

By Senator Thrasher

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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.;  
5 authorizing a licensed hospice to provide care to a  
6 person who has a life-limiting illness but who is not  
7 admitted to a hospice program; providing for such  
8 services to include the person's family; clarifying  
9 that the act does not prohibit the provision of  
10 palliative care by other authorized providers or  
11 facilities; providing that the act does not mandate or  
12 prescribe additional Medicaid coverage; providing an  
13 effective date.

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

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

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

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

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

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

37 400.601 Definitions.—As used in this part, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

85        400.6093 Palliative care.—Notwithstanding any other  
86 provision of law, a hospice may provide palliative care to a  
87 person who has a life-limiting illness, and who is not admitted

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

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