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## CHAMBER ACTION

1 The Health Care Appropriations Committee recommends the  
2 following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to hospices; amending s. 400.601, F.S.;  
8 revising the definition of the term "hospice"; amending s.  
9 400.602, F.S.; requiring that a hospice state the year of  
10 initial licensure in the state; prescribing the manner and  
11 placement of such notification; providing an exception;  
12 deleting provisions authorizing the transfer of certain  
13 hospices and the acquisition of additional licenses;  
14 amending s. 400.606, F.S.; providing that the Agency for  
15 Health Care Administration may not deny a license to  
16 applicants that fail to meet certain conditions when good  
17 cause for such failure can be demonstrated; amending s.  
18 400.6105, F.S.; requiring a hospice to use trained  
19 volunteers and to document and report certain volunteer  
20 information; requiring the Office of Program Policy  
21 Analysis and Government Accountability to submit a report  
22 to the Legislature; providing legislative intent;  
23 requiring the Department of Elderly Affairs, in

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

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24 conjunction with the agency and all hospices licensed in  
 25 the state, to develop certain outcome measures; providing  
 26 for adoption of national initiatives; requiring an annual  
 27 report; providing for severability; providing an effective  
 28 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 must 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. This  
63 requirement excludes any materials relating to the care and  
64 treatment of an existing hospice patient.

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

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

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

78 (4) The license shall be displayed in a conspicuous place  
79 inside the hospice program office; shall be valid only in the

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80 possession of the person or public agency to which it is issued;  
81 shall not be subject to sale, assignment, or other transfer,  
82 voluntary or involuntary; and shall not be valid for any hospice  
83 other than the hospice for which originally issued.

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

88 ~~(6) Notwithstanding s. 400.601(3), at any time after July~~  
89 ~~1, 1995, any entity entitled to licensure under subsection (5)~~  
90 ~~may obtain a license for up to two additional hospices in~~  
91 ~~accordance with the other requirements of this part and upon~~  
92 ~~receipt of any certificate of need that may be required under~~  
93 ~~the provisions of ss. 408.031-408.045.~~

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

96 400.606 License; application; renewal; conditional license  
97 or permit; certificate of need.--

98 (7) The agency may deny a license to an applicant that  
99 fails to meet any condition for the provision of hospice care or  
100 services imposed by the agency on a certificate of need by final  
101 agency action, unless the applicant can demonstrate that good  
102 cause exists for the applicant's failure to meet such condition.

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

105 400.6105 Staffing and personnel.--

106 (4) A hospice must maintain a trained volunteer staff for  
107 the purpose of providing both administrative support and direct

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108 | patient care. A hospice must use trained volunteers who work in  
109 | defined roles and under the supervision of a designated hospice  
110 | employee for an amount of time that equals at least 5 percent of  
111 | the total patient care or administrative hours provided by all  
112 | paid hospice employees and contract staff in the aggregate. The  
113 | hospice shall document and report the use of volunteers,  
114 | including maintaining a record of the number of volunteers, the  
115 | number of hours worked by each volunteer, and the tasks  
116 | performed by each volunteer.

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

126 |       Section 6. To protect the citizens of the state, it is the  
127 | intent of the Legislature that no change in law be made to the  
128 | hospice licensure and certificate-of-need provisions until the  
129 | year 2012 to correctly analyze and evaluate the impact of this  
130 | act on the quality of hospice care in the state.

131 |       Section 7. (1) No later than December 31, 2007, the  
132 | Department of Elderly Affairs, in conjunction with the Agency  
133 | for Health Care Administration and all hospices licensed in the  
134 | state, shall develop outcome measures to determine the quality  
135 | and effectiveness of hospice care in the state. At a minimum,

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136 these outcome measures shall include a requirement that 50  
137 percent of patients who report severe pain on a 0-to-10 scale  
138 must report a reduction to 5 or less by the end of the 4th day  
139 of care on the hospice program.

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

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

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

150 Section 8. If any provision of this act or its application  
151 to any person or circumstance is held invalid, the invalidity  
152 does not affect other provisions or applications of this act  
153 which can be given effect without the invalid provision or  
154 application, and to this end the provisions of this act are  
155 severable.

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