

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.
6 400.6085, F.S.; authorizing hospices to
7 contract for physician services; amending s.
8 400.609, F.S.; authorizing physician services
9 and home health aide services to be provided
10 through contract; authorizing hospices to
11 contract for services under certain
12 circumstances; prescribing additional
13 facilities in which hospice services may be
14 provided; prescribing responsibility for care
15 and services of persons admitted to hospice
16 programs; providing an effective date.

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

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

22 400.605 Administration; forms; fees; rules;
23 inspections; fines.--

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

27 (a) License application procedures and requirements.

28 (b)~~(a)~~ The qualifications of professional and
29 ancillary personnel to ensure the provision of appropriate and
30 adequate hospice care.

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1 ~~(c)(b)~~ Standards and procedures for the administrative
2 management of a hospice.

3 ~~(d)(c)~~ Standards for hospice services that ensure the
4 provision of quality patient care.

5 (e) Components of a patient plan of care.

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

8 ~~(g)(d)~~ Procedures for maintaining and ensuring
9 confidentiality of patient records.

10 ~~(e) Provision for contractual arrangements for the~~
11 ~~inpatient component of hospice care and for other professional~~
12 ~~and ancillary hospice services.~~

13 ~~(h)(f)~~ Standards for hospice care provided in hospice
14 residential units and freestanding inpatient facilities that
15 are not otherwise licensed medical facilities and in
16 residential care facilities such as nursing homes, assisted
17 living facilities, adult family care homes, and hospice
18 residential units and facilities.

19 (i) Physical plant standards for hospice residential
20 and inpatient facilities and units.

21 (j) Component of a disaster preparedness plan.

22 (k) Standards and procedures relating to the
23 establishment and activities of a quality assurance and
24 utilization review committee.

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

28 Section 2. Subsection (1) of section 400.6085, Florida
29 Statutes, is amended to read:

30 400.6085 Contractual services.--A hospice may contract
31 out for some elements of its services. However, the core

1 services, as set forth in s. 400.609(1), with the exception of
2 physician services, shall be provided directly by the hospice.
3 Any contract entered into between a hospice and a health care
4 facility or service provider must specify that the hospice
5 retains the responsibility for planning, coordinating, and
6 prescribing hospice care and services for the hospice patient
7 and family. A hospice that contracts for any hospice service
8 is prohibited from charging fees for services provided
9 directly by the hospice care team that duplicate contractual
10 services provided to the patient and family.

11 (1) A contract for hospice services, including
12 inpatient services, must:

13 (a) Identify the nature and scope of services to be
14 provided.

15 (b) Require that direct patient care shall be
16 maintained, supervised, and coordinated by the hospice care
17 team.

18 (c) Limit the services to be provided to only those
19 expressly authorized by the hospice in writing.

20 (d) Delineate the roles of hospice staff and contract
21 staff in the admission process and patient assessment.

22 (e) Identify methods for ensuring continuity of
23 hospice care.

24 (f) Plan for joint quality assurance.

25 (g) Specify the written documentation, including
26 patient records, required of contract staff.

27 (h) Specify qualifications of persons providing the
28 contract services.

29 (i) Specify the effective dates for the contract.

30 Section 3. Section 400.609, Florida Statutes, is
31 amended to read:

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

9 (1) ~~CORE~~ SERVICES.--

10 (a) The hospice care team shall directly provide the
11 following core services: ~~physician services, nursing services,~~
12 social work services, pastoral or counseling services, dietary
13 counseling, ~~home health aide services,~~ and bereavement
14 counseling services. Physician services may be provided by the
15 hospice directly or through contract. A hospice may also use
16 contracted staff if necessary to supplement hospice employees
17 in order to meet the needs of patients during periods of peak
18 patient loads or under extraordinary circumstances.

19 (b) Each hospice must also provide or arrange for such
20 additional services as are needed to meet the palliative and
21 support needs of the patient and family. These services may
22 include, but are not limited to, physical therapy,
23 occupational therapy, speech therapy, massage therapy, home
24 health aide services, infusion therapy, provision of medical
25 supplies and durable medical equipment, day care, homemaker
26 and chore services, and funeral services.

27 (2) HOSPICE HOME CARE.--Hospice care and services
28 provided in a private home shall be the primary form of care.
29 The goal of hospice home care shall be to provide adequate
30 training and support to encourage self-sufficiency and allow
31 patients and families to maintain the patient comfortably at

1 home for as long as possible. The services of the hospice
2 home care program shall be of the highest quality and shall be
3 provided by the hospice care team.

4 (3) HOSPICE RESIDENTIAL CARE.--Hospice care and
5 services, to the extent practicable and compatible with the
6 needs and preferences of the patient, may be provided by the
7 hospice care team to a patient living in an assisted living
8 facility, adult family care home, nursing home, hospice
9 residential unit or facility, or other nondomestic place of
10 permanent or temporary residence. A resident or patient living
11 in an assisted living facility, adult family care home,
12 nursing home, or other facility subject to state licensing who
13 has been admitted to a hospice program shall be considered a
14 hospice patient, and the hospice program shall be responsible
15 for coordinating and ensuring the delivery of hospice care and
16 services to such person pursuant to the standards and
17 requirements of this part and rules adopted under this part.

18 (4) HOSPICE INPATIENT CARE.--The inpatient component
19 of care is a short-term adjunct to hospice home care and
20 hospice residential care and shall be used only for pain
21 control, symptom management, or respite care. The total number
22 of inpatient days for all hospice patients in any 12-month
23 period may not exceed 20 percent of the total number of
24 hospice days for all the hospice patients of the licensed
25 hospice. Hospice inpatient care shall be under the direct
26 administration of the hospice, whether the inpatient facility
27 is a freestanding hospice facility or part of a facility
28 licensed pursuant to chapter 395 or part II of this chapter.
29 The facility or rooms within a facility used for the hospice
30 inpatient component of care shall be arranged, administered,
31 and managed in such a manner as to provide privacy, dignity,

1 comfort, warmth, and safety for the terminally ill patient and
2 the family. Every possible accommodation must be made to
3 create as homelike an atmosphere as practicable. To
4 facilitate overnight family visitation within the facility,
5 rooms must be limited to no more than double occupancy; and,
6 whenever possible, both occupants must be hospice patients.
7 There must be a continuum of care and a continuity of
8 caregivers between the hospice home program and the inpatient
9 aspect of care to the extent practicable and compatible with
10 the preferences of the patient and his or her family. Fees
11 charged for hospice inpatient care, whether provided directly
12 by the hospice or through contract, must be made available
13 upon request to the Agency for Health Care Administration. The
14 hours for daily operation and the location of the place where
15 the services are provided must be determined, to the extent
16 practicable, by the accessibility of such services to the
17 patients and families served by the hospice.

18 (5) BEREAVEMENT COUNSELING.--The hospice bereavement
19 program must be a comprehensive program, under professional
20 supervision, that provides a continuum of formal and informal
21 supportive services to the family for a minimum of 1 year
22 after the patient's death. This subsection does not
23 constitute an additional exemption from chapter 490 or chapter
24 491.

25 Section 4. This act shall take effect July 1, 1999.
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