

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.

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

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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
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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 team shall directly provide the
3 ~~following core services: physician services, nursing~~
4 ~~services, pastoral or counseling services, dietary counseling,~~
5 ~~home health aide services, and bereavement counseling~~
6 ~~services. Physician services may be directly provided by the~~
7 ~~hospice or through contract. A hospice may also use~~
8 ~~contracted staff if necessary to supplement hospice employees~~
9 ~~in order to meet the needs of patients during periods of peak~~
10 ~~patient loads or under extraordinary circumstances.~~

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

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

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1 services to such patient pursuant to the standards and
 2 requirements of this part and adopted rules.

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

1 practicable, by the accessibility of such services to the
2 patients and families served by the hospice.
3 Section 4. This act shall take effect July 1, 1999.
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