

By the Committees on Regulated Industries; Health, Aging, and Long-Term Care; and Senator Constantine

315-2296-04

1                                   A bill to be entitled  
2           An act relating to hospice facilities; amending  
3           s. 553.73, F.S.; including hospice facilities  
4           in the Florida Building Code; amending s.  
5           400.605, F.S.; deleting provisions requiring  
6           the Department of Elderly Affairs to adopt  
7           physical plant standards for hospice  
8           facilities; amending s. 400.601, F.S.;  
9           redefining the term "hospice"; creating s.  
10          400.6055, F.S.; requiring construction  
11          standards for hospice facilities to comply with  
12          the Florida Building Code; requiring the Agency  
13          for Health Care Administration to provide  
14          technical assistance to the Florida Building  
15          Commission to update the Florida Building Code  
16          for hospice facilities; providing an effective  
17          date.

18

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

20

21           Section 1. Subsection (2) of section 553.73, Florida  
22 Statutes, is amended to read:

23

553.73 Florida Building Code.--

24

(2) The Florida Building Code shall contain provisions  
25 or requirements for public and private buildings, structures,  
26 and facilities relative to structural, mechanical, electrical,  
27 plumbing, energy, and gas systems, existing buildings,  
28 historical buildings, manufactured buildings, elevators,  
29 coastal construction, lodging facilities, food sales and food  
30 service facilities, health care facilities, including assisted  
31 living facilities, adult day care facilities, hospice

1 residential and inpatient facilities and units, and facilities  
2 for the control of radiation hazards, public or private  
3 educational facilities, swimming pools, and correctional  
4 facilities and enforcement of and compliance with such  
5 provisions or requirements. Further, the Florida Building Code  
6 must provide for uniform implementation of ss. 515.25, 515.27,  
7 and 515.29 by including standards and criteria for residential  
8 swimming pool barriers, pool covers, latching devices, door  
9 and window exit alarms, and other equipment required therein,  
10 which are consistent with the intent of s. 515.23. Technical  
11 provisions to be contained within the Florida Building Code  
12 are restricted to requirements related to the types of  
13 materials used and construction methods and standards employed  
14 in order to meet criteria specified in the Florida Building  
15 Code. Provisions relating to the personnel, supervision or  
16 training of personnel, or any other professional qualification  
17 requirements relating to contractors or their workforce may  
18 not be included within the Florida Building Code, and  
19 subsections (4), (5), (6), and (7) are not to be construed to  
20 allow the inclusion of such provisions within the Florida  
21 Building Code by amendment. This restriction applies to both  
22 initial development and amendment of the Florida Building  
23 Code.

24 Section 2. Subsection (1) of section 400.605, Florida  
25 Statutes, is amended to read:

26 400.605 Administration; forms; fees; rules;  
27 inspections; fines.--

28 (1) The department, in consultation with the agency,  
29 shall by rule establish minimum standards and procedures for a  
30 hospice. The rules must include:

31 (a) License application procedures and requirements.

1           (b) The qualifications of professional and ancillary  
2 personnel to ensure the provision of appropriate and adequate  
3 hospice care.

4           (c) Standards and procedures for the administrative  
5 management of a hospice.

6           (d) Standards for hospice services that ensure the  
7 provision of quality patient care.

8           (e) Components of a patient plan of care.

9           (f) Procedures relating to the implementation of  
10 advanced directives and do-not-resuscitate orders.

11           (g) Procedures for maintaining and ensuring  
12 confidentiality of patient records.

13           (h) Standards for hospice care provided in  
14 freestanding inpatient facilities that are not otherwise  
15 licensed medical facilities and in residential care facilities  
16 such as nursing homes, assisted living facilities, adult  
17 family care homes, and hospice residential units and  
18 facilities.

19           ~~(i) Physical plant standards for hospice residential~~  
20 ~~and inpatient facilities and units.~~

21           (i)~~(j)~~ Components of a comprehensive emergency  
22 management plan, developed in consultation with the Department  
23 of Health, the Department of Elderly Affairs, and the  
24 Department of Community Affairs.

25           (j)~~(k)~~ Standards and procedures relating to the  
26 establishment and activities of a quality assurance and  
27 utilization review committee.

28           (k)~~(l)~~ Components and procedures relating to the  
29 collection of patient demographic data and other information  
30 on the provision of hospice care in this state.

31

1           Section 3. Subsection (3) of section 400.601, Florida  
2 Statutes, is amended to read:

3           400.601 Definitions.--As used in this part, the term:

4           (3) "Hospice" means a centrally administered  
5 corporation not for profit, as defined in chapter 617, and  
6 exempt from federal taxation under s. 501(c)(3) of the  
7 Internal Revenue Code, providing a continuum of palliative and  
8 supportive care for the terminally ill patient and his or her  
9 family.

10          Section 4. Section 400.6055, Florida Statutes, is  
11 created to read:

12          400.6055 Construction and renovation;  
13 requirements.--The requirements for the construction and the  
14 renovation of a hospice residential or inpatient facility or  
15 unit must comply with the provisions of chapter 553 which  
16 pertain to building construction standards, including  
17 plumbing, electrical, glass, manufactured buildings,  
18 accessibility by physically handicapped persons, and the state  
19 minimum building codes. The Agency for Health Care  
20 Administration shall provide technical assistance to the  
21 Florida Building Commission in updating the construction  
22 standards of the Florida Building Code relative to hospice  
23 facilities.

24          Section 5. This act shall take effect July 1, 2004.

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26                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
27                           COMMITTEE SUBSTITUTE FOR  
28                           CS for SB 1344

29          The committee substitute amends s. 400.601, F.S., to redefine  
30 the term "hospice" to provide that the corporation must be  
31 exempt from federal taxation under s. 501(c)(3) of the  
Internal Revenue Code.