

## CHAPTER 98-327

### Committee Substitute for Committee Substitute for House Bill No. 3387

An act relating to health care; amending s. 430.502, F.S.; establishing additional memory disorder clinics; revising authority of the Department of Elderly Affairs with respect to contracts for specialized model day care programs at such clinics; amending s. 430.707, F.S.; authorizing the department to contract for certain services; exempting certain providers from the provisions of ch. 641, F.S.; creating the Panel for the Study of End-of-Life Care; providing for membership and duties; requiring a report; providing for future repeal; providing an effective date.

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

Section 1. Subsections (1) and (4) of section 430.502, Florida Statutes, are amended to read:

430.502 Alzheimer's disease; memory disorder clinics and day care and respite care programs.—

(1) There is established:

(a) A memory disorder clinic at each of the three medical schools in this state;

(b) A memory disorder clinic at a major private nonprofit research-oriented teaching hospital, and may fund a memory disorder clinic at any of the other affiliated teaching hospitals;

(c) A memory disorder clinic at the Mayo Clinic in Jacksonville;

(d) A memory disorder clinic at the West Florida Regional Medical Center;

(e) The East Central Florida Memory Disorder Clinic at the Joint Center for Advanced Therapeutics and Biomedical Research of the Florida Institute of Technology and Holmes Regional Medical Center, Inc.;

(f) A memory disorder clinic at the Orlando Regional Healthcare System, Inc.; ~~and~~

(g) A memory disorder center located in a public hospital that is operated by an independent special hospital taxing district that governs multiple hospitals and is located in a county with a population greater than 800,000 persons;

(h) A memory disorder clinic at St. Mary's Medical Center in Palm Beach County; and

(i) A memory disorder clinic at Tallahassee Memorial Regional Medical Center,

for the purpose of conducting research and training in a diagnostic and therapeutic setting for persons suffering from Alzheimer's disease and related memory disorders. However, memory disorder clinics funded as of June 30, 1995, shall not receive decreased funding due solely to subsequent additions of memory disorder clinics in this subsection.

(4) Pursuant to the provisions of s. 287.057, the Department of Elderly Affairs ~~may shall~~ contract for the provision of ~~three~~ specialized model day care programs in conjunction with the each memory disorder clinics clinic. The purpose of each model day care program must be to provide service delivery to persons suffering from Alzheimer's disease or a related memory disorder and training for health care and social service personnel in the care of persons having Alzheimer's disease or related memory disorders.

Section 2. Section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.—

(1) The department, in consultation with the agency, shall select and contract with managed care organizations to provide long-term care within community diversion pilot project areas.

(2) The department, in consultation with the agency, may contract with entities which have submitted an application as a community nursing home diversion project as of July 1, 1998, to provide benefits pursuant to the "Program of All-inclusive Care for the Elderly" as established in Pub. L. No. 105-33. For the purposes of this community nursing home diversion project, such entities shall be exempt from the requirements of chapter 641, if the entity is a private, nonprofit, superior-rated nursing home with at least 50 percent of its residents eligible for Medicaid.

Section 3. (1) There is hereby created the Panel for the Study of End-of-Life Care, which shall be located in the Pepper Institute on Aging and Public Policy at Florida State University, to study the issues related to care provided to persons at the end of life.

(2) The panel shall be composed of 22 persons, as follows:

(a) Two persons who are representatives of hospice organizations, and one consumer, to be appointed by the Florida Hospice Association.

(b) Three persons who are representatives of nursing homes and assisted living facilities and who have the expertise necessary to participate in the work of the panel. Two of these persons shall be appointed by the Florida Health Care Association and one by the Florida Association of Homes for the Aging.

(c) Three persons who are representatives of hospitals and who have the expertise necessary to participate in the work of the panel, one each to be appointed by the Florida Hospital Association, the Florida League of Health

Systems, and the Association of Community Hospitals and Health Systems of Florida, Inc.

(d) One member each to be appointed by the Florida Medical Association, the Board of Medicine, the Board of Osteopathic Medicine, The Florida Bar, and the Florida Nurses Association, who have the expertise necessary to participate in the work of the panel.

(e) One member of the Florida Senate appointed by the President of the Senate and one member of the Florida House of Representatives appointed by the Speaker of the House.

(f) One representative of the Aging with Dignity Commission.

(g) Two representatives appointed by the Pepper Institute, including a member of the clergy, with the expertise necessary to participate in the work of the panel.

(h) One representative from the Health Quality Assurance Division of the Agency for Health Care Administration with expertise in the regulation of long-term care facilities.

(i) The Secretary of Elder Affairs, and one consumer representative appointed by the secretary.

(3) The members of the panel shall be appointed by July 1, 1998, and shall hold an initial meeting of the panel by August 1, 1998. All expenses of the panel, including travel and per diem expenses, shall be paid by the entities appointing members pursuant to subsection (2), in proportion to the number of members appointed by them. The Pepper Institute shall provide such staff support for the panel as is requested by the panel. The panel shall hold such hearings as it deems appropriate to receive public testimony as to its proposed recommendations and findings. Notice of all meetings of the panel and of its public hearings shall be provided in the Florida Administrative Weekly.

(4) The panel is directed to study issues related to the care provided to persons at the end of life. Issues considered by the panel shall include:

(a) Methods to ensure that pain management is a goal in each health care setting.

(b) The identification of barriers that hinder health care professionals from providing satisfactory pain management and palliative care.

(c) Whether mandatory education in pain management and palliative care should be required as a condition for licensure or relicensure of health care professionals. The Pepper Institute shall consult with health care professional licensing boards in completing this phase of the study.

(d) The current use of advance directives, to determine whether changes are necessary to ensure that, once prepared, advance directives will be honored in any health care setting.

(e) The regulatory and financial incentives that influence the site or setting of care and of care providers.

(5) The panel shall submit an interim report by January 31, 1999, and a final report by August 1, 1999, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6) This section shall stand repealed effective August 1, 1999.

Section 4. This act shall take effect July 1 of the year in which enacted.

Became a law without the Governor's approval May 30, 1998.

Filed in Office Secretary of State May 29, 1998.