

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.

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

32 |       Section 1. Section 400.6005, Florida Statutes, is amended  
 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  
53 to 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  
59 or 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  
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  
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  
97 persistent medical condition that materially and adversely  
98 affects the person's quality of life; that is burdensome in its  
99 symptoms, pain, or caregiver stress; and that may be managed  
100 through palliative care.

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101        ~~(10)~~ (12) "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  
109 ~~of Elderly Affairs~~, in conjunction with the agency ~~for Health~~  
110 ~~Care 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:

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  
 129 evaluates the information collected under this act and any other  
 130 data 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  
 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.

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.