

HB 1259

2010

1 A bill to be entitled  
2 An act relating to hospice care; amending s. 400.601,  
3 F.S.; defining the terms "hospice program" and "life-  
4 limiting illness"; creating s. 400.6093, F.S.; authorizing  
5 a licensed hospice to provide care to a person who has a  
6 life-limiting illness but who is not admitted to a hospice  
7 program; providing for such services to include the  
8 person's family; clarifying that the act does not prohibit  
9 the provision of palliative care by other authorized  
10 providers or facilities; providing that the act does not  
11 mandate or prescribe additional Medicaid coverage;  
12 providing an effective date.

13  
14 WHEREAS, Senator Jim King supported Florida's model for  
15 high-quality hospice care as an outstanding form of  
16 compassionate care and will be remembered as one of the greatest  
17 advocates for hospice care throughout his career in the Florida  
18 Legislature, and

19 WHEREAS, Senator Jim King proudly sponsored Florida's Death  
20 With Dignity Act that provides for the protection of human life  
21 by ensuring that every competent adult has the fundamental right  
22 of self-determination regarding decisions pertaining to his or  
23 her own health, and

24 WHEREAS, one of Senator Jim King's final wishes was to  
25 ensure that an individual's fundamental right to self-  
26 determination would allow palliative care to be extended for the  
27 benefit of persons who have life-limiting illnesses, who are not  
28 in need of hospice care, but who do need compassionate

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29 palliative care that is delivered by persons having expertise in  
 30 hospice care, NOW, THEREFORE,

31

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

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34 Section 1. Section 400.601, Florida Statutes, is amended  
 35 to read:

36 400.601 Definitions.—As used in this part, the term:

37 (1) "Agency" means the Agency for Health Care  
 38 Administration.

39 (2) "Department" means the Department of Elderly Affairs.

40 (3) "Hospice" means a centrally administered corporation  
 41 providing a continuum of palliative and supportive care for the  
 42 terminally ill patient and his or her family.

43 (4) "Hospice care team" means an interdisciplinary team of  
 44 qualified professionals and volunteers who, in consultation with  
 45 the patient, the patient's family, and the patient's primary or  
 46 attending physician, collectively assess, coordinate, and  
 47 provide the appropriate palliative and supportive care to  
 48 hospice patients and their families.

49 (5) "Hospice program" means a program offered by a hospice  
 50 which provides a continuum of palliative and supportive care for  
 51 the terminally ill person and his or her family.

52 (6)~~(5)~~ "Hospice residential unit" means a homelike living  
 53 facility, other than a facility licensed under other parts of  
 54 this chapter, under chapter 395, or under chapter 429, that is  
 55 operated by a hospice for the benefit of its patients and is  
 56 considered by a patient who lives there to be his or her primary

57 residence.

58 (7)~~(6)~~ "Hospice services" means items and services  
 59 furnished to a patient and family by a hospice, or by others  
 60 under arrangements with such a program, in a place of temporary  
 61 or permanent residence used as the patient's home for the  
 62 purpose of maintaining the patient at home; or, if the patient  
 63 needs short-term institutionalization, the services shall be  
 64 furnished in cooperation with those contracted institutions or  
 65 in the hospice inpatient facility.

66 (8) "Life-limiting illness" means a medical diagnosis of a  
 67 disease or condition that is considered progressive,  
 68 debilitating, late stage, and not curable and that may be  
 69 effectively controlled or managed through palliative care.

70 (9)~~(7)~~ "Palliative care" means services or interventions  
 71 which are not curative but are provided for the reduction or  
 72 abatement of pain and human suffering.

73 (10)~~(8)~~ "Patient" means the terminally ill individual  
 74 receiving hospice services.

75 (11)~~(9)~~ "Plan of care" means a written assessment by the  
 76 hospice of each patient's and family's needs and preferences,  
 77 and the services to be provided by the hospice to meet those  
 78 needs.

79 (12)~~(10)~~ "Terminally ill" means that the patient has a  
 80 medical prognosis that his or her life expectancy is 1 year or  
 81 less if the illness runs its normal course.

82 Section 2. Section 400.6093, Florida Statutes, is created  
 83 to read:

84 400.6093 Palliative care.—Notwithstanding any other

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85 provision of law, a hospice may provide palliative care to a  
86 person who has a life-limiting illness, and who is not admitted  
87 to a hospice program, and to the person's family. Palliative  
88 care may be provided directly to the person and to the person's  
89 family by the hospice or by others under arrangement with the  
90 hospice. This section does not preclude the provision of  
91 palliative care by any other health care provider or health care  
92 facility that is otherwise authorized to provide such services.  
93 This section does not mandate or prescribe additional Medicaid  
94 coverage.

95 Section 3. This act shall take effect July 1, 2010.