

By the Committees on Children, Families, and Elder Affairs; and Health Policy; and Senator Grimsley

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1 A bill to be entitled
2 An act relating to hospice care; amending s.
3 400.60501, F.S.; requiring the Department of Elderly
4 Affairs, in conjunction with the Agency for Health
5 Care Administration, to adopt national hospice outcome
6 measures and survey data by a specified date and to
7 make such measures available to the public; creating
8 s. 400.6096, F.S.; authorizing certain hospice
9 personnel to assist in the disposal of certain
10 prescribed controlled substances; requiring a hospice
11 that chooses to assist in the disposal of certain
12 prescribed controlled substances to establish
13 policies, procedures, and systems for the disposal;
14 authorizing a hospice physician, nurse, or social
15 worker to assist in the disposals of certain
16 prescribed controlled substances; providing
17 requirements for such disposals; amending s. 400.611,
18 F.S.; requiring a hospice to maintain an up-to-date
19 interdisciplinary record of care; revising the patient
20 records retention period; providing for the
21 confidentiality of the interdisciplinary record of
22 patient care; specifying to whom and under what
23 conditions a hospice may release a patient's
24 interdisciplinary record of care; defining a term;
25 requiring a hospice to release patient statistical
26 data to certain agencies; specifying that information
27 from patient records is confidential and exempt from
28 certain provisions; providing an effective date.

586-03958-17

2017474c2

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

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32 Section 1. Section 400.60501, Florida Statutes, is amended
33 to read:

34 400.60501 Outcome measures; adoption of federal quality
35 measures; public reporting ~~national initiatives~~; annual report.—

36 (1) No later than December 31, 2019 ~~2007~~, the department of
37 ~~Elderly Affairs~~, in conjunction with the agency for ~~Health Care~~
38 ~~Administration~~, shall adopt the national hospice develop outcome
39 measures and survey data in 42 C.F.R. part 418 to determine the
40 quality and effectiveness of hospice care for hospices licensed
41 in the state. ~~At a minimum, these outcome measures shall include~~
42 ~~a requirement that 50 percent of patients who report severe pain~~
43 ~~on a 0 to 10 scale must report a reduction to 5 or less by the~~
44 ~~end of the 4th day of care on the hospice program.~~

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

48 (a) Make available to the public the national hospice
49 outcome measures and survey data in a format that is
50 comprehensible by a layperson and that allows a consumer to
51 compare such measures of one or more hospices ~~Consider and adopt~~
52 ~~national initiatives, such as those developed by the national~~
53 ~~hospice and Palliative Care Organization, to set benchmarks for~~
54 ~~measuring the quality of hospice care provided in the state.~~

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

58 Section 2. Section 400.6096, Florida Statutes, is created

586-03958-17

2017474c2

59 to read:

60 400.6096 Disposal of prescribed controlled substances
61 following the death of a patient in the home.-

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

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

70 (3) A hospice physician, nurse, or social worker, upon the
71 patient's death and with the permission of a family member or a
72 caregiver of the patient, may assist in the disposal of an
73 unused controlled substance prescribed to the patient, pursuant
74 to the written policy, procedure, or system established under
75 subsection (2).

76 (4) The prescribed controlled substance disposal procedure
77 must be carried out in the patient's home. Hospice staff and
78 volunteers are not authorized to remove a prescribed controlled
79 substance from the patient's home.

80 Section 3. Section 400.611, Florida Statutes, is amended to
81 read:

82 400.611 Interdisciplinary records of care; confidentiality;
83 release of records.-

84 (1) A hospice shall maintain an up-to-date,
85 interdisciplinary record of care being given and patient and
86 family status ~~shall be kept~~. Records shall contain pertinent
87 past and current medical, nursing, social, and other therapeutic

586-03958-17

2017474c2

88 information and such other information that is necessary for the
89 safe and adequate care of the patient. Notations regarding all
90 aspects of care for the patient and family shall be made in the
91 record. When services are terminated, the record shall show the
92 date and reason for termination.

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

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

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

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

105 (b) In the case of an incapacitated patient, a patient
106 authorization executed prior to the patient's death by the
107 patient's then acting legal guardian, health care surrogate as
108 defined in s. 765.101(21), health care proxy as defined in s.
109 765.101(19), or agent under power of attorney;

110 (c) A court order appointing the person as the
111 administrator, curator, executor, or personal representative of
112 the patient's estate with authority to obtain the patient's
113 medical records;

114 (d) If a judicial appointment has not been made pursuant to
115 paragraph (c), a last will that is self-proved under s. 732.503
116 and designates the person to act as the patient's personal

586-03958-17

2017474c2

117 representative; or

118 (e) An order by a court of competent jurisdiction to
119 release the interdisciplinary record to the person ~~has so~~
120 ~~ordered; or~~

121 ~~(c) A state or federal agency, acting under its statutory~~
122 ~~authority, requires submission of aggregate statistical data.~~
123 ~~Any information obtained from patient records by a state agency~~
124 ~~pursuant to its statutory authority is confidential and exempt~~
125 ~~from the provisions of s. 119.07(1).~~

126 (5) For purposes of this section, the term "patient
127 authorization" means an unrevoked written statement by the
128 patient, or an oral statement made by the patient which has been
129 reduced to writing in the patient's interdisciplinary record of
130 care, or, in the case of an incapacitated patient, by the
131 patient's then acting legal guardian, health care surrogate,
132 agent under a power of attorney, or health care proxy giving the
133 patient's permission to release the interdisciplinary record to
134 a person requesting the record.

135 (6) A hospice must release requested aggregate patient
136 statistical data to a state or federal agency acting under its
137 statutory authority. Any information obtained from patient
138 records by a state agency pursuant to its statutory authority is
139 confidential and exempt from s. 119.07(1).

140 Section 4. This act shall take effect July 1, 2017.