

ENROLLED

HB 0189

2005 Legislature

1 A bill to be entitled

2 An act relating to hospice facilities; amending s. 553.73,  
3 F.S.; including hospice facilities within the purview of  
4 the Florida Building Code; amending s. 400.605, F.S.;  
5 deleting provisions requiring the Department of Elderly  
6 Affairs to adopt physical plant standards for hospice  
7 facilities; creating s. 400.6051, F.S.; requiring that  
8 construction standards for hospice facilities be in  
9 compliance with the Florida Building Code; requiring the  
10 Agency for Health Care Administration to provide technical  
11 assistance to the Florida Building Commission to update the  
12 Florida Building Code for hospice facilities; providing an  
13 effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Subsection (2) of section 553.73, Florida  
18 Statutes, is amended to read:

19 553.73 Florida Building Code.--

20 (2) The Florida Building Code shall contain provisions or  
21 requirements for public and private buildings, structures, and  
22 facilities relative to structural, mechanical, electrical,  
23 plumbing, energy, and gas systems, existing buildings,  
24 historical buildings, manufactured buildings, elevators, coastal  
25 construction, lodging facilities, food sales and food service  
26 facilities, health care facilities, including assisted living  
27 facilities, adult day care facilities, hospice residential and  
28 inpatient facilities and units, and facilities for the control  
29 of radiation hazards, public or private educational facilities,

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30 swimming pools, and correctional facilities and enforcement of  
31 and compliance with such provisions or requirements. Further,  
32 the Florida Building Code must provide for uniform  
33 implementation of ss. 515.25, 515.27, and 515.29 by including  
34 standards and criteria for residential swimming pool barriers,  
35 pool covers, latching devices, door and window exit alarms, and  
36 other equipment required therein, which are consistent with the  
37 intent of s. 515.23. Technical provisions to be contained within  
38 the Florida Building Code are restricted to requirements related  
39 to the types of materials used and construction methods and  
40 standards employed in order to meet criteria specified in the  
41 Florida Building Code. Provisions relating to the personnel,  
42 supervision or training of personnel, or any other professional  
43 qualification requirements relating to contractors or their  
44 workforce may not be included within the Florida Building Code,  
45 and subsections (4), (5), (6), and (7) are not to be construed  
46 to allow the inclusion of such provisions within the Florida  
47 Building Code by amendment. This restriction applies to both  
48 initial development and amendment of the Florida Building Code.

49 Section 2. Subsection (1) of section 400.605, Florida  
50 Statutes, is amended to read:

51 400.605 Administration; forms; fees; rules; inspections;  
52 fines.--

53 (1) The department, in consultation with the agency, shall  
54 by rule establish minimum standards and procedures for a  
55 hospice. The rules must include:

56 (a) License application procedures and requirements.

57 (b) The qualifications of professional and ancillary  
58 personnel to ensure the provision of appropriate and adequate

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59 hospice care.

60 (c) Standards and procedures for the administrative  
61 management of a hospice.

62 (d) Standards for hospice services that ensure the  
63 provision of quality patient care.

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

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

67 (g) Procedures for maintaining and ensuring  
68 confidentiality of patient records.

69 (h) Standards for hospice care provided in freestanding  
70 inpatient facilities that are not otherwise licensed medical  
71 facilities and in residential care facilities such as nursing  
72 homes, assisted living facilities, adult family care homes, and  
73 hospice residential units and facilities.

74 ~~(i) Physical plant standards for hospice residential and~~  
75 ~~inpatient facilities and units.~~

76 (i)~~(j)~~ Components of a comprehensive emergency management  
77 plan, developed in consultation with the Department of Health,  
78 the Department of Elderly Affairs, and the Department of  
79 Community Affairs.

80 (j)~~(k)~~ Standards and procedures relating to the  
81 establishment and activities of a quality assurance and  
82 utilization review committee.

83 (k)~~(l)~~ Components and procedures relating to the  
84 collection of patient demographic data and other information on  
85 the provision of hospice care in this state.

86 Section 3. Section 400.6051, Florida Statutes, is created  
87 to read:

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88           400.6051 Construction and renovation; requirements.--The  
89 requirements for the construction and the renovation of a  
90 hospice residential or inpatient facility or unit must comply  
91 with the provisions of chapter 553 which pertain to building  
92 construction standards, including plumbing, electrical code,  
93 glass, manufactured buildings, accessibility for persons with  
94 disabilities, and the state minimum building codes. The Agency  
95 for Health Care Administration shall provide technical  
96 assistance to the Florida Building Commission in updating the  
97 construction standards of the Florida Building Code which govern  
98 hospice facilities.

99           Section 4. This act shall take effect July 1, 2005.