

By Representative Bilirakis

1 A bill to be entitled
2 An act relating to hospices; amending s.
3 400.605, F.S.; revising authority of the
4 Department of Elderly Affairs to adopt rules
5 for hospice standards and procedures; amending
6 ss. 400.6085 and 400.609, F.S.; authorizing
7 contracts for physician services; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (1) of section 400.605, Florida
13 Statutes, is amended to read:

14 400.605 Administration; forms; fees; rules;
15 inspections; fines.--

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

19 (a) License application procedures and requirements.

20 (b)~~(a)~~ The qualifications of professional and
21 ancillary personnel to ensure the provision of appropriate and
22 adequate hospice care.

23 (c)~~(b)~~ Standards for the administrative management of
24 a hospice.

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

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

28 (f) Procedures relating to the implementation of
29 advance directives and do-not-resuscitate orders.

30 (g)~~(d)~~ Procedures for maintaining and ensuring
31 confidentiality of patient records.

1 ~~(e) Provision for contractual arrangements for the~~
2 ~~inpatient component of hospice care and for other professional~~
3 ~~and ancillary hospice services.~~

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

10 (i) Physical plant standards for hospice residential
11 units and inpatient facilities.

12 (j) Components of a disaster preparedness plan.

13 (k) Standards and procedures relating to the
14 establishment and activities of a quality assurance and
15 utilization review committee.

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

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

21 400.6085 Contractual services.--A hospice may contract
22 out for some elements of its services. However, the core
23 services, as set forth in s. 400.609(1), with the exception of
24 physician services, shall be provided directly by the hospice.
25 Any contract entered into between a hospice and a health care
26 facility or service provider must specify that the hospice
27 retains the responsibility for planning, coordinating, and
28 prescribing hospice care and services for the hospice patient
29 and family. A hospice that contracts for any hospice service
30 is prohibited from charging fees for services provided
31

1 directly by the hospice care team that duplicate contractual
2 services provided to the patient and family.

3 (1) A contract for hospice services, including
4 inpatient services, must:

5 (a) Identify the nature and scope of services to be
6 provided.

7 (b) Require that direct patient care shall be
8 maintained, supervised, and coordinated by the hospice care
9 team.

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

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

14 (e) Identify methods for ensuring continuity of
15 hospice care.

16 (f) Plan for joint quality assurance.

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

19 (h) Specify qualifications of persons providing the
20 contract services.

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

22 Section 3. Subsections (1), (3), and (4) of section
23 400.609, Florida Statutes, are amended to read:

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

1 (1) CORE SERVICES.--

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

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

16 (3) HOSPICE RESIDENTIAL CARE.--Hospice care and
17 services, to the extent practicable and compatible with the
18 needs and preferences of the patient, may be provided by the
19 hospice care team to a patient living in an assisted living
20 facility, adult family-care home,nursing home, hospice
21 residential unit or facility, or other nondomestic place of
22 permanent or temporary residence. A resident or patient
23 living in an assisted living facility, adult family-care home,
24 nursing home, or other facility subject to state licensing who
25 has been admitted to a hospice program shall be considered a
26 hospice patient, and the hospice program shall be responsible
27 for coordinating and ensuring the delivery of hospice care and
28 services to such patient pursuant to the standards and
29 requirements of this part and adopted rules.

30 (4) HOSPICE INPATIENT CARE.--The inpatient component
31 of care is a short-term adjunct to hospice home care and

1 hospice residential care, and shall be used only for pain
2 control, symptom management, or respite care. The total number
3 of inpatient days for all hospice patients in any 12-month
4 period may not exceed 20 percent of the total number of
5 hospice days for all the hospice patients of the licensed
6 hospice. Hospice inpatient care shall be under the direct
7 administration of the hospice, whether the inpatient facility
8 is a freestanding hospice facility or part of a facility
9 licensed pursuant to chapter 395 or part II of this chapter.
10 The facility or rooms within a facility used for the hospice
11 inpatient component of care shall be arranged, administered,
12 and managed in such a manner as to provide privacy, dignity,
13 comfort, warmth, and safety for the terminally ill patient and
14 the family. Every possible accommodation must be made to
15 create as homelike an atmosphere as practicable. To
16 facilitate overnight family visitation within the facility,
17 rooms must be limited to no more than double occupancy; and,
18 whenever possible, both occupants must be hospice patients.
19 There must be a continuum of care and a continuity of
20 caregivers between the hospice home program and the inpatient
21 aspect of care to the extent practicable and compatible with
22 the preferences of the patient and his or her family. Fees
23 charged for hospice inpatient care, whether provided directly
24 by the hospice or through contract, must be made available
25 upon request to the Agency for Health Care Administration. The
26 hours for daily operation and the location of the place where
27 the services are provided must be determined, to the extent
28 practicable, by the accessibility of such services to the
29 patients and families served by the hospice.

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

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Revises authority of the Department of Elderly Affairs to adopt rules to establish minimum standards and procedures for the operation of hospices. Provides that physician services required to be provided by a hospice may be provided through contract. Present law requires such services to be directly provided by the hospice care team.