

Committee Substitute for Senate Bill No. 720

An act relating to health care; amending s. 400.506, F.S.; deleting the requirement that a registered nurse referred by a nurse registry make monthly visits to a patient; amending ss. 413.402 and 413.4021, F.S.; making permanent the program for personal care attendants for spinal cord injury victims; providing powers and duties of the Department of Health with respect to the program; providing criteria for participation in the program; providing for an oversight workgroup; increasing the percentage of revenues collected from persons who fail to remit sales tax which shall be deposited into the Florida Endowment Foundation for Vocational Rehabilitation for the purpose of administering the program; deleting obsolete provisions to conform; providing an effective date.

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

Section 1. Paragraph (c) of subsection (10) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(10)

~~(c) A registered nurse shall make monthly visits to the patient's home to assess the patient's condition and quality of care being provided by the certified nursing assistant or home health aide. Any condition which in the professional judgment of the nurse requires further medical attention shall be reported to the attending physician and the nurse registry. The assessment shall become a part of the patient's file with the nurse registry and may be reviewed by the agency during their survey procedure.~~

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

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

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

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

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

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

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

(e)(e) Meet one of the following requirements Either:

1. Live in a nursing home; or

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

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

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

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

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

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

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

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

(5)(7) The association, in cooperation with the Department of Revenue, the Brain and Spinal Cord Injury Program in the Department of Health, the Florida Medicaid program in the Agency for Health Care Administration, a

representative from the state attorney's office in each of the judicial circuits ~~counties~~ participating in the pilot program, the Florida Endowment Foundation for Vocational Rehabilitation, and the Division of Vocational Rehabilitation of the Department of Education, shall develop a plan for implementation of the pilot program.

~~(6)(8) The Department of Health shall establish an oversight workgroup for the personal care attendant program to oversee the implementation and administration of the program. The workgroup shall be composed of one representative from the Brain and Spinal Cord Injury Program in the Department of Health, one representative from the Department of Revenue, one representative from the Florida Medicaid Program in the Agency for Health Care Administration, one representative from the Florida Endowment Foundation for Vocational Rehabilitation, one representative from the Florida Association of Centers for Independent Living, one representative from the Division of Vocational Rehabilitation of the Department of Education, and two members who are persons with traumatic spinal cord injuries or are family members of persons with traumatic spinal cord injuries. No later than March 1, 2003, the association shall present to the President of the Senate and to the Speaker of the House of Representatives the implementation plan for the pilot program, a timeline for implementation, estimates of the number of participants to be served, and cost projections for each component of the pilot program. The pilot program shall be implemented beginning July 1, 2003, unless there is specific legislative action to the contrary.~~

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

413.4021 Pilot Program participant ~~county~~ selection; tax collection enforcement diversion program.—The Department of Revenue, in coordination with the Florida Association of Centers for Independent Living and the Florida Prosecuting Attorneys Association, shall select judicial circuits ~~four counties~~ in which to operate the pilot program. The association and the state attorneys' offices in Duval County and the ~~four pilot program counties~~ shall develop and implement a tax collection enforcement diversion program, which shall collect revenue due from persons who have not remitted their collected sales tax. The criteria for referral to the tax collection enforcement diversion program shall be determined cooperatively between the state attorneys' offices ~~in these counties~~ and the Department of Revenue.

(1) Notwithstanding the provisions of s. 212.20, ~~50~~ 25 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to administer ~~implement~~ the personal care attendant ~~pilot~~ program and 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.

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

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

~~(4) For the 2004-2005 fiscal year only and notwithstanding the provisions of subsection (1), 50 percent of the revenues collected from the tax collection enforcement diversion program shall be deposited into the operating account of the Florida Endowment Foundation for Vocational Rehabilitation, to be used to implement the personal care attendant pilot program and 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. This subsection expires July 1, 2005.~~

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

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.