

This bill aligns outdated state hospice quality measures with federal standards; satisfies a technical requirement of the DEA to allow hospice clinical staff to assist in disposal of unused medications upon a patient's death in the home; allows hospices to deliver their expertise in palliative care to seriously ill patients that need the care, but who are not hospice eligible; simplifies obtaining hospice medical record after the patient's death.

Quality Measures & Reporting

Align Florida Statute with Federal Quality Measures and collect information for analysis and public reporting.

- Florida hospices, in conjunction with AHCA, voluntarily established the nation's first hospice report card in 2009, but the proprietary measurement tool used became obsolete in 2015.
- Florida Statutes currently contain obsolete reporting requirements that need to be updated. This legislation directs the state agencies (AHCA and DOEA) to:
 - Adopt Federal Quality Measures to assure use of national, comparable standards.
 - Develop an annual report evaluating Florida hospice programs under the Federal Measures.
 - Develop a system for publicly reporting Florida hospice outcomes for purposes of a hospice report card.

Drug Disposal After Patient's Death

Allow participating hospices to develop policies and procedures to physically assist family in the disposal of controlled substances in the patient's home after their death.

- In 2014 DEA issued a ruling no longer allowing hospice or home health workers to lawfully dispose of drugs without state statutory authority.
- This legislation would create a provision to allow hospice to voluntarily develop policies and procedures to assist survivors of hospice patients safely dispose of unused controlled substances in their home.
- This effort will help thwart the possibility of diversion of controlled substances after a patient's death.
- September 9, 2014 DEA final rule on Disposal of Controlled Substances: <https://www.gpo.gov/fdsys/pkg/FR-2014-09-09/pdf/2014-20926.pdf>

Palliative Care Authority

Permit licensed hospice programs to provide urgently needed palliative care services to seriously ill patients.

- Hospices are the undisputed experts at providing palliative care services.
- Current licensure law limits a hospice program to serving only terminal patients, when other seriously ill patients could benefit from hospices' expertise in delivering comfort care, relieving pain and suffering, and improving the quality of life.
- Non-terminal patients needing palliative care are a significantly underserved cohort in Florida.
- This bill responds to 2016 DOH report on the critical need for palliative care services in Florida. https://issuu.com/floridahealth/docs/palliative_care_in_florida_2016
- This legislation has no impact on health care providers or facilities that are authorized to provide palliative care services.
- Currently, there is no payer for palliative care services. This bill enables hospices to participate in developing private sector and CMS/CMMI pilot projects to test models to provide these much needed services, measuring the reduction in re-hospitalization and improvements in quality of life.

Obtaining Hospice Medical Records After the Patient's Death

Current law requires everyone seeking hospice medical records after the patient's death to obtain a court order.

This bill:

- Expands and renders explicit who may obtain the medical record, within the confines of HIPAA, *without* requiring the involvement of legal counsel, or requiring a court order.
- Protects sensitive patient medical and psychosocial records from the curious.
- Maintains current rights to make a case for medical records in front of a court of competent jurisdiction.