

Bill No. SB 1548

Barcode 951702

CHAMBER ACTION

Senate

House

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The Committee on Health Care (Atwater) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

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

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

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

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

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

(b) It is unlawful for any person or legal entity not

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1 licensed as a hospice under this part to use the word
 2 "hospice" in its name, or to offer or advertise hospice
 3 services or hospice-like services in such a way as to mislead
 4 a person to believe that the offeror is a hospice licensed
 5 under this part.

6 (c) It is unlawful for any person or legal entity
 7 offering, describing, or advertising hospice services or
 8 hospice-like services or otherwise holding itself out as a
 9 hospice to do so without stating the year of initial licensure
 10 as a hospice in the state or the year of initial licensure of
 11 the hospice entity or affiliate based in the state that owns
 12 the hospice. At a minimum, the year of initial licensure must
 13 be stated directly beneath the name of the licensed entity in
 14 a type no less than 25 percent of the size of the type used
 15 for the name or other indication of hospice services or
 16 hospice-like services and must be prominently stated at least
 17 one time on any document, item, or other medium offering,
 18 describing, or advertising hospice services or hospice-like
 19 services.

20 (2) Services provided by a hospital, nursing home, or
 21 other health care facility, health care provider, or
 22 caregiver, or under the Community Care for the Elderly Act, do
 23 not constitute a hospice unless the facility, provider, or
 24 caregiver establishes a separate and distinct administrative
 25 program to provide home, residential, and homelike inpatient
 26 hospice services.

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

30 (b) A licensed hospice which intends to change its
 31 name or address must notify the agency at least 60 days before

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1 making the change.

2 (4) The license shall be displayed in a conspicuous
3 place inside the hospice program office; shall be valid only
4 in the possession of the person or public agency to which it
5 is issued; shall not be subject to sale, assignment, or other
6 transfer, voluntary or involuntary; and shall not be valid for
7 any hospice other than the hospice for which originally
8 issued.

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

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

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

22 400.606 License; application; renewal; conditional
23 license or permit; certificate of need.--

24 (7) The agency may deny a license or renewal of a
25 license to any hospice that fails to meet any condition for
26 the provision of hospice care or services specified in the
27 certificate of need, unless the hospice can demonstrate to the
28 agency that good cause exists for the hospice's failure to
29 meet such condition.

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

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1 400.6105 Staffing and personnel.--

2 (4) A hospice must maintain a trained volunteer staff
3 for the purpose of providing both administrative support and
4 direct patient care. A hospice must use trained volunteers who
5 work in defined roles and under the supervision of a
6 designated hospice employee for an amount of time that equals
7 at least 5 percent of the total patient care or administrative
8 hours, of which at least 50 percent must be direct
9 patient-care hours, provided by all paid hospice employees and
10 contract staff in the aggregate. The hospice shall document
11 and report the use of volunteers, including maintaining a
12 record of the number of volunteers, the number of hours worked
13 by each volunteer, and the tasks performed by each volunteer.

14 Section 5. No later than January 1, 2010, the Office
15 of Program Policy Analysis and Government Accountability shall
16 submit to the President of the Senate and the Speaker of the
17 House of Representatives a report analyzing the impact of
18 for-profit hospices on the delivery of care to terminally ill
19 patients and include in the report a review of the quality of
20 care offered by for-profit hospices, changes in the
21 competitive marketplace in hospice service areas, and any
22 other information deemed pertinent.

23 Section 6. In order to protect the citizens of the
24 state, it is the intent of the Legislature that no change in
25 law or in administrative rule be made to the hospice licensure
26 and certificate-of-need provisions until the year 2012 in
27 order to correctly analyze and evaluate the impact of this act
28 on the quality of hospice care in the state.

29 Section 7. (1) No later than December 31, 2007, the
30 Department of Elderly Affairs, in conjunction with the Agency
31 for Health Care Administration and all hospices licensed in

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1 the state, shall develop outcome measures to determine the
2 quality and effectiveness of hospice care in the state. At a
3 minimum, these outcome measures shall include a requirement
4 that:

5 (a) Fifty percent of patients who report severe pain
6 on a 0-to-10 scale must report a reduction to 5 or less by the
7 end of the 4th day of care on the hospice program; and

8 (b) Each patient and family the hospice serves is
9 provided a patient and family satisfaction questionnaire.
10 Seventy-five percent of patients and families who respond to
11 the questionnaire with respect to overall hospice satisfaction
12 must indicate an overall satisfaction of 90 percent or higher.

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

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

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

23 Section 8. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity does not affect other provisions or applications of
26 this act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are severable.

29 Section 9. This act shall take effect July 1, 2006.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to hospices; amending s.

8 400.601, F.S.; revising the definition of the

9 term "hospice"; amending s. 400.602, F.S.;

10 requiring that a hospice state the year of

11 initial licensure in the state; prescribing the

12 manner and placement of such notification;

13 deleting provisions authorizing the transfer of

14 certain hospices and the acquisition of

15 additional licenses; amending s. 400.606, F.S.;

16 requiring the Agency for Health Care

17 Administration to deny a license or renewal of

18 a license to hospices that fail to meet certain

19 conditions; amending s. 400.6105, F.S.;

20 requiring a hospice to use trained volunteers

21 and to document and report certain volunteer

22 information; requiring the Office of Program

23 Policy Analysis and Government Accountability

24 to submit a report to the Legislature;

25 providing legislative intent; providing that

26 the Department of Elderly Affairs, in

27 conjunction with the agency and all hospices

28 licensed in the state, develop certain outcome

29 measures; providing for adoption of national

30 initiatives; requiring an annual report;

31 providing for severability; providing an

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