

HB 1417

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CHAMBER ACTION

1 The Elder & Long-Term Care Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to hospices; amending s. 400.601, F.S.;
7 revising the definition of the term "hospice"; amending s.
8 400.602, F.S.; requiring that a hospice state the year of
9 initial licensure in the state; prescribing the manner and
10 placement of such notification; requiring a hospice to
11 serve a specified area, provide certain services, and
12 employ staff and trained volunteers within a specified
13 time period; deleting provisions authorizing the transfer
14 of certain hospices and the acquisition of additional
15 licenses; amending s. 400.606, F.S.; requiring the Agency
16 for Health Care Administration to deny a license or
17 renewal of a license to hospices that fail to meet certain
18 conditions; amending s. 400.6105, F.S.; requiring a
19 hospice to use trained volunteers and to document and
20 report certain volunteer information; requiring the Office
21 of Program Policy Analysis and Government Accountability
22 to submit a report to the Legislature; providing
23 legislative intent; providing that the Department of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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24 Elderly Affairs, in conjunction with the agency and all
 25 hospices licensed in the state, develop certain outcome
 26 measures; providing for adoption of national initiatives;
 27 requiring an annual report; providing for severability;
 28 providing an effective date.

29

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

31

32 Section 1. Subsection (3) of section 400.601, Florida
 33 Statutes, is amended to read:

34 400.601 Definitions.--As used in this part, the term:

35 (3) "Hospice" means a centrally administered corporation
 36 ~~not for profit, as defined in chapter 617,~~ providing a continuum
 37 of palliative and supportive care for the terminally ill patient
 38 and his or her family.

39 Section 2. Section 400.602, Florida Statutes, is amended
 40 to read:

41 400.602 Licensure required; prohibited acts; exemptions;
 42 display, transferability of license.--

43 (1)(a) It is unlawful to operate or maintain a hospice
 44 without first obtaining a license from the agency.

45 (b) It is unlawful for any person or legal entity not
 46 licensed as a hospice under this part to use the word "hospice"
 47 in its name, or to offer or advertise hospice services or
 48 hospice-like services in such a way as to mislead a person to
 49 believe that the offeror is a hospice licensed under this part.

50 (c) It is unlawful for any person or legal entity
 51 offering, describing, or advertising hospice services or

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52 hospice-like services or otherwise holding itself out as a
53 hospice to do so without stating the year of initial licensure
54 as a hospice in the state or the year of initial licensure of
55 the hospice entity or affiliate based in the state that owns the
56 hospice. At a minimum, the year of initial licensure shall be
57 stated directly beneath the name of the licensed entity in a
58 type no less than 25 percent of the size of the type used for
59 the name or other indication of hospice services or hospice-like
60 services and must be prominently stated at least one time on any
61 document, item, or other medium offering, describing, or
62 advertising hospice services or hospice-like services.

63 (2) Services provided by a hospital, nursing home, or
64 other health care facility, health care provider, or caregiver,
65 or under the Community Care for the Elderly Act, do not
66 constitute a hospice unless the facility, provider, or caregiver
67 establishes a separate and distinct administrative program to
68 provide home, residential, and homelike inpatient hospice
69 services.

70 (3) (a) A separately licensed hospice may not use a name
71 which is substantially the same as the name of another hospice
72 licensed under this part.

73 (b) A licensed hospice which intends to change its name or
74 address must notify the agency at least 60 days before making
75 the change.

76 (4) The license shall be displayed in a conspicuous place
77 inside the hospice program office; shall be valid only in the
78 possession of the person or public agency to which it is issued;
79 shall not be subject to sale, assignment, or other transfer,

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80 voluntary or involuntary; and shall not be valid for any hospice
81 other than the hospice for which originally issued.

82 (5) A hospice must serve the entire service area for which
83 it is licensed. For any county or counties in the service area
84 with a population of 50,000 or less, the hospice must have a
85 plan for providing hospice care, meeting the needs for hospice
86 care, and reporting access and utilization of hospice care by
87 county residents; must locate an office in the county; and must
88 employ local hospice staff or trained volunteers within 6 months
89 after initial licensure.

90 ~~(5) Notwithstanding s. 400.601(3), any hospice operating~~
91 ~~in corporate form exclusively as a hospice, incorporated on or~~
92 ~~before July 1, 1978, may be transferred to a for profit or not-~~
93 ~~for profit entity, and may transfer the license to that entity.~~

94 ~~(6) Notwithstanding s. 400.601(3), at any time after July~~
95 ~~1, 1995, any entity entitled to licensure under subsection (5)~~
96 ~~may obtain a license for up to two additional hospices in~~
97 ~~accordance with the other requirements of this part and upon~~
98 ~~receipt of any certificate of need that may be required under~~
99 ~~the provisions of ss. 408.031-408.045.~~

100 Section 3. Subsection (7) is added to section 400.606,
101 Florida Statutes, to read:

102 400.606 License; application; renewal; conditional license
103 or permit; certificate of need.--

104 (7) The agency shall deny a license or renewal of a
105 license to any hospice that fails to meet any commitment for the
106 provision of hospice care or services made in the application
107 for a certificate of need or any condition for the provision of

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108 hospice care or services specified in the certificate of need,
109 unless the hospice can demonstrate that meeting a commitment or
110 condition is premature to the initial issuance of a license.

111 Section 4. Subsection (4) of section 400.6105, Florida
112 Statutes, is amended to read:

113 400.6105 Staffing and personnel.--

114 (4) A hospice must maintain a trained volunteer staff for
115 the purpose of providing both administrative support and direct
116 patient care. A hospice must use trained volunteers who work in
117 defined roles and under the supervision of a designated hospice
118 employee for an amount of time that equals at least 5 percent of
119 the total patient care hours provided by all paid hospice
120 employees and contract staff in the aggregate. The hospice shall
121 document and report the use of volunteers, including maintaining
122 a record of the number of volunteers, the number of hours worked
123 by each volunteer, and the tasks performed by each volunteer.

124 Section 5. No later than January 1, 2010, the Office of
125 Program Policy Analysis and Government Accountability shall
126 submit to the President of the Senate and the Speaker of the
127 House of Representatives a report analyzing the impact of for-
128 profit hospices on the delivery of care to terminally ill
129 patients and include in the report a review of the quality of
130 care offered by for-profit hospices, changes in the competitive
131 marketplace in hospice service areas, and any other information
132 deemed pertinent.

133 Section 6. In order to protect the citizens of the state,
134 it is the intent of the Legislature that no change in law or in
135 administrative rule be made to the hospice licensure and

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136 certificate-of-need provisions until the year 2012 in order to
137 correctly analyze and evaluate the impact of this act on the
138 quality of hospice care in the state.

139 Section 7. (1) No later than December 31, 2007, the
140 Department of Elderly Affairs, in conjunction with the Agency
141 for Health Care Administration and all hospices licensed in the
142 state, shall develop outcome measures to determine the quality
143 and effectiveness of hospice care in the state. At a minimum,
144 these outcome measures shall include a requirement that 50
145 percent of patients who report severe pain on a 0-to-10 scale
146 must report a reduction to 5 or less by the end of the 4th day
147 of care on the hospice program.

148 (2) The Department of Elderly Affairs, in conjunction with
149 the Agency for Health Care Administration and all hospices
150 licensed in the state, shall:

151 (a) Consider and adopt national initiatives, such as those
152 developed by the National Hospice and Palliative Care
153 Organization, to set benchmarks for measuring the quality of
154 hospice care provided in the state.

155 (b) Develop an annual report that analyzes and evaluates
156 the information collected under this act and any other data
157 collection or reporting provisions of law.

158 Section 8. If any provision of this act or its application
159 to any person or circumstance is held invalid, the invalidity
160 does not affect other provisions or applications of this act
161 which can be given effect without the invalid provision or
162 application, and to this end the provisions of this act are
163 severable.

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Section 9. This act shall take effect July 1, 2006.