



417868

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2017	.	
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The Committee on Children, Families, and Elder Affairs  
(Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 38 - 107

and insert:

measures and survey data in 42 C.F.R. part 418 to determine the  
quality and effectiveness of hospice care for hospices licensed  
in the state. ~~At a minimum, these outcome measures shall include  
a requirement that 50 percent of patients who report severe pain  
on a 0-to-10 scale must report a reduction to 5 or less by the  
end of the 4th day of care on the hospice program.~~



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11           (2) ~~For hospices licensed in the state,~~ The department of  
12 ~~Elderly Affairs,~~ in conjunction with the agency ~~for Health Care~~  
13 ~~Administration,~~ shall:

14           (a) Make available to the public the national hospice  
15 outcome measures and survey data in a format that is  
16 comprehensible by a layperson and that allows a consumer to  
17 compare such measures of one or more hospices ~~Consider and adopt~~  
18 ~~national initiatives, such as those developed by the national~~  
19 ~~hospice and Palliative Care Organization, to set benchmarks for~~  
20 ~~measuring the quality of hospice care provided in the state.~~

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

24           Section 2. Section 400.6096, Florida Statutes, is created  
25 to read:

26           400.6096 Disposal of prescribed controlled substances  
27 following the death of a patient in the home.-

28           (1) A hospice physician, nurse, or social worker is  
29 authorized to assist in the disposal of a controlled substance  
30 prescribed to a patient at the time of the patient's death  
31 pursuant to the disposal regulations in 21 C.F.R. s. 1317.

32           (2) A hospice that assists in the disposal of a prescribed  
33 controlled substance found in the patient's home at the time of  
34 the patient's death must establish a written policy, procedure,  
35 or system for acceptable disposal methods.

36           (3) A hospice physician, nurse, or social worker, upon the  
37 patient's death and with the permission of a family member or a  
38 caregiver of the patient, may assist in the disposal of an  
39 unused controlled substance prescribed to the patient, pursuant



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40 to the written policy, procedure, or system established under  
41 subsection (2).

42 (4) The prescribed controlled substance disposal procedure  
43 must be carried out in the patient's home. Hospice staff and  
44 volunteers are not authorized to remove a prescribed controlled  
45 substance from the patient's home.

46 Section 3. Section 400.611, Florida Statutes, is amended to  
47 read:

48 400.611 Interdisciplinary records of care; confidentiality;  
49 release of records.—

50 (1) A hospice shall maintain an up-to-date,  
51 interdisciplinary record of care being given and patient and  
52 family status ~~shall be kept~~. Records shall contain pertinent  
53 past and current medical, nursing, social, and other therapeutic  
54 information and such other information that is necessary for the  
55 safe and adequate care of the patient. Notations regarding all  
56 aspects of care for the patient and family shall be made in the  
57 record. When services are terminated, the record shall show the  
58 date and reason for termination.

59 (2) Patient records shall be retained for a period of 6 ~~5~~  
60 years after termination of hospice services, unless otherwise  
61 provided by law. In the case of a patient who is a minor, the 6-  
62 year ~~5-year~~ period shall begin on the date the patient reaches  
63 or would have reached the age of majority.

64 (3) The interdisciplinary record of patient ~~records of care~~  
65 and billing records are confidential.

66 (4) A hospice may not release a patient's interdisciplinary  
67 record or any portion thereof, unless the person requesting the  
68 information provides to the hospice:



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69           (a) A patient authorization executed by the patient; or  
70 ~~legal guardian has given express written informed consent;~~

71           (b) In the case of an incapacitated patient, a patient  
72 authorization executed prior to the patient's death by the  
73 patient's then acting legal guardian, health care surrogate as  
74 defined in s. 765.101(21), health care proxy as defined in s.  
75 765.101(19), or agent under power of attorney;

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77 ===== T I T L E   A M E N D M E N T =====

78 And the title is amended as follows:

79           Delete line 6

80 and insert:

81           measures and survey data by a specified date and to  
82           make such measures