

## CHAPTER 410

## AGING AND ADULT SERVICES

- 410.0245 Study of service needs; report; multiyear plan.
- 410.031 Legislative intent.
- 410.032 Definitions.
- 410.033 Home care for disabled adults; rules.
- 410.034 Department determination of fitness to provide home care.
- 410.035 Subsidy payments.
- 410.036 Eligibility for services.
- 410.037 Confidentiality of information.
- 410.502 Housing and living arrangements; special needs of the elderly; services.
- 410.504 Multidisciplinary center on elderly living environments.
- 410.601 Short title.
- 410.602 Legislative intent.
- 410.603 Definitions.
- 410.604 Community care for disabled adults program; powers and duties of the department.
- 410.605 Confidentiality of information.
- 410.606 Rulemaking.

**410.0245 Study of service needs; report; multiyear plan.—**

(1)(a) The Aging and Adult Services Program Office of the Department of Health and Rehabilitative Services shall contract for a study of the service needs of the 18- to-59-year-old disabled adult population served or waiting to be served by the community care for disabled adults program. The Division of Vocational Rehabilitation of the Department of Labor and Employment Security and other appropriate state agencies shall provide information to the Department of Health and Rehabilitative Services when requested for the purposes of this study.

(b) The study shall identify the demographic characteristics and major disabilities prevalent in the disabled adult population served or waiting to be served by the community care for disabled adults program, determine the types of services delivered to this population that are attributed to their social circumstances and disabilities, and project the extent of services needed but not available to this population covering the continuum of residential and community services. In addition, the study shall use existing data on the incidence of disability to develop estimates of future service needs, costs, and capacity needed to meet new demand.

(c) A final report with recommendations, including proposed legislation based on the study, shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before March 1, 1991.

(2) Based on the findings of the study, the Aging and Adult Services Program Office of the Department of Health and Rehabilitative Services shall develop a multiyear plan which shall provide for the needs of disabled adults in this state and shall provide strategies for statewide coordination of all services for disabled

adults. The multiyear plan shall include an inventory of existing services and an analysis of costs associated with existing and projected services. The multiyear plan shall be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives every 3 years on or before March 1, beginning in 1992. On or before March 1 of each intervening year, the department shall submit an analysis of the status of the implementation of each element of the multiyear plan, any continued unmet need, and the relationship between that need and the department's budget request for that year.

**History.**—s. 12, ch. 90-319.

**410.031 Legislative intent.**—It is the intent of the Legislature to encourage the provision of care for disabled adults in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. The provisions of ss. 410.031-410.036 are intended to be supplemental to the provisions of chapter 400, relating to the licensing and regulation of nursing homes and assisted living facilities, and do not exempt any person who is otherwise subject to regulation under chapter 400.

**History.**—s. 13, ch. 77-336; s. 18, ch. 78-433; s. 105, ch. 79-164; s. 11, ch. 88-350; s. 32, ch. 95-210; s. 71, ch. 95-418.

**Note.**—Former s. 409.3644.

**410.032 Definitions.**—As used in ss. 410.031-410.036:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Disabled adult" means any person at least 18 years of age, but under 60 years of age, who is not eligible for vocational rehabilitation services and who has one or more permanent physical or mental limitations that restrict his ability to perform the normal activities of daily living and impede his capacity to live independently.

(3) "Home care for disabled adults" means a full-time, family-type living arrangement in a private home under which a person or group of persons provides, on a nonprofit basis, basic services of maintenance and supervision, and any necessary specialized services as are needed, for three or fewer disabled adults.

**History.**—s. 14, ch. 77-336; s. 18, ch. 78-433; s. 106, ch. 79-164; s. 12, ch. 88-350; s. 72, ch. 95-418.

**Note.**—Former s. 409.3645.

**410.033 Home care for disabled adults; rules.**—The department shall by rule establish minimum standards and procedures for the provision of home care for disabled adults, and for the approval of persons wishing to provide such care. Priority shall be given to provision of care to disabled adults who are not eligible for comparable services in programs of and funded by the department. Any person who is approved by the department to provide such care for a disabled adult is eligible for the subsidy payments described in s. 410.035. However, the home care for disabled adults program must operate within the funds appropriated by the Legislature.

**History.**—s. 15, ch. 77-336; s. 18, ch. 78-433; s. 107, ch. 79-164; s. 13, ch. 88-350; s. 73, ch. 95-418.

**Note.**—Former s. 409.3646.

**410.034 Department determination of fitness to provide home care.**—In accordance with s. 400.402, a person caring for an adult who is related to such person by blood or marriage is not subject to the Assisted Living Facilities Act. If, however, the person who plans to provide home care under this act is found by the department to be unable to provide this care, the department shall notify the person wishing to provide home care of this determination, and the person shall not be eligible for subsidy payments under ss. 410.031-410.036.

**History.**—s. 16, ch. 77-336; s. 18, ch. 78-433; s. 168, ch. 79-400; s. 33, ch. 95-210; s. 74, ch. 95-418.

**Note.**—Former s. 409.3647.

**410.035 Subsidy payments.**—The department shall develop a schedule of subsidy payments to be made to persons providing home care for certain eligible disabled adults. Payments shall be based on the financial status of the person receiving care. Payments shall include, but not be limited to:

(1) A support and maintenance element, to include costs of housing, food, clothing, and incidentals.

(2) Payments for medical, pharmaceutical, and dental services essential to maintain the health of the disabled adult and not covered by Medicare, Medicaid, or any form of insurance.

(3) When necessary, special supplements to provide for any service and specialized care required to maintain the health and well-being of the disabled adult.

**History.**—ss. 17, 19, ch. 77-336; s. 18, ch. 78-433; s. 2, ch. 83-82; s. 14, ch. 88-350; s. 75, ch. 95-418.

**Note.**—Former s. 409.3648.

**410.036 Eligibility for services.**—Criteria for determining eligibility for this program shall be the same as criteria used to determine eligibility for assistance under Title XVI of the Social Security Act, as the same exists on July 1, 1977, or shall be the same as financial criteria used to determine eligibility for nursing home care under the Medicaid program.

**History.**—s. 18, ch. 77-336; s. 18, ch. 78-433; s. 64, ch. 91-282.

**Note.**—Former s. 409.3649.

**410.037 Confidentiality of information.**—Information about disabled adults who receive services under ss. 410.031-410.036 which is received through files, reports, inspection, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services to disabled adults under ss. 410.031-410.036 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). The information may not be disclosed publicly in a manner that identifies a disabled adult, unless the person or his legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

**History.**—s. 15, ch. 88-350; s. 10, ch. 91-71; s. 76, ch. 95-418.

**Note.**—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

**410.502 Housing and living arrangements; special needs of the elderly; services.**—The Department of Health and Rehabilitative Services shall provide services related to housing and living arrangements which meet the special needs of the elderly. Such services shall include, but not be limited to:

(1) Providing counseling concerning housing problems and alternate living arrangements when appropriate to the individual's needs.

(2) Coordinating with the Department of Community Affairs to gather and maintain data on living arrangements which meet the special needs of the elderly and to disseminate such information to the public. Such information shall include types of facilities, cost of care, services provided, and possible sources of help in meeting the cost of care for indigent individuals.

(3) Promoting, through the Department of Health and Rehabilitative Services staff activities and area agencies on aging, the development of a variety of living arrangements through public and private auspices to meet the various needs and desires of the elderly, including, but not limited to:

(a) Foster homes.

(b) Assisted living facilities.

(c) Homes for special services.

(d) Shared housing or other such group living arrangements for independent living.

(e) Continuing care facilities which offer all levels of care, including independent living units, personal care, home health care supports, and skilled nursing home care.

(f) Retirement communities for independent communal living, to be developed in conjunction with the Department of Community Affairs.

(g) Other innovative living arrangements.

Demonstration projects must be used advisedly to test the extent to which these and other innovative housing and living arrangements do meet the basic and special needs of the elderly.

**History.**—s. 32, ch. 86-192; s. 34, ch. 95-210.

**410.504 Multidisciplinary center on elderly living environments.**—

(1) **PURPOSE.**—The necessity for ongoing information on housing and living arrangements needed by the elderly mandates that there should be a central effort to produce data on the subject and, based on the data collected, to develop plans for meeting such current and future needs in the State of Florida.

(2) **BOARD OF REGENTS' RESPONSIBILITIES.**—In order to ensure continuing sound programs on housing and living arrangements for the elderly, the Board of Regents shall develop a proposal and establish a multidisciplinary center on independent housing and other living environments for the elderly at one or more of the state universities.

(3) **ACTIVITIES.**—Each multidisciplinary center established pursuant to this section shall consist of a collaboration of academic disciplines including programs in architecture, anthropology, gerontology, economics, geography, law, medicine, psychology, and sociology to meet the following objectives:

(a) Provide a centralized state resource for identification, collection, analysis, and distribution of information on elderly living environments.

(b) Serve as the catalyst for identification and promotion of necessary research on elderly living environments.

(c) Develop cooperation and collaboration with both public and private agencies and organizations, educational centers and programs, and individuals throughout the state.

(d) Provide opportunities for professional development.

(e) Develop models for elderly living environments.

(4) **ANNUAL REPORTS.**—Each multidisciplinary center established by the Board of Regents shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1989, and by January 1 of each year thereafter. These annual reports shall include information relating to the activities of the center, including collaborative efforts with community and academic organizations, statewide data on the housing related needs of the elderly, and findings and recommendations from research projects relating to housing of the elderly.

**History.**—s. 17, ch. 88-376.

**410.601 Short title.**—Sections 410.601-410.606 may be cited as "The Community Care for Disabled Adults Act."

**History.**—s. 5, ch. 88-350.

**410.602 Legislative intent.**—The purpose of ss. 410.601-410.606 is to assist disabled adults to live dignified and reasonably independent lives in their own homes or in the homes of relatives or friends. The Legislature intends through ss. 410.601-410.606 to provide for the development, expansion, and coordination of community-based services for disabled adults, but not to supplant existing programs. The Legislature further intends to establish a continuum of services so that disabled adults may be assured the least restrictive environment suitable to their needs. In addition, the Legislature intends that the Department of Health and Rehabilitative Services encourage innovative and efficient approaches to program management, staff training, and service delivery.

**History.**—s. 6, ch. 88-350.

**410.603 Definitions.**—As used in ss. 410.601-410.606:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Disabled adult" means any person at least 18 years of age, but under 60 years of age, who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without the provision of community-based services.

(3) "District" means a specified geographic service area, as defined in s. 20.19, in which the programs of the department are administered and services are delivered.

(4) "Health maintenance service" means those routine health services necessary to help maintain the

health of a disabled adult but shall be limited to medical therapeutic services, nonmedical prevention services, personal care services, home health aide services, home nursing services, emergency response services, and physical or mental examinations.

**History.**—s. 7, ch. 88-350; s. 3, ch. 90-330; s. 16, ch. 92-58; s. 18, ch. 93-200.

**410.604 Community care for disabled adults program; powers and duties of the department.**—

(1) In each district, the department shall operate or contract for a community care for disabled adults program which shall have as its primary purpose the prevention of unnecessary institutionalization of disabled adults through the provisions of community-based services.

(2) Any person who meets the definition of a disabled adult pursuant to s. 410.603(2) is eligible to receive the services of the community care for disabled adults program. However, the community care for disabled adults program shall operate within the funds appropriated by the Legislature. Priority shall be given to disabled adults who are not eligible for comparable services in programs of or funded by the department or the Division of Vocational Rehabilitation of the Department of Labor and Employment Security; who are determined to be at risk of institutionalization; and whose income is at or below the existing institutional care program eligibility standard.

(3) Each community care for disabled adults program shall include case management services and at least one other community service. Community services may include, but are not limited to, the provision of: adult day care, homemaker and chore services, escort services, group activity therapy, health maintenance services, home-delivered meals, interpreter services, medical equipment or supplies, respite care, and transportation. Case management services shall ensure that arrangements are made for appropriate services.

(4) If independent living is no longer possible for a disabled adult, the case manager shall assist the person in locating the most appropriate and cost-effective living arrangement in the least restrictive setting.

(5) Existing community resources available to disabled adults in each district shall be coordinated to provide a continuum of services. The department shall ensure that all available funding sources have been explored prior to using funds of the community care for disabled adults program. Funds appropriated for community care for disabled adults shall be used only for the provision of services to disabled adults, case management, and directly related expenditures. The department may provide advance funding for community care for disabled adults programs.

(6) The department and providers shall charge fees for services that the department provides a disabled adult whose income is above the existing institutional care program eligibility standard, either directly or through its agencies or contractors. The department shall establish by rule, by January 1, 1989, a schedule of fees based on the disabled adult's ability to pay. Services of a specified value may be accepted in lieu of a monetary contribution.

(7) Providers and staff members in the community care for disabled adults program shall participate in training at least annually.

(8) Trained volunteers shall be used to provide services for the disabled adult.

(9) The department may conduct or contract for demonstration projects to determine the desirability of new concepts of organization, administration, or service delivery designed to prevent the institutionalization of disabled adults.

(10) Beginning October 1, 1989, the department shall biennially evaluate the progress of the community care for disabled adults program and submit such evaluation to the Speaker of the House of Representatives and the President of the Senate.

**History.**—s. 8, ch. 88-350; s. 4, ch. 90-330.

**410.605 Confidentiality of information.**—Information about disabled adults who receive services under ss. 410.601-410.606 which is received through files, reports, inspections, or otherwise, by the department or by authorized departmental employees, by persons who volunteer services, or by persons who provide services

to disabled adults under ss. 410.601-410.606 through contracts with the department is confidential and exempt from the provisions of s. 119.07(1). Such information may not be disclosed publicly in such a manner as to identify a disabled adult, unless the disabled adult or his legal guardian provides written consent. This exemption is subject to the Open Government Sunset Review Act in accordance with 's. 119.14.

**History.**—s. 9, ch. 88-350; s. 13, ch. 91-71.

**Note.**—

A. Repealed by s. 1, ch. 95-217.

B. Section 4, ch. 95-217, provides that "[n]otwithstanding any provision of law to the contrary, exemptions from chapter 119, Florida Statutes, or chapter 286, Florida Statutes, which are prescribed by law and are specifically made subject to the Open Government Sunset Review Act in accordance with section 119.14, Florida Statutes, are not subject to review under that act, and are not abrogated by the operation of that act, after October 1, 1995."

**410.606 Rulemaking.**—The department shall adopt rules to implement ss. 410.601-410.606. The rules shall define each community service, establish minimum standards for the delivery of services, establish a fee schedule, and make other provisions necessary to implement ss. 410.601-410.606.

**History.**—s. 10, ch. 88-350.