

By Senator Grimsley

26-00254A-17

2017474__

1 A bill to be entitled
2 An act relating to hospice care; amending s. 400.6005,
3 F.S.; revising legislative findings and intent;
4 amending s. 400.601, F.S.; redefining the term
5 “hospice”; defining the terms “hospice program” and
6 “seriously ill”; amending s. 400.60501, F.S.;
7 requiring the Department of Elderly Affairs, in
8 conjunction with the Agency for Health Care
9 Administration, to adopt by rule certain outcome
10 measures by a specified date; requiring the
11 department, in conjunction with the agency, to adopt
12 national hospice outcome measures and develop a system
13 for publicly reporting the measures; creating s.
14 400.6093, F.S.; authorizing hospices, or providers
15 operating under contract with a hospice, to provide
16 palliative care to seriously ill persons and their
17 family members; providing construction; amending s.
18 400.6095, F.S.; making technical changes; creating s.
19 400.6096, F.S.; authorizing a hospice to assist in the
20 disposal of certain prescribed controlled substances;
21 requiring a hospice that chooses to assist in the
22 disposals of certain prescribed controlled substances
23 to establish policies, procedures, and systems for the
24 disposals; authorizing a hospice physician, nurse, or
25 social worker to assist in the disposals of certain
26 prescribed controlled substances; providing
27 requirements for such disposals; providing an
28 effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Section 400.6005, Florida Statutes, is amended

26-00254A-17

2017474__

33 to read:

34 400.6005 Legislative findings and intent.—The Legislature
35 finds that a terminally ill patient ~~individuals and their~~
36 ~~families,~~ who is ~~are~~ no longer pursuing curative medical
37 treatment, and the patient's family should have the opportunity
38 to select a support system that allows ~~permits~~ the patient to
39 exercise maximum independence and dignity during the final days
40 of life. The Legislature also finds that a seriously ill person
41 and the person's family should have the opportunity to select a
42 support system that provides palliative care and supportive care
43 and allows the person to exercise maximum independence while
44 receiving such care. The Legislature finds that hospice care
45 provides a cost-effective and less intrusive form of medical
46 care while meeting the social, psychological, and spiritual
47 needs of ~~terminally ill~~ patients and their families and
48 seriously ill persons and their families. The intent of this
49 part is to provide for the development, establishment, and
50 enforcement of basic standards to ensure the safe and adequate
51 care of persons receiving hospice services.

52 Section 2. Section 400.601, Florida Statutes, is amended to
53 read:

54 400.601 Definitions.—As used in this part, the term:

55 (1) "Agency" means the Agency for Health Care
56 Administration.

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

58 (3) "Hospice" means a centrally administered corporation or
59 a limited liability company that provides a continuum of
60 palliative care and supportive care for a ~~the~~ terminally ill
61 patient and his or her family or a seriously ill person and his

26-00254A-17

2017474__

62 or her family.

63 (4) "Hospice care team" means an interdisciplinary team of
64 qualified professionals and volunteers who, in consultation with
65 a the patient, the patient's family, and the patient's primary
66 or attending physician, collectively assess, coordinate, and
67 provide the appropriate palliative care and supportive care to
68 hospice patients and their families.

69 (5) "Hospice program" means a program offered by a hospice
70 which provides a continuum of palliative care and supportive
71 care for a patient and his or her family or a seriously ill
72 person and his or her family.

73 (6)~~(5)~~ "Hospice residential unit" means a homelike living
74 facility, other than a facility licensed under other parts of
75 this chapter, under chapter 395, or under chapter 429, which
76 ~~that~~ is operated by a hospice for the benefit of its patients
77 and is considered by a patient who lives there to be his or her
78 primary residence.

79 (7)~~(6)~~ "Hospice services" means items and services
80 furnished to a patient and family by a hospice, or by others
81 under arrangements with such a program, in a place of temporary
82 or permanent residence used as the patient's home for the
83 purpose of maintaining the patient at home; or, if the patient
84 needs short-term institutionalization, the services shall be
85 furnished in cooperation with those contracted institutions or
86 in the hospice inpatient facility.

87 (8)~~(7)~~ "Palliative care" means services or interventions
88 that ~~which~~ are not curative but are provided for the reduction
89 or abatement of pain and human suffering.

90 (9)~~(8)~~ "Patient" means the terminally ill individual

26-00254A-17

2017474__

91 receiving hospice services.

92 (10)~~(9)~~ "Plan of care" means a written assessment by the
 93 hospice of each patient's and family's needs and preferences,
 94 and the services to be provided by the hospice to meet those
 95 needs.

96 (11) "Seriously ill" means that the person has a persistent
 97 medical condition that materially and adversely affects the
 98 person's quality of life; that is burdensome in its symptoms,
 99 pain, or caregiver stress; and that may be managed through
 100 palliative care.

101 (12)~~(10)~~ "Terminally ill" means that the patient has a
 102 medical prognosis that his or her life expectancy is 1 year or
 103 less if the illness runs its normal course.

104 Section 3. Section 400.60501, Florida Statutes, is amended
 105 to read:

106 400.60501 Outcome measures; adoption of federal quality
 107 measures; public reporting national initiatives; annual report.-

108 (1) No later than December 31, 2019 ~~2007~~, the department of
 109 ~~Elderly Affairs~~, in conjunction with the agency for ~~Health Care~~
 110 ~~Administration~~, shall adopt ~~develop~~ outcome measures to
 111 determine the quality and effectiveness of hospice care for
 112 hospices licensed in the state. ~~At a minimum, these outcome~~
 113 ~~measures shall include a requirement that 50 percent of patients~~
 114 ~~who report severe pain on a 0 to 10 scale must report a~~
 115 ~~reduction to 5 or less by the end of the 4th day of care on the~~
 116 ~~hospice program.~~

117 (2) For hospices licensed in the state, the department of
 118 ~~Elderly Affairs~~, in conjunction with the agency for ~~Health Care~~
 119 ~~Administration~~, shall:

26-00254A-17

2017474__

120 (a) ~~Consider and Adopt national initiatives, such as those~~
121 ~~developed by the national hospice outcome measures found in 42~~
122 ~~C.F.R. part 418 and Palliative Care Organization, to set~~
123 ~~benchmarks for measuring the quality of hospice care provided in~~
124 ~~the state.~~

125 (b) Develop a system for publicly reporting these national
126 hospice outcome measures identified as useful consumer
127 information.

128 (c) ~~(b)~~ Develop an annual report that analyzes and evaluates
129 the information collected under this act and any other data
130 collection or reporting provisions of law.

131 Section 4. Section 400.6093, Florida Statutes, is created
132 to read:

133 400.6093 Community palliative care services.-
134 Notwithstanding any other provision of law, a hospice may
135 provide palliative care to a seriously ill person and his or her
136 family members. Such care may be provided directly by the
137 hospice or by other providers under contract with the hospice.
138 This section does not preclude the provision of palliative care
139 to seriously ill persons by any other health care provider or
140 health care facility that is otherwise authorized to provide
141 such care. This section does not mandate or prescribe additional
142 Medicaid coverage.

143 Section 5. Subsections (1) and (2) of section 400.6095,
144 Florida Statutes, are amended to read:

145 400.6095 Patient admission; assessment; plan of care;
146 discharge; death.-

147 (1) Each hospice shall make its services available to all
148 patients ~~terminally ill persons~~ and their families without

26-00254A-17

2017474__

149 regard to age, gender, national origin, sexual orientation,
150 disability, diagnosis, cost of therapy, ability to pay, or life
151 circumstances. A hospice may ~~shall~~ not impose any value or
152 belief system on its patients or their families and shall
153 respect the values and belief systems of its patients and their
154 families.

155 (2) Admission of a patient with a terminal illness to a
156 hospice program shall be made upon a diagnosis and prognosis of
157 terminal illness by a physician licensed pursuant to chapter 458
158 or chapter 459 and must ~~shall~~ be dependent on the expressed
159 request and informed consent of the patient.

160 Section 6. Section 400.6096, Florida Statutes, is created
161 to read:

162 400.6096 Disposal of prescribed controlled substances
163 following the death of a patient in the home.-

164 (1) A hospice that assists in the disposal of a prescribed
165 controlled substance in the patient's home under this section
166 must establish clearly defined policies, procedures, and systems
167 for acceptable disposal methods.

168 (2) A hospice physician, nurse, or social worker, upon the
169 patient's death and with the permission of a family member or a
170 caregiver of the patient, is authorized to assist in the
171 disposal in the patient's home of an unused controlled substance
172 prescribed to the decedent pursuant to the procedures
173 established under subsection (1).

174 (3) Established disposal procedures must be carried out in
175 the patient's home. Hospice staff and volunteers are not
176 authorized to remove a prescribed controlled substance from the
177 patient's home.

26-00254A-17

2017474__

178 (4) Disposal of a prescribed controlled substance in the
179 patient's home is optional for a hospice. The authorization
180 provided in subsection (2) does not require a hospice to
181 establish policies, procedures, or systems for acceptable
182 disposal methods of a prescribed controlled substance in the
183 patient's home.

184 Section 7. This act shall take effect July 1, 2017.