

By Senator Clary

7-1038-99

1 A bill to be entitled
2 An act relating to hospices; amending s.
3 400.605, F.S.; prescribing additional subjects
4 that must be addressed in rules of the
5 Department of Elderly Affairs; amending s.
6 400.609, F.S.; authorizing physician services
7 to be provided through contract; prescribing
8 additional facilities in which hospice services
9 may be provided; prescribing responsibility for
10 care and services of persons admitted to
11 hospice programs; providing an effective date.

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

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15 Section 1. Subsection (1) of section 400.605, Florida
16 Statutes, is amended to read:

17 400.605 Administration; forms; fees; rules;
18 inspections; fines.--

19 (1) The department, in consultation with the agency,
20 shall by rule establish minimum standards and ~~licensure~~
21 procedures for a hospice. The rules must include:

22 (a) License application procedures and requirements.

23 **(b)**~~(a)~~ The qualifications of professional and
24 ancillary personnel to ensure the provision of appropriate and
25 adequate hospice care.

26 **(c)**~~(b)~~ Standards and procedures for the administrative
27 management of a hospice.

28 **(d)**~~(c)~~ Standards for hospice services that ensure the
29 provision of quality patient care.

30 **(e) Components of a patient plan of care.**

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1 (f) Procedures relating to the implementation of
2 advanced directives and do-not-resuscitate orders.

3 ~~(g)(d)~~ Procedures for maintaining and ensuring
4 confidentiality of patient records.

5 ~~(e) Provision for contractual arrangements for the~~
6 ~~inpatient component of hospice care and for other professional~~
7 ~~and ancillary hospice services.~~

8 (h)(f) Standards for hospice care provided in hospice
9 residential units and freestanding inpatient facilities that
10 are not otherwise licensed medical facilities and in
11 residential care facilities such as nursing homes, assisted
12 living facilities, adult family care homes, and hospice
13 residential units and facilities.

14 (i) Physical plant standards for hospice residential
15 and inpatient facilities and units.

16 (j) Component of a disaster preparedness plan.

17 (k) Standards and procedures relating to the
18 establishment and activities of a quality assurance and
19 utilization review committee.

20 (l) Components and procedures relating to the
21 collection of patient demographic data and other information
22 on the provision of hospice care in this state.

23 Section 2. Section 400.609, Florida Statutes, is
24 amended to read:

25 400.609 Hospice services.--Each hospice shall provide
26 a continuum of hospice services which afford the patient and
27 the family of the patient a range of service delivery which
28 can be tailored to specific needs and preferences of the
29 patient and family at any point in time throughout the length
30 of care for the terminally ill patient and during the
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1 bereavement period. These services must be available 24 hours
2 a day, 7 days a week, and must include:

3 (1) CORE SERVICES.--

4 (a) The hospice care team shall directly provide ~~the~~
5 ~~following core services:~~ ~~physician services,~~ nursing
6 services, social work services, pastoral or counseling
7 services, dietary counseling, home health aide services, and
8 bereavement counseling services. Physician services may be
9 provided by the hospice directly or through contract.

10 (b) Each hospice must also provide or arrange for such
11 additional services as are needed to meet the palliative and
12 support needs of the patient and family. These services may
13 include, but are not limited to, physical therapy,
14 occupational therapy, speech therapy, massage therapy,
15 infusion therapy, provision of medical supplies and durable
16 medical equipment, day care, homemaker and chore services, and
17 funeral services.

18 (2) HOSPICE HOME CARE.--Hospice care and services
19 provided in a private home shall be the primary form of care.
20 The goal of hospice home care shall be to provide adequate
21 training and support to encourage self-sufficiency and allow
22 patients and families to maintain the patient comfortably at
23 home for as long as possible. The services of the hospice
24 home care program shall be of the highest quality and shall be
25 provided by the hospice care team.

26 (3) HOSPICE RESIDENTIAL CARE.--Hospice care and
27 services, to the extent practicable and compatible with the
28 needs and preferences of the patient, may be provided by the
29 hospice care team to a patient living in an assisted living
30 facility, adult family care home, nursing home, hospice
31 residential unit or facility, or other nondomestic place of

1 permanent or temporary residence. A resident or patient living
2 in an assisted living facility, adult family care home,
3 nursing home, or other facility subject to state licensing who
4 has been admitted to a hospice program shall be considered a
5 hospice patient, and the hospice program shall be responsible
6 for coordinatng and ensuring the delivery of hospice care and
7 services to such person pursuant to the standards and
8 requirements of this part and rules adopted under this part.

9 (4) HOSPICE INPATIENT CARE.--The inpatient component
10 of care is a short-term adjunct to hospice home care and
11 hospice residential care and shall be used only for pain
12 control, symptom management, or respite care. The total number
13 of inpatient days for all hospice patients in any 12-month
14 period may not exceed 20 percent of the total number of
15 hospice days for all the hospice patients of the licensed
16 hospice. Hospice inpatient care shall be under the direct
17 administration of the hospice, whether the inpatient facility
18 is a freestanding hospice facility or part of a facility
19 licensed pursuant to chapter 395 or part II of this chapter.
20 The facility or rooms within a facility used for the hospice
21 inpatient component of care shall be arranged, administered,
22 and managed in such a manner as to provide privacy, dignity,
23 comfort, warmth, and safety for the terminally ill patient and
24 the family. Every possible accommodation must be made to
25 create as homelike an atmosphere as practicable. To
26 facilitate overnight family visitation within the facility,
27 rooms must be limited to no more than double occupancy; and,
28 whenever possible, both occupants must be hospice patients.
29 There must be a continuum of care and a continuity of
30 caregivers between the hospice home program and the inpatient
31 aspect of care to the extent practicable and compatible with

1 the preferences of the patient and his or her family. Fees
2 charged for hospice inpatient care, whether provided directly
3 by the hospice or through contract, must be made available
4 upon request to the Agency for Health Care Administration. The
5 hours for daily operation and the location of the place where
6 the services are provided must be determined, to the extent
7 practicable, by the accessibility of such services to the
8 patients and families served by the hospice.

9 (5) BEREAVEMENT COUNSELING.--The hospice bereavement
10 program must be a comprehensive program, under professional
11 supervision, that provides a continuum of formal and informal
12 supportive services to the family for a minimum of 1 year
13 after the patient's death. This subsection does not
14 constitute an additional exemption from chapter 490 or chapter
15 491.

16 Section 3. This act shall take effect July 1, 1999.

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19 SENATE SUMMARY

20 Provides additional standards and procedures for hospices
21 relating to license application, patient care plans,
22 implementation of advanced directives and
23 do-not-resuscitate orders, physical plant, disaster
24 preparedness, quality assurance and utilization, and data
25 collection which must be addressed in rules of the
26 Department of Elderly Affairs. Authorizes hospices to
27 provide physician services through contract as well as
28 directly. Provides that a person residing in another type
29 of facility who has been admitted to a hospice program is
30 considered a hospice patient.
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