation, and the Division of Vocational Rehabilitation
19 of the Department of Education, shall develop a plan for
20 implementation of the ~~pilot~~ program.

21 ~~(6)(8)~~ The Department of Health shall establish an
22 oversight workgroup for the personal care attendant program to
23 oversee the implementation and administration of the program.
24 The workgroup shall be composed of one representative from the
25 Brain and Spinal Cord Injury Program in the Department of
26 Health, one representative from the Department of Revenue, one
27 representative from the Florida Medicaid Program in the Agency
28 for Health Care Administration, one representative from the
29 Florida Endowment Foundation for Vocational Rehabilitation,
30 one representative from the Florida Association of Centers for
31 Independent Living, one representative from the Division of

1 Vocational Rehabilitation of the Department of Education, and
2 two members who are persons with traumatic spinal cord
3 injuries or are family members of persons with traumatic
4 spinal cord injuries. ~~No later than March 1, 2003, the~~
5 ~~association shall present to the President of the Senate and~~
6 ~~to the Speaker of the House of Representatives the~~
7 ~~implementation plan for the pilot program, a timeline for~~
8 ~~implementation, estimates of the number of participants to be~~
9 ~~served, and cost projections for each component of the pilot~~
10 ~~program. The pilot program shall be implemented beginning July~~
11 ~~1, 2003, unless there is specific legislative action to the~~
12 ~~contrary.~~

13 Section 3. Section 413.4021, Florida Statutes, is
14 amended to read:

15 413.4021 ~~Pilot~~ Program participant ~~county~~ selection;
16 tax collection enforcement diversion program.--The Department
17 of Revenue, in coordination with the Florida Association of
18 Centers for Independent Living and the Florida Prosecuting
19 Attorneys Association, shall select judicial circuits ~~four~~
20 ~~counties~~ in which to operate the ~~pilot~~ program. The
21 association and the state attorneys' offices ~~in Duval County~~
22 ~~and the four pilot program counties~~ shall develop and
23 implement a tax collection enforcement diversion program,
24 which shall collect revenue due from persons who have not
25 remitted their collected sales tax. The criteria for referral
26 to the tax collection enforcement diversion program shall be
27 determined cooperatively between the state attorneys' offices
28 ~~in those counties~~ and the Department of Revenue.

29 (1) Notwithstanding the provisions of s. 212.20, 50 ~~25~~
30 percent of the revenues collected from the tax collection
31 enforcement diversion program shall be deposited into the

1 | operating account of the Florida Endowment Foundation for
2 | Vocational Rehabilitation, to be used to administer ~~implement~~
3 | the personal care attendant ~~pilot~~ program and to contract with
4 | the state attorneys participating in the tax collection
5 | enforcement diversion program in an amount of not more than
6 | \$50,000 for each state attorney.

7 | (2) The ~~pilot~~ program shall operate only from funds
8 | deposited into the operating account of the Florida Endowment
9 | Foundation for Vocational Rehabilitation. The Florida
10 | Endowment Foundation for Vocational Rehabilitation shall
11 | select the entity to administer the personal care attendant
12 | program.

13 | (3) The Revenue Estimating Conference shall annually
14 | project the amount of funds expected to be generated from the
15 | tax collection enforcement diversion program.

16 | ~~(4) For the 2004 2005 fiscal year only and~~
17 | ~~notwithstanding the provisions of subsection (1), 50 percent~~
18 | ~~of the revenues collected from the tax collection enforcement~~
19 | ~~diversion program shall be deposited into the operating~~
20 | ~~account of the Florida Endowment Foundation for Vocational~~
21 | ~~Rehabilitation, to be used to implement the personal care~~
22 | ~~attendant pilot program and to contract with the state~~
23 | ~~attorneys participating in the tax collection enforcement~~
24 | ~~diversion program in an amount of not more than \$50,000 for~~
25 | ~~each state attorney. This subsection expires July 1, 2005.~~

26 | Section 4. This act shall take effect July 1, 2005.

27 |
28 |
29 |
30 |
31 |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 720

- Provides that funds deposited in the Florida Endowment Foundation for Vocational Rehabilitation may be used to contract with the state attorneys participating in the tax collection enforcement diversion program in an amount of not more than \$50,000 for each state attorney.
- Deletes obsolete provisions for the 2004-2005 fiscal year.
- Authorizes the Florida Endowment Foundation for Vocational Rehabilitation to select the entity to administer the personal care attendant program.