

By the Committees on Health Care Services, Elder Affairs & Long Term Care and Representatives Frankel, Sanderson, Merchant, Silver, Jacobs, Warner, Fasano, Greene, Healey and Heyman

1                                   A bill to be entitled  
2           An act relating to health care; amending s.  
3           430.502, F.S.; establishing additional memory  
4           disorder clinics; revising authority of the  
5           Department of Elderly Affairs with respect to  
6           contracts for specialized model day care  
7           programs at such clinics; amending s. 430.707,  
8           F.S.; authorizing the department to contract  
9           for certain services; exempting certain  
10          providers from the provisions of ch. 641, F.S.;  
11          creating the Panel for the Study of End-of-Life  
12          Care; providing for membership and duties;  
13          requiring a report; providing for future  
14          repeal; providing an effective date.

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

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18           Section 1. Subsections (1) and (4) of section 430.502,  
19 Florida Statutes, are amended to read:

20           430.502 Alzheimer's disease; memory disorder clinics  
21 and day care and respite care programs.--

22           (1) There is established:

23           (a) A memory disorder clinic at each of the three  
24 medical schools in this state;

25           (b) A memory disorder clinic at a major private  
26 nonprofit research-oriented teaching hospital, and may fund a  
27 memory disorder clinic at any of the other affiliated teaching  
28 hospitals;

29           (c) A memory disorder clinic at the Mayo Clinic in  
30 Jacksonville;

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1           (d) A memory disorder clinic at the West Florida  
2 Regional Medical Center;  
3           (e) The East Central Florida Memory Disorder Clinic at  
4 the Joint Center for Advanced Therapeutics and Biomedical  
5 Research of the Florida Institute of Technology and Holmes  
6 Regional Medical Center, Inc. ;  
7           (f) A memory disorder clinic at the Orlando Regional  
8 Healthcare System, Inc. ; ~~and~~  
9           (g) A memory disorder center located in a public  
10 hospital that is operated by an independent special hospital  
11 taxing district that governs multiple hospitals and is located  
12 in a county with a population greater than 800,000 persons ;  
13           (h) A memory disorder clinic at St. Mary's Medical  
14 Center in Palm Beach County; and  
15           (i) A memory disorder clinic at Tallahassee Memorial  
16 Regional Medical Center,  
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18 for the purpose of conducting research and training in a  
19 diagnostic and therapeutic setting for persons suffering from  
20 Alzheimer's disease and related memory disorders. However,  
21 memory disorder clinics funded as of June 30, 1995, shall not  
22 receive decreased funding due solely to subsequent additions  
23 of memory disorder clinics in this subsection.  
24           (4) Pursuant to the provisions of s. 287.057, the  
25 Department of Elderly Affairs may ~~shall~~ contract for the  
26 provision of ~~three~~ specialized model day care programs in  
27 conjunction with the ~~each~~ memory disorder clinics ~~clinic~~. The  
28 purpose of each model day care program must be to provide  
29 service delivery to persons suffering from Alzheimer's disease  
30 or a related memory disorder and training for health care and  
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1 social service personnel in the care of persons having  
2 Alzheimer's disease or related memory disorders.

3 Section 2. Section 430.707, Florida Statutes, is  
4 amended to read:

5 430.707 Contracts.--

6 (1) The department, in consultation with the agency,  
7 shall select and contract with managed care organizations to  
8 provide long-term care within community diversion pilot  
9 project areas.

10 (2) The department, in consultation with the agency,  
11 may contract with entities which have submitted an application  
12 as a community nursing home diversion project as of July 1,  
13 1998, to provide benefits pursuant to the "Program of  
14 All-inclusive Care for the Elderly" as established in Pub. L.  
15 No. 105-33. For the purposes of this community nursing home  
16 diversion project, such entities shall be exempt from the  
17 requirements of chapter 641, if the entity is a private,  
18 nonprofit, superior-rated nursing home with at least 50  
19 percent of its residents eligible for Medicaid.

20 Section 3. (1) There is hereby created the Panel for  
21 the Study of End-of-Life Care, which shall be located in the  
22 Pepper Institute on Aging and Public Policy at Florida State  
23 University, to study the issues related to care provided to  
24 persons at the end of life.

25 (2) The panel shall be composed of 22 persons, as  
26 follows:

27 (a) Two persons who are representatives of hospice  
28 organizations, and one consumer, to be appointed by the  
29 Florida Hospice Association.

30 (b) Three persons who are representatives of nursing  
31 homes and assisted living facilities and who have the

1 expertise necessary to participate in the work of the panel.  
2 Two of these persons shall be appointed by the Florida Health  
3 Care Association and one by the Florida Association of Homes  
4 for the Aging.  
5 (c) Three persons who are representatives of hospitals  
6 and who have the expertise necessary to participate in the  
7 work of the panel, one each to be appointed by the Florida  
8 Hospital Association, the Florida League of Health Systems,  
9 and the Association of Community Hospitals and Health Systems  
10 of Florida, Inc.  
11 (d) One member each to be appointed by the Florida  
12 Medical Association, the Board of Medicine, the Board of  
13 Osteopathic Medicine, The Florida Bar, and the Florida Nurses  
14 Association, who have the expertise necessary to participate  
15 in the work of the panel.  
16 (e) One member of the Florida Senate appointed by the  
17 President of the Senate and one member of the Florida House of  
18 Representatives appointed by the Speaker of the House.  
19 (f) One representative of the Aging with Dignity  
20 Commission.  
21 (g) Two representatives appointed by the Pepper  
22 Institute, including a member of the clergy, with the  
23 expertise necessary to participate in the work of the panel.  
24 (h) One representative from the Health Quality  
25 Assurance Division of the Agency for Health Care  
26 Administration with expertise in the regulation of long-term  
27 care facilities.  
28 (i) The Secretary of Elder Affairs, and one consumer  
29 representative appointed by the secretary.  
30 (3) The members of the panel shall be appointed by  
31 July 1, 1998, and shall hold an initial meeting of the panel

1 by August 1, 1998. All expenses of the panel, including travel  
2 and per diem expenses, shall be paid by the entities  
3 appointing members pursuant to subsection (2), in proportion  
4 to the number of members appointed by them. The Pepper  
5 Institute shall provide such staff support for the panel as is  
6 requested by the panel. The panel shall hold such hearings as  
7 it deems appropriate to receive public testimony as to its  
8 proposed recommendations and findings. Notice of all meetings  
9 of the panel and of its public hearings shall be provided in  
10 the Florida Administrative Weekly.

11 (4) The panel is directed to study issues related to  
12 the care provided to persons at the end of life. Issues  
13 considered by the panel shall include:

14 (a) Methods to ensure that pain management is a goal  
15 in each health care setting.

16 (b) The identification of barriers that hinder health  
17 care professionals from providing satisfactory pain management  
18 and palliative care.

19 (c) Whether mandatory education in pain management and  
20 palliative care should be required as a condition for  
21 licensure or relicensure of health care professionals. The  
22 Pepper Institute shall consult with health care professional  
23 licensing boards in completing this phase of the study.

24 (d) The current use of advance directives, to  
25 determine whether changes are necessary to ensure that, once  
26 prepared, advance directives will be honored in any health  
27 care setting.

28 (e) The regulatory and financial incentives that  
29 influence the site or setting of care and of care providers.

30 (5) The panel shall submit an interim report by  
31 January 31, 1999, and a final report by August 1, 1999, to the

1 Governor, the President of the Senate, and the Speaker of the  
2 House of Representatives.  
3 (6) This section shall stand repealed effective August  
4 1, 1999.  
5 Section 4. This act shall take effect July 1 of the  
6 year in which enacted.  
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