

## House Bill No. 189

An act relating to hospice facilities; amending s. 553.73, F.S.; including hospice facilities within the purview of the Florida Building Code; amending s. 400.605, F.S.; deleting provisions requiring the Department of Elderly Affairs to adopt physical plant standards for hospice facilities; creating s. 400.6051, F.S.; requiring that construction standards for hospice facilities be in compliance with the Florida Building Code; requiring the Agency for Health Care Administration to provide technical assistance to the Florida Building Commission to update the Florida Building Code for hospice facilities; providing an effective date.

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

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

553.73 Florida Building Code.—

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, hospice residential and inpatient facilities and units, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (5), (6), and (7) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

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

400.605 Administration; forms; fees; rules; inspections; fines.—

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

- (a) License application procedures and requirements.
- (b) The qualifications of professional and ancillary personnel to ensure the provision of appropriate and adequate hospice care.
- (c) Standards and procedures for the administrative management of a hospice.
- (d) Standards for hospice services that ensure the provision of quality patient care.
- (e) Components of a patient plan of care.
- (f) Procedures relating to the implementation of advanced directives and do-not-resuscitate orders.
- (g) Procedures for maintaining and ensuring confidentiality of patient records.
- (h) Standards for hospice care provided in freestanding inpatient facilities that are not otherwise licensed medical facilities and in residential care facilities such as nursing homes, assisted living facilities, adult family care homes, and hospice residential units and facilities.
- ~~(i) Physical plant standards for hospice residential and inpatient facilities and units.~~
- ~~(i)(j)~~ Components of a comprehensive emergency management plan, developed in consultation with the Department of Health, the Department of Elderly Affairs, and the Department of Community Affairs.
- ~~(j)(k)~~ Standards and procedures relating to the establishment and activities of a quality assurance and utilization review committee.
- ~~(k)(4)~~ Components and procedures relating to the collection of patient demographic data and other information on the provision of hospice care in this state.

Section 3. Section 400.6051, Florida Statutes, is created to read:

400.6051 Construction and renovation; requirements.—The requirements for the construction and the renovation of a hospice residential or inpatient facility or unit must comply with the provisions of chapter 553 which pertain to building construction standards, including plumbing, electrical code, glass, manufactured buildings, accessibility for persons with disabilities, and the state minimum building codes. The Agency for Health Care Administration shall provide technical assistance to the Florida Building Commission in updating the construction standards of the Florida Building Code which govern hospice facilities.

Section 4. This act shall take effect July 1, 2005.

Approved by the Governor June 10, 2005.

Filed in Office Secretary of State June 10, 2005.